

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 05:53 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

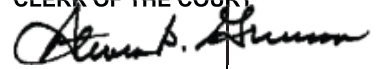
Appeal from the Eighth Judicial
District Court, the Honorable Linda
Marquis Presiding

RESPONDENTS' APPENDIX, VOLUME 7
(Nos. 802-948)

John P. Michaelson, Esq.
Nevada Bar No. 7822
MICHAELSON & ASSOCIATES, LTD.
2200 Paseo Verde Parkway, Suite 160
Henderson, Nevada 89052
Telephone: (702) 731-2333
Facsimile: (702) 731-2337
john@Michaelsonlaw.com

Micah S. Echols, Esq.
Nevada Bar No. 8437
CLAGGETT & SYKES LAW FIRM
4101 Meadows Lane, Suite 100
Las Vegas, Nevada 89107
Telephone: (702) 655-2346
Facsimile: (702) 655-3763
micah@claggettlaw.com

Attorneys for Respondents, Robyn Friedman and Donna Simmons



RESP

John P. Michaelson, Esq.
Nevada Bar No. 7822
Email: john@michaelsonlaw.com
Lora Caindec-Poland, Esq.
Nevada Bar No. 14178
Email: lora@michaelsonlaw.com
MICHAELSON & ASSOCIATES, LTD.
2200 Paseo Verde Parkway, Ste. 160
Henderson, Nevada 89052
Ph: (702) 731-2333
Fax: (702) 731-2337
Counsel for Petitioner

**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: 02/13/2020

Time of Hearing: 10:00 a.m.

**RESPONSE TO PETITION FOR PAYMENT OF GUARDIAN'S
ATTORNEYS' FEES AND COSTS FILED 01/15/2020**

☐ TEMPORARY GUARDIANSHIP

☐ Person

☐ Estate ☐ Summary Admin.

☐ Person and Estate

☒ GENERAL GUARDIANSHIP

☐ Person

☐ Estate ☐ Summary Admin.

☒ Person and Estate

☐ SPECIAL GUARDIANSHIP

☐ Person

☐ Estate ☐ Summary Admin.

☐ Person and Estate

☒ NOTICES / SAFEGUARDS

☐ Blocked Account

☐ Bond Posted

☒ Public Guardian Bond

COMES NOW, Robyn Friedman and Donna Simmons (hereinafter "Robyn" and
"Donna"), interested persons and former temporary guardians, by and through the law firm,
Michaelson & Associates, Ltd., who respectfully submit to this Honorable Court this Response to

Petition for Payment of Guardian's Attorneys' Fees and Costs that the guardian, Kimberly Jones, filed on January 15, 2020 ("Petition for Fees"), and represents the following to this Honorable Court:

SUMMARY

1. The fees requested should be reduced by the amounts requested for work done that only benefitted Kimberly Jones, who was opposing the temporary guardianship, and did not benefit the protected person;

2. This Court may take into consideration that the filing of Kimberly Jones' Notice of Intent to Seek Payment of Attorneys' Fees and Costs from Guardianship Estate did not coincide with her first filing in the case under statute.

3. The Court may choose to deny charges for Westlaw online legal research.

ANALYSIS UNDER GOVERNING LAW

4. Nevada Revised Statutes ("NRS") 159.344 governs payment of attorney's fees and costs in guardianship proceedings.

5. NRS 159.344(1) makes Kimberly Jones personally liable for any attorney's fees and costs incurred as a result of her retention of the law firm Solomon, Dwiggins & Freer, Ltd. to represent her in this guardianship proceeding.

6. NRS 159.344(2) permits Kimberly Jones, who is personally liable for attorney's fees and costs, to petition this Court for payment of her attorney's fees and costs from the estate of the protected person, while also prohibiting payments from the protected person's estate "unless and until [this Court] authorizes payment pursuant to [NRS 159.344]."

1 7. NRS 159.344(3) required Kimberly Jones to file written notice of her intent to seek
2 payment of attorney's fees and costs from the guardianship estate when she first appeared in the
3 guardianship proceeding. Kimberly Jones first appeared in this case on October 2, 2019 when she
4 filed her Opposition and Counter-Petition. Unfortunately, said Opposition and Counter-Petition
5 did not include written notice of Kimberly Jones' intent to seek payment of fees from the
6 guardianship estate. However, on January 15, 2020, Kimberly Jones' filed her Notice of Intent to
7 Seek Payment of Attorneys' Fees and Costs from Guardianship Estate that does provide the
8 information required under NRS 159.344(3)(a-d), but is still subject to this Court's approval after
9 a hearing under NRS 159.344(3)(e).

10 8. Kimberly Jones' Petition for Fees contains a detailed statement as to the nature and extent
11 of the services performed pursuant to NRS 159.344(4)(a); each task is itemized and billed as
12 required pursuant to NRS 159.344(4)(b); but no indication is made as to whether time could be
13 divided for benefitting other clients pursuant to NRS 159.344(4)(c), although it may simply be the
14 case that no time used could be so divided.

15 9. Under NRS 159.344(5)(b), this Court may consider the factor of whether the services
16 conferred any actual benefit upon the protected person or attempted to advance the best interests
17 of the protected person. This factor calls into question the billing entries by JPL and REE, on
18 12/19/2019 (x2), 12/20/2019 and 12/24/2019 where time was billed to prepare the Petition for
19 Fees. Said Petition does not benefit the protected person and this Court should reduce the amount
20 of fees accordingly by \$1,196.50.

21 10. Also under NRS 159.344(5)(b), although Kimberly Jones counter-petitioned to be
22 appointed as guardian for the protected person and eventually agreed to serve as guardian at a
23

1 hearing, she did so very reluctantly and only after much argument where she opposed Robyn
2 Friedman and Donna Simmons' appropriate appointment as guardians. Kimberly Jones' actions
3 in this case essentially served to oppose guardianship and unnecessarily extend the proceedings.
4 Further, Kimberly's counter-petition did not allege any wrongdoing on the part of the temporary
5 guardians. Robyn and Donna were fulfilling their statutory and fiduciary duties as guardians and
6 nothing to the contrary was ever put before this court. Kimberly's counter-petition to remove
7 Robyn and Donna as guardians did not confer a benefit upon the protected person because the
8 protected person was already under the care of competent and suitable guardians and this Court
9 should reduce her requested reimbursement accordingly.

10 11. Under NRS 159.344(5)(1), the Court may consider whether any action by the person or
11 attorney delayed or hindered the efficient administration of the Estate. In this case, Robyn
12 Friedman and Donna Simmons recognized that Ms. Jones had a need for the stability and
13 protections of a guardian under the circumstances of this case and they repeatedly asked Kimberly
14 Jones to petition the court for appointment as Ms. Jones' guardian. Kimberly refused to do so. In
15 light of Kimberly's unwillingness to pursue guardianship of Ms. Jones, Robyn Friedman and
16 Donna Simmons filed their own Petition for temporary and general guardianship on September
17 19, 2019 and were thereafter appointed as temporary guardians of Ms. Jones. Kimberly's
18 Objection and Counter-Petition, her first filing in this matter, only occurred after a need for
19 guardianship was recognized by this Court and after Robyn Friedman and Donna Simmons were
20 appointed as temporary guardians. Kimberly, as Ms. Jones' preferred guardian (as stated in her
21 Last Will and Testament), should have been the original petitioner for guardianship. Her
22 unwillingness to do so and her subsequent opposition to Robyn and Donna's petition only served
23
24

1 to delay and hinder the efficient administration of the Estate. Kimberly's tactics resulted in
2 additional fees for all parties as well as a delay in having a general guardian appointed for Ms.
3 Jones.

4 12. Under NRS 159.344(9), this Court may authorize a portion of each party's just, reasonable,
5 and necessary fees and costs to be paid from the guardianship estate in the event that two or more
6 parties in a guardianship proceeding file competing petitions for the appointment of a guardian.
7 In her Petition for Payment of Guardian's Attorney's Fees and Costs, Kimberly seeks payment for
8 attorney's fees and cost which were incurred during the time that a valid guardianship was in place;
9 a time period where individuals other than Kimberly had prevailed in getting a guardianship
10 approved and were properly appointed as guardians. The Court should consider that, upon proper
11 petition filed by the temporary guardians seeking reimbursement for their fees, any fees granted
12 from the guardianship estate should be apportioned between the temporary guardians and
13 Kimberly. In other words, the Court should prevent "double-dipping"; Kimberly should not be
14 awarded fees during any time the temporary guardians were serving because the temporary
15 guardians will seek reimbursement for fees incurred in their course of initiating this guardianship,
16 acting as temporary guardians, and generally performed services to benefit Ms. Jones. The former
17 temporary guardians intend to file a petition for their own attorney's fees, which they will agree
18 shall not be paid until Ms. Jones has passed away, and then only if assets are left in her estate, in
19 order to maximize the funds available to her for her care.
20

21 13. Under NRS 159.344(5)(j), this Court may consider the ability of the estate to pay, including
22 (1) the value of the estate; nature, (2) the extent and liquidity of the assets of the estate; (3) the
23 disposable net income of the protected person; (4) the anticipated future needs of the protected
24

1 person; and (5) any other foreseeable expenses. Under this factor, according to the Inventory,
2 Appraisal and Record of Value on file herein, the total value of the estate is \$435,159.00. However,
3 the vast majority of this value is not liquid, it is in real property in California that is providing a
4 monthly rent to the protected person. A lesser portion of the value is in a Chevy Equinox that is
5 jointly owned with Gerry Yeoman. Finally, only \$159.44 is held as liquid funds in the Bank of
6 America account. With no Budget having been filed, it is difficult to assess the estate's ability to
7 pay based on income. However, upon information and belief, the protected person's monthly social
8 security income is approximately \$1,200 per month and her approximate rental income for the real
9 property in California is \$1,500 per month, which is less than market value. Based upon these
10 approximations, but without a definitive listing of the protected person's current monthly
11 expenses, it does appear there is a lack of liquid assets to pay the requested attorney's fees.

12 14. NRS 159.344(8) allows Kimberly Jones payment for ordinary costs and expenses. It is this
13 factor that calls into question the \$1,216.50 cost/expense for Westlaw online legal research. It does
14 not appear that this cost/expense is ordinary, and this Court has discretion as to whether to order
15 its payment from the guardianship estate.
16

17 15. Under NRS 159.344(5)(n), this Court may consider any other factors relevant in
18 determining whether attorney's fees are just, reasonable and necessary, including whether
19 Kimberly Jones acted in good faith and was actually pursuing the best interests of the protected
20 person. It is this factor that provides the Court with discretion when weighing determining whether
21 to award Kimberly Jones' requested fees and costs from the guardianship estate.

22 **WHEREFORE**, Petitioner prays:
23
24
25

1. That this Court exercise its discretion regarding the time of the filing of Kimberly Jones' Notice of Intent to Seek Fees;

2. That this Court exercise its discretion as to whether to reduce the requested fees by the amounts charged to prepare Kimberly Jones' Petition for Fees;

3. That this Court exercise its discretion as to whether to reduce the fees requested in light of Kimberly Jones' reluctance to become her mother's much-needed guardian and her unnecessary actions and arguments that prolonged this litigation and unnecessary increased fees;

4. That this Court exercise its discretion in considering that fees may be apportioned between two parties who filed competing petitions for appointment of a guardian and reduce requested fees incurred during the time that others were serving as guardians;

5. That this Court exercise its discretion as to whether to reduce the costs/expenses charged by the amount included for Westlaw online legal research;

6. That this Court carefully examine the illiquid nature of the estate and the proposed protected person's limited monthly income before awarding the requested fees and cost; and

7. That the Court order such other and further relief as it deems appropriate.

DATED: February 7, 2020.

MICHAELSON & ASSOCIATES, LTD.

/s/ Lora Caindec-Poland

John P. Michaelson, Esq.
Nevada Bar No. 7822
Lora Caindec-Poland, Esq.
Nevada Bar No. 14178
2200 Paseo Verde Parkway, Ste. 160
Henderson, Nevada 89052

CERTIFICATE OF SERVICE

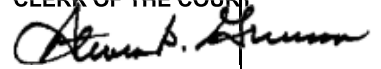
Pursuant to NRCP 5 and NEFCR 9, the undersigned hereby certifies that on February 7, 2020, a copy of the foregoing RESPONSE TO PETITION FOR PAYMENT OF GUARDIAN'S ATTORNEYS' FEES AND COSTS FILED 01/15/2020 was e-served or mailed by USPS regular mail, postage prepaid, in a sealed envelope in Henderson, Nevada to the following individuals and entities at the following addresses:

Kathleen June Jones 6277 Kraft Avenue Las Vegas, Nevada 89130	Maria L. Parra-Sandoval, Esq. mparra@lacsns.org Alexa Reanos areanos@lacsns.org
Matthew C. Piccolo, Esq. matt@piccololawoffices.com	Ty E. Kehoe, Esq. TyKehoeLaw@gmail.com
Jeffrey P. Luszeck, Esq. Ross E. Evans, Esq. jluszeck@sdfnvlaw.com revans@sdfnvlaw.com	Teri Butler 586 N. Magdalena Street Dewey, AZ 86327
Jen Adamo 14 Edgewater Drive Magnolia, DE 19962	Scott Simmons 1054 S. Verde Street Anaheim, CA 92805
Tiffany O'Neal 177 N. Singingwood Street, Unit 13 Orange, CA 92869	Courtney Simmons 765 Kimbark Avenue San Bernardino, CA 92407
Ampersand Man 2824 High Sail Court Las Vegas, Nevada 89117	Division of Welfare and Supportive Services Medicaid Chief Eligibility and Payments 1470 College Parkway Carson City, Nevada 89706

James Beckstrom jbeckstrom@maclaw.com	LaChasity Carroll lcarrroll@nvcourts.nv.gov
Cheryl Becnel cbecnel@maclaw.com	Sonia Jones sjones@nvcourts.nv.gov
David C Johnson dcj@johnsonlegal.com	Kate McCloskey NVGCO@nvcourts.nv.gov
Geraldine Tomich gtomich@maclaw.com	

MICHAELSON & ASSOCIATES, LTD.

/s/Lora Caindec-Poland
Employee of Michaelson & Associates



OBJ

Maria L. Parra-Sandoval, Esq.
Nevada Bar No. 13736
mparra@lacsns.org

**LEGAL AID CENTER OF
SOUTHERN NEVADA, INC.**

725 E. Charleston Blvd.
Las Vegas, NV 89104
Telephone: (702) 386-1526
Facsimile: (702) 386-1526

Attorney for Kathleen June Jones, Adult Protected Person

**EIGHTH JUDICIAL DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA**

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

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

KATHLEEN JUNE JONES,

Adult Protected Person.

**PROTECTED PERSON'S OBJECTION TO PETITION FOR PAYMENT OF
GUARDIAN'S ATTORNEYS' FEES AND COSTS**

Kathleen June Jones ("June"), the protected person herein, by and through her counsel, Maria L. Parra-Sandoval, Esq., hereby objects to the Petition for Payment of Guardian's Attorney's Fees and Costs, filed by Kimberly Jones, ("Guardian"), the guardian herein. June's objection is based upon and supported by the following Memorandum of Points and Authorities, the pleadings and papers on file in this case, and the argument of counsel as allowed by the Court at the time of hearing.

///

///

///

///

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2
3 **A. Guardian failed to provide *timely* notice of intent to seek attorney's fees in the**
4 **guardianship case and is therefore not entitled to any fees from the guardianship**
5 **estate.**

6 1. Pursuant to NRS 159.344(1), any person who retains an attorney in a guardianship
7 case proceeding is personally liable for any attorney's fees and costs incurred in the course of
8 such representation.¹ A person may petition the court to have these fees and costs paid from the
9 guardianship estate.² Pursuant to NRS 159.344(3), "When a person who intends to petition the
10 court for payment of attorney's fees and costs from the guardianship estate first appears in the
11 guardianship proceeding, the person must file written notice of his or her intent to seek payment
12 of attorney's fees and costs from the guardianship estate."³ Section three clearly requires that
13 any person who intends to seek payment of attorney's fees and costs from the guardianship estate
14 must file a written notice of such intent when that person *first appears* in the guardianship
proceedings. The written notice of intent:

15 (a) Must provide a general explanation of the compensation arrangement
16 and how compensation will be computed;

17 (b) Must include the hourly billing rates of all timekeepers, including,
18 without limitation, attorneys, law clerks and paralegals;

19 (c) Must provide a general explanation of the reasons why the services of
20 the attorney are necessary to further the best interests of the ward;

21 (d) Must be served by the person on all persons entitled to notice pursuant
22 to NRS 159.034 and 159.047; and

23 (e) Is subject to approval by the court after a hearing.⁴

24 No petition for attorney's fees and costs may be submitted in a guardianship case unless
25 such written notice was filed by the person seeking fees and approved by the court.⁵ NRS
26 159.344 (4) clearly states: "If written notice was filed and approved by the court pursuant to

27 ¹ See NRS 159.344(1).

28 ² See NRS 159.344(2).

³ See NRS 159.344(3).

⁴ See NRS 159.344(3).

⁵ See NRS 159.344(3)-(4).

1 subsection (3), a person may file with the court a petition requesting payment of attorney fees
2 and costs from the guardianship estate.”⁶

3 2. Here, the guardian *first* appeared in this case upon filing the Opposition to Ex
4 Parte Petition for Appointment of Temporary and General Guardian of the Person and Estate;
5 Alternatively, Counter-Petition for Appointment of Kimberly Jones as Temporary and General
6 Guardian of the Person and Estate.⁷ This is the first pleading the guardian filed on October 2,
7 2019. There is no written notice filed before this pleading, and neither did the guardian include
8 with the first pleading a written notice of intent to seek payment of attorney’s fees and costs from
9 the guardianship estate. Because the guardian did not follow the statutory requirements
10 regarding providing the Court with a written notice, Mr. Jeffrey P. Luszeck and his law firm
11 should not be able to recover from the guardianship estate. As a result, Kimberly Jones is
12 personally liable for her own attorney’s fees and costs. NRS 159.344 (2) is also clear that “[a]ny
13 such attorney’s fees and costs must not be paid from the guardianship estate unless and until the
14 court authorizes the payment *pursuant to this section*.” This means that NRS 159.344 must be
15 followed in its entirety. An attorney must file a written notice of intent to seek fees from the
16 guardianship estate when he or she *first* appears on the guardianship proceeding. The guardian
17 did not comply with this requirement.

18 3. On January 15, 2020 at 10:21 a.m., more than three months after first appearing
19 on this matter, the guardian filed the Notice of Intent to Seek Payment of Attorneys’ Fees and
20 Costs from the Guardianship Estate.⁸ That same day, the guardian filed the Petition for Payment
21 of Guardian’s Attorneys’ Fees and Costs.⁹ Additionally, the petition states, “No objection was
22 filed by any interested person to the Notice of Intent to Seek Payment of Guardian’s Attorneys’
23

24
25 ⁶ See NRS 159.344(4).

26 ⁷ See Opposition to Exparte Petition for Appointment of Temporary and General Guardian of the Person and
27 Estate; Alternatively, Counter-Petition for Appointment of Kimberly Jones as Temporary and General Guardian
of the Person and Estate, filed October 2, 2019.

28 ⁸ See Notice of Intent to Seek Payment of Attorneys’ Fees and Costs From Guardianship Estate, filed January 15,
2020.

⁹ See Petition for Payment of Guardian’s Attorneys’ Fees and Costs, filed January 15, 2020.

1 Fees and Costs from the Guardianship Estate.”¹⁰ A failure to object to the Notice of Intent to
2 Seek Payment does not equate with its approval. Mr. Luszeck should not be authorized to be
3 paid from the guardianship estate as a result of not complying with the statutes correctly.
4 Providing a written notice *after* appearing on the case defeats the purpose of providing notice to
5 the Court and to the protected person’s attorney of vital information regarding his compensation
6 arrangement and hourly billing rates. These are statutory provisions meant to protect the
7 protected person since the protected person had no say regarding who the guardian contracted
8 with to represent her. As such, the guardian should remain *personally liable* to Mr. Luszeck for
9 her own attorneys’ fees and costs.

10 4. While Mr. Luszeck alleges that his fees are reasonable and that his work was done
11 in a “very small timeframe,” attorneys are supposed to stay on top of legal changes in the types
12 of law their law firms practice in. The written notice should have been filed *timely* if attorney
13 fees and costs were going to be sought from the guardianship estate. If Mr. Luszeck filed a 36-
14 page opposition as the guardian’s *first* pleading “in a very small timeframe,” he could have easily
15 filed a two or three-page written notice of intent to seek fees from the guardianship estate at the
16 same time, with the necessary information required under NRS 159.344(3).

17 5. Although there is no question about it—Kimberly Jones was the prevailing party
18 at the October 15, 2019 Citation Hearing, the guardian should remain personally liable to Mr.
19 Luszeck under NRS 159.344(1) due to noncompliance with NRS 159.344(3).

20
21 **B. In the alternative, if any fees are to be paid from the guardianship estate, the**
22 **fees should be significantly reduced. The billing entries filed are largely redacted**
23 **and/or lacking clarity and thus do not allow the protected person’s attorney or**
24 **this Court to analyze and determine whether the task actually benefited the**
25 **protected person.**

26 6. Pursuant to NRS 159.344(5)(b), in determining whether attorney’s fees are just,
27 reasonable and necessary, the court may consider: “Whether the services conferred any actual
28

¹⁰ *Id.*, at p. 7.

benefit upon the ward or attempted to advance the best interests of the ward.”¹¹ The following billing entries are either redacted or too general and vague to analyze whether they provided an actual benefit to June. As such, if any fees are to be paid at all from the guardianship estate, the total should be reduced. Undersigned counsel was unable to evaluate and analyze \$7,416.00 worth of billing entries attached to Guardian’s Petition for Payment of Guardian’s Attorneys’ Fees and Costs. Without any way to evaluate these, a reduction of \$7,416.00 would be justified based on each objection made for each entry.

Date	Tmkr	Rate (\$)	Time	Amount	Description	Objection
9/16/2019	JPL	425	0.6	\$ 255.00	Prepare for and participate in conference with David Johnson and potential client.	NRS 159.344(5)(b)
9/19/2019	JPL	425	0.2	\$ 85.00	Evaluate and respond to correspondence.	NRS 159.344(5)(b)
9/20/2019	JPL	425	0.3	\$ 127.50	Evaluate and respond to numerous correspondence.	NRS 159.344(5)(b)
9/23/2019	JPL	425	0.1	\$ 42.50	Telephone conference with _____	NRS 159.344(5)(b)
9/23/2019	JPL	425	0.1	\$ 42.50	Evaluate and respond to correspondence from David Johnson	NRS 159.344(5)(b)
9/23/2019	JPL	425	0.1	\$ 42.50	Telephone conference with Dean Loggins	NRS 159.344(5)(b)
9/24/2019	JPL	425	0.3	\$ 127.50	Telephone conference with _____	NRS 159.344(5)(b)
9/25/2019	JPL	425	0.1	\$ 42.50	Communicate with _____	NRS 159.344(5)(b)
9/30/2019	JPL	425	0.4	\$ 170.00	Prepare for and attend conference with _____	NRS 159.344(5)(b)
9/30/2019	JPL	425	0.4	\$ 170.00	Telephone conference with same	NRS 159.344(5)(b)
9/30/2019	JPL	425	0.1	\$ 42.50	Confer with Ross E. Evans regarding same.	NRS 159.344(5)(b) & Under NRS 159.344(6)(a)(internal business activity)
10/1/2019	JPL	425	0.4	\$ 170.00	Telephone conference with John Michaelson	Under NRS 159.344(6)(b), no

¹¹ See NRS 159.344 (5)(b)

					and Maria from Nevada Legal Services.	award is to be made for time that is block-billed.
10/1/2019	JPL	425	0.2	\$ 85.00	Evaluate numerous correspondence	NRS 159.344(5)(b)
10/1/2019	JPL?	285	1	\$ 285.00	Meeting with	NRS 159.344(5)(b)
10/2/2019	JPL	425	0.2	\$ 85.00	Evaluate and respond to numerous correspondence.	NRS 159.344(5)(b)
10/2/2019	REE	285	0.5	\$ 142.50	Review _____ Opposition	NRS 159.344(5)(b)
10/2/2019	REE	285	1	\$ 285.00	Conference with	NRS 159.344(5)(b)
10/2/2019	REE	285	0.8	\$ 228.00	Conference with Michaelson 2x regarding	NRS 159.344(5)(b) & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed.
10/2/2019	REE	285	0.3	\$ 85.50	Conference with Jeffrey P. Luszeck to	NRS 159.344(5)(b) & Under NRS 159.344 (6)(a)(internal business activity)
10/3/2019	JPL	425	0.6	\$ 255.00	Numerous conference calls	NRS 159.344(5)(b) & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed.
10/3/2019	REE	285	0.2	\$ 57.00	Conference with Jeffrey P. Luszeck	NRS 159.344(5)(b) & Under NRS 159.344 (6)(a)(internal business activity)
10/3/2019	REE	285	0.6	\$ 171.00	Meeting with clients and counsel	
10/3/2019	REE	285	0.3	\$ 85.50	Conference with Jeffrey P. Luszeck regarding hearing outcome	NRS 159.344(5)(b) & Under NRS 159.344 (6)(a)(internal business activity)

1							NRS 159.344(5)(b) & Under NRS 159.344 (6)(a)(internal business activity)
2						Confer with Ross E. Evans and	
3	10/4/2019	JPL	425	0.3	\$ 127.50		
4						Evaluate numerous correspondence from prior week.	NRS 159.344(5)(b)
5	10/7/2019	JPL	425	0.1	\$ 42.50		
6							NRS 159.344(5)(b) & Under NRS 159.344 (6)(a)(internal business activity)
7						Confer with Ross E. Evans regarding same.	
8	10/7/2019	JPL	425	0.1	\$ 42.50		
9						Prepare for and participate in conference with client and John Michaelson.	NRS 159.344(5)(b) & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed.
10	10/9/2019	JPL	425	1.5	\$ 637.50		
11							NRS 159.344(5)(b) & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed.
12						Evaluate and respond to numerous correspondence.	
13	10/9/2019	JPL	425	0.8	\$ 340.00		
14							NRS 159.344(5)(b) & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed.
15						Evaluate questionnaire responses (x2). Numerous telephone conferences with client regarding same.	
16	10/10/2019	JPL	425	0.6	\$ 255.00		
17							NRS 159.344(5)(b) & Under NRS 159.344 (6)(a)(internal business activity)
18						Confer with Jeffrey P. Luszeck regarding	
19	10/11/2019	JDC	95	0.3	\$ 28.50		
20							NRS 159.344(5)(b) & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed.
21						conduct legal research _____ draft memorandum of same	
22	10/11/2019	JDC	95	1.7	\$ 161.50		
23						Conduct legal research regarding	NRS 159.344(5)(b) & this task should have been
24	10/15/2019	JPL	425	0.7	\$ 297.50		

						delegated to an associate, to be billed at an associate rate.
10/16/2019	JPL	425	0.2	\$ 85.00	Evaluate and respond to correspondence.	NRS 159.344(5)(b)
10/17/2019	JPL	425	0.2	\$ 85.00	Evaluate and respond to correspondence	NRS 159.344(5)(b)
10/18/2019	JPL	425	0.3	\$ 127.50	Evaluate and respond to numerous correspondence.	NRS 159.344(5)(b) & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed.
10/23/2019	JPL	425	0.1	\$ 42.50	Evaluate and respond to correspondence. Confer with Ross E. Evans regarding same.	NRS 159.344(5)(b) & Under NRS 159.344 (6)(a)(internal business activity
10/30/2019	JPL	425	0.3	\$ 127.50	Evaluate and respond to numerous correspondence from counsel.	NRS 159.344(5)(b) & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed.
11/5/2019	JPL	425	0.3	\$ 127.50	Evaluate and respond to correspondence from David Johnson. Confer with Ross E. Evans regarding same.	NRS 159.344(5)(b) & Under NRS 159.344 (6)(a)(internal business activity
11/7/2019	JPL	425	0.1	\$ 42.50	Confer with Ross E. Evans regarding publication.	NRS 159.344(5)(b) & Under NRS 159.344 (6)(a)(internal business activity)
11/7/2019	REE	285	0.3	\$ 85.50	Conference with client	NRS 159.344(5)(b)
11/13/2019	JPL	425	0.1	\$ 42.50	Confer with Ross E. Evans regarding same.	NRS 159.344(5)(b) & Under NRS 159.344 (6)(a)(internal business activity

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

11/15/2019	JPL	425	0.1	\$ 42.50	Evaluate and respond to correspondence.	NRS 159.344(5)(b)
11/22/2019	REE	285	0.2	\$ 57.00	Conference with Ty Kehoe regarding status; Conference with Jeffrey P. Luszeck.	NRS 159.344(5)(b) & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed, & Under NRS 159.344 (6)(a)(internal business activity)
11/29/2019	JPL	425	0.2	\$ 85.00	Evaluate email and declaration attached thereto.	NRS 159.344(5)(b)
12/3/2019	JPL	425	0.1	\$ 42.50	Evaluate correspondence.	NRS 159.344(5)(b)
12/5/2019	JPL	425	0.2	\$ 85.00	Evaluate and respond to correspondence.	NRS 159.344(5)(b)
12/9/2019	JPL	425	0.1	\$ 42.50	Evaluate and respond to correspondence.	NRS 159.344(5)(b)
12/18/2019	JPL	425	0.2	\$ 85.00	Evaluate and respond to correspondence.	NRS 159.344(5)(b)
12/19/2019	REE	285	2.6	\$ 741.00	Conference with Jeffrey P. Lszeck regarding Petition for fees and draft petition for fees.	NRS 159.344(5)(b) & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed, & Under NRS 159.344 (6)(a)(internal business activity)
12/19/2019	JPL	425	0.1	\$ 42.50	Confer with Ross E. Evans regarding petition for fees.	Under NRS 159.344 (6)(a)(internal business activity)
12/20/2019	REE	285	1.3	\$ 370.50	Revise petition for reimbursement of attorney fees to Guardian	NRS 159.344(5)(b) & Under NRS 159.344(5)(i), time spent on task is unreasonable after spending close to 2.6 hours drafting petition, where the bulk of the writing is in about 9 pages; the rest is the exhibit.

						Under NRS 159.344 (6)(a)(internal business activity)
12/24/2019	JPL	425	0.1	\$	42.50	Confer with Ross E. Evans regarding matter.
						Total problematic entries
\$ 7,416.00						

7. Additionally, June objects to the following listed billable costs, as Guardian should explain how the expense actually benefited the protected person. On 10/31/2019, there is a cost of \$1,216.50 for "Westlaw online legal research." This expense was made after the guardianship was granted in favor of the guardian. On 12/06/2019, there is a \$90.00 cost for "Certified copies of Letters of Guardianship (x30);" and on 12/09/2019, there is an additional \$60.00 cost for "Certified copies of Letters of Guardianship (x30)." Typically, there is no need for so many certified copies, especially given that on 12/05/2019, the guardian had already secured certified copies of the Letters of Guardianship for \$25.00. Without a reasonable explanation on how this expense benefited June, and if any fees and costs are to come from the guardianship estate, a further reduction of \$1,366.50 is warranted, for a total proposed reduction of \$8,782.50.

C. In the alternative, if any fees are to be paid from the guardianship estate, this Court should consider the liquidity of June's guardianship estate.

8. Pursuant to NRS 159.344(5)(j), in determining whether attorney's fees are just, reasonable and necessary, the court may consider The ability of the estate of the protected person to pay, including, without limitation:

- (1) The value of the estate;
- (2) The nature, extent and liquidity of the assets of the estate;
- (3) The disposable net income of the estate;
- (4) The anticipated future needs of the protected person; and
- (5) Any other foreseeable expenses.¹²

¹² See NRS 159.344(5)(j).

1 Based on the filed Inventory, Appraisal and Record of Value filed on December 13, 2019, June's
2 estate is largely in the form of real estate, located in Anaheim, California.¹³ Of the total
3 guardianship estate value, \$435,159, the current value of the Anaheim property is listed as
4 \$428,000.00.¹⁴ This property provides June with a monthly rental income along with her social
5 security income. Because a current budget has not been filed, June's monthly income and
6 expenses for her care are unknown. June's 2018 Chevy Equinox is her next largest asset of value
7 where she holds a community interest of \$7,000. Finally, her Bank of America Account lists a
8 value of \$159.44. Currently, based just on this filed information, there is a lack of liquid assets
9 to pay any of the guardian's attorneys' fees and costs. June respectfully requests for a Budget to
10 be filed.
11

12
13 ///

14 ///

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26
27
28 ¹³ See Inventory, Appraisal and Record of Value, filed December 13, 2019.

¹⁴ *Id.*

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

DATED this 11th day of February, 2020.

/s/ Maria L. Parra-Sandoval, Esq.
Maria L. Parra-Sandoval, Esq.
Nevada Bar No. 13736
725 E. Charleston Blvd
Las Vegas, NV 89104
Telephone: (702) 386-1526
Facsimile: (702) 386-1526
mparra@lacsns.org
Attorney for Adult Protected Person Kathleen June Jones

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 11th day of February 2020, I deposited in the United States Mail at Las Vegas, Nevada, a copy of the foregoing document entitled **PROTECTED PERSON'S OBJECTION TO PETITION FOR PAYMENT OF GUARDIAN'S ATTORNEYS' FEES AND COSTS** in a sealed envelope, mailed regular U.S. mail, upon which first class postage was fully prepaid, addressed to the following:

Teri Butler
586 N. Magdalena Street
Dewey, AZ 86327

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

Jen Adamo
14 Edgewater Drive
Magnolia, DE 19962

Courtney Simmons
765 Kimbark Avenue
San Bernardino, CA 92407

Scott Simmons
1054 S. Verde Street
Anaheim, CA 92805

Ampersand Man
2824 High Sail Court
Las Vegas, NV 89117

Division of Welfare and Supportive Services
Medicaid Chief Eligibility and Payments
1470 College Parkway
Carson City, NV 89706

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

Jeffrey Luszeck, Esq.
jluszeck@sdfnvlaw.com

Ross Evans, Esq.
revans@sdfnvlaw.com
Attorneys for Guardian

James Beckstrom
jbecstrom@maclaw.com
Attorney for Guardian

John Michaelson, Esq.
john@michaelsonlaw.com

Lora Caindec-Poland
lora@michaelsonlaw.com
Attorneys for Robyn Friedman and Donna Simmons

Ty Kehoe, Esq.
TyKehoeLaw@gmail.com

Matthew Piccolo, Esq.
matt@piccololawoffices.com
Attorneys for Rodney Gerald Yeoman

Cheryl Becnel
ebecnel@maclaw.com

David C. Johnson
dcj@johnsonlegal.com

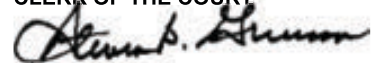
Geraldine Tomich
Gtomich@maclaw.com

LaChasity Carroll
lc Carroll@nvcourts.nv.gov

Sonia Jones
sjones@nvcourts.nv.gov

Kate McCloskey
NVGCO@nvcourts.nv.gov

/s/Alexa Reanos
Employee of Legal Aid Center of Southern Nevada



COURT CODE: BUDG
Your Name: Kimberly Jones
Address: 9060 W. Cheyenne Ave
City, State, Zip: Las Vegas, NV 89129
Telephone: 702-853-5483
Email Address: revans@sdfnvlaw.com
Self-Represented

DISTRICT COURT
CLARK COUNTY, NEVADA

In the Matter of the Guardianship of the:

- ☐ Person
☐ Estate
☒ Person and Estate

CASE NO.: G-19-052263-A

DEPT: B

of:

KATHLEEN JUNE JONES
(name of person who needs a guardian)
A Proposed Protected Person.

MONTHLY BUDGET

The Proposed Guardian(s) submit the following monthly budget for the proposed protected person.

Protected Person's Monthly Income (write "0" for any income the person does not have)	
Wages from Employment (before taxes)	\$ 0.00
Unemployment Benefits	\$ 0.00
Social Security	\$ 1,536.00
Veteran's Affairs	\$ 0.00
Retirement / Pension	\$ 0.00
Interest / Dividends	\$ 0.00
Rental Income	\$ 1,200.00
Mandatory Trust Distributions	\$ 0.00
Discretionary Trust Distributions	\$ 0.00
Other: _____	\$ 0.00
TOTAL MONTHLY INCOME	\$ 2,736.00

Monthly Expenses (write "0" for any expense the person does not have)	
Housing	
Rent / Mortgage	\$ 985.15
Facility (room and board, patient liability)	\$ 0
Homeowner's/Rental Insurance	\$ 101.69
Property Taxes	\$ 84.00
Home Maintenance (yard, pool, housecleaning, etc.)	\$ 40.00
HOA Dues	\$ 0
Utilities (electricity, gas, phone, sewer/water, other utilities)	\$ 278.00
Transportation	
Is the Protected Person Able to Drive? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If no, who is the primary driver? <u>Kimberly Jones</u>	
Car Payment	\$ 0
Insurance	\$ 0
Gas	\$ 150.00
Maintenance	\$ 0
Public Transportation	\$ 0
Groceries	\$ 300
Dining Out	\$ 50
Personal Hygiene (toiletries, haircuts, etc.)	\$ 50
Household Supplies	\$ 0
Medical Expenses (including health insurance)	\$ 250.00
Dental Expenses	\$ 100.00
Caregiving Services	\$ 0
Travel / Entertainment	\$ 200.00
Gifts	\$ 0
Charitable Giving	\$ 0
Taxes	\$ 0
Accountant Fees	\$ 0
Child Support / Alimony paid	\$ 0

Bank Fees	\$ 0
*Guardian / Attorney Fees (see worksheet below)	\$ 0
Other: _____	\$
TOTAL MONTHLY EXPENSES	\$ 0

Projected Monthly Guardianship Fees			
	Hourly Rate	Estimated Hours Per Month	Monthly Expense
Guardian's Fees:	\$ _____ X	_____ =	\$ 0
Attorney's Fees	\$ _____ X	_____ =	\$ 0
TOTAL MONTHLY GUARDIANSHIP EXPENSES			\$ 0

TOTALS	
TOTAL MONTHLY INCOME	\$ 2,736.00
TOTAL MONTHLY EXPENSES	- \$ 2,588.84
DIFFERENCE (income – expenses)	= \$ 147.16 *

If this is a positive (+) number, sign and date page 4.

If this is a negative (-) number, complete all of the remaining sections.

1. If the monthly income is not enough to cover the monthly expenses, explain how long the shortfall can be maintained in relation to the protected person's life expectancy:

2. Will assets need to be sold or liquidated to pay the proposed protected person's monthly expenses? ☐ Yes ☒ No (if no, skip to the bottom for the date and signature)

If yes, list the assets that may need to be sold or liquidated to pay the monthly expenses:

(COURT APPROVAL IS NEEDED TO SELL OR LIQUIDATE ANY ASSETS):

Asset Description	Value
	\$
	\$
	\$
	\$
TOTAL VALUE	\$

3. If these assets are sold / liquidated, how long will they cover the monthly budget expenses?
(number) _____ ☐ Years ☐ Months

The foregoing monthly budget represents a true and accurate representation of the proposed protected person's ongoing monthly sources of income and monthly expenses.

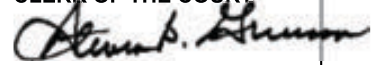
DATED (month) February (day) 12, 2020.

Kimberly S. Jones
(First Proposed Guardian's Signature)

(Second Proposed Guardian's Signature)

Kimberly S. Jones
(Printed Name)

(Printed Name)



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

Attorneys for Respondent Kimberly Jones

DISTRICT COURT

CLARK COUNTY, NEVADA

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

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

KATHLEEN JUNE JONES

An Adult Protected Person.

**OMNIBUS REPLY TO THE RESPONSE AND OBJECTION TO THE PETITION FOR
PAYMENT OF GUARDIAN'S ATTORNEY FEES AND COSTS**

Kimberly Jones ("Kim"), by and through her counsel of record, Jeffrey P. Luszeck, Esq., and Ross E. Evans, Esq., of the law firm Solomon Dwiggins & Freer, Ltd., submits the foregoing Omnibus Reply to the Response and Objection to the Petition for Attorney Fees.

MEMORANDUM OF POINTS AND AUTHORITIES

1. On January 15, 2020, Kim as Guardian of the Person and Estate filed her Petition for Attorneys' Fees and Costs, seeking reimbursement of \$21,031.35 in attorneys' fees and \$1,684.85 in costs related to this matter.

2. On February 7, 2020, Robyn Friedman and Donna Simmons filed their Response to the Petition for Attorneys' fees. This Response was untimely under EDCR 2.20(e), which requires filing of an opposition within 10 days after service of the motion.

3. On February 11, 2020, Court-appointed counsel for the protected person, the Legal Aid Center of Southern Nevada, Inc., filed the Protected Person's Objection to the Petition for Attorneys' Fees and Costs. This Objection was likewise untimely under EDCR 2.20(e).

1 4. Each of the Respondents' request that this Court deny the Petition for Attorneys'
2 Fees and Costs on the basis that the Guardian failed to timely file a Notice of Intent to Seek Fees
3 pursuant to NRS 159.344, yet each of the Respondents have filed untimely oppositions to the
4 instant motion. Petitioner requests that the Court consider the reasonable amount of attorneys'
5 fees to reimburse the Guardian from the Estate.

6 5. The Court should excuse the Guardian's failure to timely file the NRS 159.344
7 Notice of Intent to Seek Fees at the onset of this case. Here, it was understood that Kim would be
8 seeking reimbursement of her fees from the Guardianship Estate, if and once the Estate has
9 sufficient resources to provide for both the care and support of the protected person as well as
10 reimburse the Guardian for the expense. Indeed, in her initial filing, Kim asserted that she had
11 "...resigned from her job so as to relocate to live with her mother to provide around-the-clock
12 care for her."¹ Respondents (Kim's sisters), knew this as they knew she was providing in home
13 care for her mother, and Kim had discussed this with the Respondents. Had Kim filed the Notice
14 of Intent to Seek Fees earlier in her Opposition and Counter-Petition, none of the Parties would
15 have objected. Indeed, the Respondents filed their own Notice of Intent to Seek Fees in their Ex
16 Parte Petition to be appointed as the temporary Guardians.² Respondents only object to Kim's
17 failure to file the Notice of Intent earlier because it is low hanging fruit.

18 6. Once Petitioner's counsel discovered the error in failing to file the standard NRS
19 159.344 notice, which is ordinarily set forth in counsel's form for a Petition for Guardianship,
20 Petitioner's counsel immediately filed the same. Still, no party has objected to Kim's retention of
21 Solomon Dwiggins & Freer, Ltd., nor to Kim generally giving notice that she intends to seek
22 reimbursement of her attorneys' fees from the Protected Person's estate once sufficient assets
23 become available and going forward. Indeed, all of the parties have counsel, and it was not
24 unanticipated that Kim would seek reimbursement of her attorneys' fees at some point in the
25

26 ¹ See, Opposition and Counter-Petition, filed October 2, 2019, at p. 2, ll. 20-21.

27 ² See, Ex-Parte Petition for Appointment of Temporary Guardian, dated September 19, 2019, at
28 par. 96.

1 future.

2 7. Moreover, Respondents misstate the relevant events which transpired relating to
3 the establishment of the Guardianship. Respondents, Robyn Friedman and Donna Simmons,
4 Kim's sisters, initially filed for Guardianship on an *ex-parte* basis, alleging that the Protected
5 Person was not able to respond to a threat of financial or physical harm. This Court granted the
6 temporary Guardianship on that basis and appointed Respondents as temporary guardians
7 without any notice to any of the interested parties. At that point, it was incumbent upon Kim to
8 seek a dismissal of the temporary guardianship or alternatively to have herself appointed as
9 Guardian, consistent with her mother's wishes.

10 8. In fact, as Kim initially demonstrated in her Opposition and Counter-Petition, the
11 alleged threat of financial harm upon which the Respondents' *ex parte* application was based,
12 had already occurred over a year earlier when the Protected Persons' spouse and son-in-law sold
13 and acquired June's interest in real property. Indeed, at the time of the Respondents' filing for
14 temporary guardianship, Petitioner had already obtained an attorney and was negotiating with the
15 attorney for the Protected Person's spouse and son-in-law to return this property. Respondents
16 had their own attorney who was also participating in this process. In addition, Petitioner was
17 already personally providing in-home care and support for the Protected Person. As the
18 Petitioner was the Protected Person's attorney-in-fact under a previously established power of
19 attorney, there was no current threat of financial or physical harm. Respondents' moved for
20 temporary guardianship on the sole basis that they could take over control of their mother from
21 Kim, to do things their way. As Temporary Guardians, however, Respondents still relied upon
22 Kim to provide caregiving for the Protected Person which Kim continued to do.

23 9. Accordingly, due to Respondents' errant filings, Kim was reluctantly forced to
24 respond and Counter-Petition for Guardianship as the Protected Person's preferred Guardian.
25 Kim desired to avoid Guardianship only because Guardianship was not necessary given Kim's
26 active role as attorney-in-fact. Indeed, at the time of the *ex parte* Guardianship filing by
27 Respondents, Kim and her counsel were already investigating and exploring settlement options
28

1 with the Protected Person's spouse and son-in-law, and Kim was ready to file a civil case for
2 elder abuse and return of the property if the settlement negotiations broke-down. Kim was
3 hesitant to initiate a guardianship for the sole basis that it would cause additional unnecessary
4 costs to accomplish the same end goal of seeking a return of the Protected Person's property.

5 10. As this Court is aware, Kim has since filed a civil action against the Protected
6 Person's spouse and son-in-law for return of the ill-gotten property. Indeed, Respondents' errant
7 rush to file for Guardianship has only interjected delay and undue expense into this private
8 family matter. Kim should not be punished with the legal fees associated with having to respond
9 to Respondents filings only to enforce her mother's wishes that Kim be the Guardian. While the
10 Court maintained the Guardianship over Kim's objections, Kim was successful in becoming
11 appointed as the Guardian which is what the Protected Person desired.

12 11. In fact, at the initial hearing before this Court on October 3, 2019, this Court
13 heard from the Protected Person's counsel that she wanted her daughter, Kim, to be appointed as
14 Guardian. Other family members present at the hearing echoed that Kim should be the Guardian.

15 12. Kim should be awarded reimbursement of her attorneys' fees for seeking
16 guardianship, because she was involuntarily thrust into these proceedings by her sisters, the
17 Respondents, having filed for and obtained temporary guardianship on an ex parte basis despite
18 the Protected Person's stated intent that Kim be her Guardian. Kim had to resign her job to move
19 to Nevada to take care of her mom. Kim had to obtain counsel to respond to refute the improper
20 allegations made by Respondents' ex parte filings that initiated the Guardianship. Kim had to
21 obtain counsel to enforce her mother's wishes that she, not Respondents, be appointed as
22 Guardian.

23 13. Kim's retention of counsel, however, has served the Protected Person's best
24 interests. Kim's counsel participated in hearings related to where the Protected Person should
25 reside, visitation with her spouse, and return of her property. Kim's counsel has always argued
26 for the best interests of the Protected Person.

27 14. Petitioner understands Respondents and the Protected Person's concerns about
28

1 resources to reimburse attorneys' fees. Here, the Protected Person currently receives
2 approximately \$2,700 in monthly income which goes almost entirely to the Protected Person's
3 costs of care. A copy of the Budget is attached hereto as **Exhibit 1**.

4 15. Petitioner understands that the Protected Person owns real estate in California
5 which is being rented to the Protected Person's son at a below market rate. Petitioner intends to
6 re-let the property at a market rental rate which will bring in additional income to the Protected
7 Person. In addition, Petitioner intends to present a Petition to the Court authorizing the Guardian
8 to re-finance the mortgage to lower the interest rate from the current 6.7% rate, which will result
9 in additional savings to the Protected Person and should provide additional sufficient funds to
10 satisfy Petitioner's legal expenses. Thus, at this juncture, Petitioner only requests that this Court
11 enter an Order as to the amount of Petitioner's attorneys' fees and costs which are subject to
12 being reimbursed from the Estate.

13 16. Respondents' other objections lack merit. The \$1,216.50 in Westlaw research was
14 performed relative to the Opposition and Counter-Petition Kim filed on October 2, 2019. The
15 Westlaw billing is usually about a month delayed from the initial use and expense. The research
16 was necessary to advance Petitioner's legal arguments relative to Kim's Opposition and Counter-
17 Petition for Guardianship.

18 17. Counsel for the Protected Person objects to various billing entries between
19 September 16, 2019, and December 24, 2019. Many of these entries related to receipt and review
20 of correspondence and conferring with counsel for the interested parties in this proceeding.
21 These were necessary legal services. Counsel is required to work with other counsel on many
22 different issues pertaining to the Guardianship, and communications were necessary. These
23 communications took the form of written correspondence and telephone conferences. Counsel
24 additionally objects to inter-office conferences between attorneys Jeff Luszeck and Ross Evans,
25 however, these conferences were necessary to relay information, analyze developments, and
26 strategize. None of the inter-office conferences objected to by counsel were for longer than 20
27 minutes.

9060 WEST CHEYENNE AVENUE
LAS VEGAS, NEVADA 89129
TELEPHONE (702) 853-5483
FACSIMILE (702) 853-5485
WWW.SDFNLAW.COM



1 18. Counsel for the Protected Person further identifies two transactions of \$90.00 and
2 \$60.00 respectively to obtain certified copies of the Letters of Guardianship. The certified copies
3 cost a nominal \$5.00 each, and the Guardian obtained 30 copies split over two transactions. This
4 was necessary to provide Letters of Guardianship to the Protected Person's creditors, bank,
5 social security, etc., and to hold for use in the future.

6 19. Petitioner, therefore, requests that the Court review the Petition and fee invoices
7 and determine the reasonable amount to reimburse the Guardian for her attorneys' fees and costs.

8 **WHEREFORE**, Petitioner, Kimberly Jones as Guardian of the Person and Estate of
9 Kathleen Jones respectfully requests that this Court enter its Order as follows:

10 a. Authorizing payment of attorneys' fees and costs to the law firm of Solomon
11 Dwiggin & Freer, Ltd., from the Guardianship Estate or Thompson Special Needs Trust in the
12 amount of \$23,031.35; and

13 b. For any and all such further relief as the Court deems just and appropriate.

14 DATED this 25th day of February, 2020.

15 SOLOMON DWIGGIN & FREER, LTD.

16 By 

17 JEFFREY P. LUSZECK, ESQ.

18 Nevada Bar No. 09619

19 ROSS E. EVANS, ESQ.

20 Nevada Bar No. 11374

21 9060 West Cheyenne Avenue

22 Las Vegas, Nevada 89129

23 Telephone No: (702) 853-5483

24 Facsimile No: (702) 853-5485

25 *Attorneys for Kimberly Jones*

9060 WEST CHEYENNE AVENUE
LAS VEGAS, NEVADA 89129
TELEPHONE (702) 853-5483
FACSIMILE (702) 853-5485
WWW.SOLVILAW.COM

SOLOMON
DWIGGINS & FREER
Saf

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of February, 2020, pursuant to NRCP 5(b), I caused a true and correct copy of the foregoing **OMNIBUS REPLY TO THE RESPONSE AND OBJECTION TO THE PETITION FOR PAYMENT OF GUARDIAN'S ATTORNEY FEES AND COSTS**, to be served to the following in the manner set forth below:

Via:

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

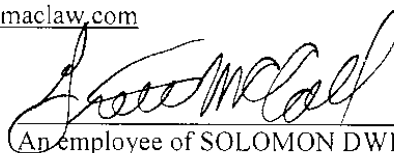
Robyn Friedman and Donna Simmons:
John P. Michaelson, Esq.
MICHAELSON & ASSOCIATES, LTD.
john@michaelsonlaw.com

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

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

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

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



An employee of SOLOMON DWIGGINS & FREER, LTD.

EXHIBIT 1



COURT CODE: BUDG
Your Name: Kimberly Jones
Address: 9060 W. Cheyenne Ave
City, State, Zip: Las Vegas, NV 89129
Telephone: 702-853-5483
Email Address: revans@sdfnvlaw.com
Self-Represented

DISTRICT COURT
CLARK COUNTY, NEVADA

In the Matter of the Guardianship of the:

- ☐ Person
☐ Estate
☒ Person and Estate

of:

CASE NO.: G-19-052263-A

DEPT: B

KATHLEEN JUNE JONES

(name of person who needs a guardian)

A Proposed Protected Person.

MONTHLY BUDGET

The Proposed Guardian(s) submit the following monthly budget for the proposed protected person.

Protected Person's Monthly Income (write "0" for any income the person does not have)	
Wages from Employment (before taxes)	\$ 0.00
Unemployment Benefits	\$ 0.00
Social Security	\$ 1,536.00
Veteran's Affairs	\$ 0.00
Retirement / Pension	\$ 0.00
Interest / Dividends	\$ 0.00
Rental Income	\$ 1,200.00
Mandatory Trust Distributions	\$ 0.00
Discretionary Trust Distributions	\$ 0.00
Other: _____	\$ 0.00
TOTAL MONTHLY INCOME	\$ 2,736.00

Monthly Expenses (write "0" for any expense the person does not have)	
Housing	
Rent / Mortgage	\$ 985.15
Facility (room and board, patient liability)	\$ 0
Homeowner's/Rental Insurance	\$ 101.69
Property Taxes	\$ 84.00
Home Maintenance (yard, pool, housecleaning, etc.)	\$ 40.00
HOA Dues	\$ 0
Utilities (electricity, gas, phone, sewer/water, other utilities)	\$ 278.00
Transportation	
Is the Protected Person Able to Drive? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If no, who is the primary driver? <u>Kimberly Jones</u>	
Car Payment	\$ 0
Insurance	\$ 0
Gas	\$ 150.00
Maintenance	\$ 0
Public Transportation	\$ 0
Groceries	\$ 300
Dining Out	\$ 50
Personal Hygiene (toiletries, haircuts, etc.)	\$ 50
Household Supplies	\$ 0
Medical Expenses (including health insurance)	\$ 250.00
Dental Expenses	\$ 100.00
Caregiving Services	\$ 0
Travel / Entertainment	\$ 200.00
Gifts	\$ 0
Charitable Giving	\$ 0
Taxes	\$ 0
Accountant Fees	\$ 0
Child Support / Alimony paid	\$ 0

Bank Fees	\$ 0
*Guardian / Attorney Fees (see worksheet below)	\$ 0
Other: _____	\$ _____
TOTAL MONTHLY EXPENSES	\$ 0

Projected Monthly Guardianship Fees			
	Hourly Rate	Estimated Hours Per Month	Monthly Expense
Guardian's Fees:	\$ _____ X _____	_____ =	\$ 0
Attorney's Fees	\$ _____ X _____	_____ =	\$ 0
TOTAL MONTHLY GUARDIANSHIP EXPENSES			\$ 0

TOTALS	
TOTAL MONTHLY INCOME	\$ 2,736.00
TOTAL MONTHLY EXPENSES	- \$ 2,588.84
DIFFERENCE (income – expenses)	= \$ 147.16 *

If this is a positive (+) number, sign and date page 4.

If this is a negative (-) number, complete all of the remaining sections.

1. If the monthly income is not enough to cover the monthly expenses, explain how long the shortfall can be maintained in relation to the protected person's life expectancy:

2. Will assets need to be sold or liquidated to pay the proposed protected person's monthly expenses? ☐ Yes ☒ No (if no, skip to the bottom for the date and signature)

If yes, list the assets that may need to be sold or liquidated to pay the monthly expenses:

(COURT APPROVAL IS NEEDED TO SELL OR LIQUIDATE ANY ASSETS):

Asset Description	Value
	\$
	\$
	\$
	\$
TOTAL VALUE	\$

3. If these assets are sold / liquidated, how long will they cover the monthly budget expenses?
(number) _____ ☐ Years ☐ Months

The foregoing monthly budget represents a true and accurate representation of the proposed protected person's ongoing monthly sources of income and monthly expenses.

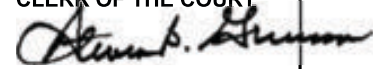
DATED (month) February (day) 12, 2020.

Kimberly S. Jones
(First Proposed Guardian's Signature)

(Second Proposed Guardian's Signature)

Kimberly S. Jones
(Printed Name)

(Printed Name)



1 **NOA**
2 **GHANDI DEETER BLACKHAM**
3 LAURA A. DEETER, ESQ.
Nevada Bar No. 10562
4 Email: laura@ghandilaw.com
NEDDA GHANDI, ESQ.
5 Nevada Bar No. 11137
Email: nedda@ghandilaw.com
6 725 S. 8th Street, Suite 100
Las Vegas, Nevada 89101
7 Telephone: (702) 878-1115
Facsimile: (702) 979-2485
Attorneys for Rodney Gerald Yeoman

8 **EIGHTH JUDICIAL DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 In the Matter of the Guardianship of the
11 Estate of

CASE NO.: G-19-052263-A

DEPT. NO.: B

12 KATHLEEN JUNE JONES,

13 PROTECTED PERSON.

14 **NOTICE OF ASSOCIATION OF COUNSEL AND REQUEST FOR NOTICE**

15 TO: ALL INTERESTED PARTIES; and

16 TO: ATTORNEY OF RECORD.

17 PLEASE TAKE NOTICE that LAURA A. DEETER, ESQ., of the law firm GHANDI
18 DEETER BLACKHAM, appears and associates with current counsel TY E. KEHOE, ESQ., of the
19 law firm KEHOE & ASSOCIATES and MATTHEW C. PICCOLO of the law firm PICCOLO
20 LAW OFFICES, on behalf of Rodney Gerald Yeoman ("Gerry"), the husband of the Protected
21 person, KATHLEEN JUNE JONES. All notices, papers and pleadings in this matter that are to be
22 directed to, should be provided to counsel as follows:


23 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

GHANDI DEETER BLACKHAM
Laura A. Deeter, Esq.
725 S. 8th Street, Suite 100
Las Vegas, Nevada 89101
laura@ghandilaw.com
Telephone: (702) 878-1115
Facsimile: (702) 979-2485

DATED this 12 day of February, 2020.

GHANDI DEETER BLACKHAM



LAURA A. DEETER, ESQ.
Nevada Bar No. 10562
725 S. 8th Street, Suite 100
Las Vegas, NV 89101
(702) 878-1115
Attorneys for Rodney Gerald Yeoman

CERTIFICATE OF MAILING

That on the 13 day of February, 2020, I deposited in the Post Office at Las Vegas, Nevada, a copy of the within NOTICE OF ASSOCIATION OF COUNSEL AND REQUEST FOR NOTICE, enclosed in a sealed envelope, upon which postage was fully prepaid, and addressed as follows, and pursuant to EDCR 8.05(a) and 8.05(f) and Rule 9 of N.E.F.C.R, caused an electronic copy to be served via Odyssey to the email addresses noted below:

Via Electronic Service

Ty E. Kehoe, Esq.
Kehoe & Associates
871 Coronado Center Drive, Suite 200
Henderson, NV 89052
tykehoelaw@gmail.com
Co-Counsel for Rodney Gerald
Yeoman

Via Electronic Service

Matthew C. Piccolo, Esq.
Piccolo Law Offices
2450 St. Rose Pkwy, Suite 210
Henderson, NV 89074
matt@piccololawoffices.com
Co-Counsel for Rodney Gerald Yeoman

Via Electronic Service

Maria L. Parra-Sandoval, Esq.
Legal Aid Center of
Southern Nevada, Inc.
725 E. Charleston Blvd.
Las Vegas, NV 89104
mparra@lacs.org
Attorney for Protected Person

Via Electronic Service

Geraldine Tomich, Esq.
Marquis Aurbach Coffing
10001 Park Run Drive
Las Vegas, NV 89145
gtomich@maclaw.com
Attorneys for Kimberly Jones

Via Electronic Service

James Beckstrom, Esq.
Marquis Aurbach Coffing
10001 Park Run Drive
Las Vegas, NV 89145
jbeckstrom@maclaw.com
Attorneys for Kimberly Jones

Via Electronic Service

Ross E. Evans, Esq.
Solomon Dwiggin & Freer, LTD
9060 West Cheyenne Ave.
Las Vegas, NV 89129
revans@sdfnlaw.com
Attorneys for Kimberly Jones

Via Electronic Service

Jeffrey P. Luszeck, Esq.
Solomon Dwiggin & Freer, LTD
9060 West Cheyenne Ave.
Las Vegas, NV 89129
jluszeck@sdfnlaw.com
Attorneys for Kimberly Jones

Via Electronic Service

John P. Michaelson, Esq.
Michaelson & Associates, LTD.
2200 Paseo Verde Parkway, Suite 160
Henderson, NV 89052
john@michaelsonlaw.com
Attorneys for Robyn Friedman
and Donna Simmons

Via Electronic Service

Jeffrey R. Sylvester, Esq.
Sylvester & Polednak, LTD.
1731 Village Center Circle
Las Vegas, NV 89134
jeff@sylvesterpolednak.com
Attorneys for Robyn Friedman
and Donna Simmons

Via First Class Mail

Teri Butler
586 N. Magdalena St.
Dewey, AZ 86327

Via First Class Mail

Scott Simmons
1054 S. Verde St.
Anaheim, CA 92805

Via First Class Mail

Jen Adamo
14 Edgewater Dr.
Magnolia, DE 19962

Via First Class Mail

Jon Criss
804 Harksness Ln., Unit 3
Redondo Beach, CA 90278

Via First Class Mail

Ryan O'Neal
112 Malvern Ave., Apt. E
Fullerton, CA 92832

Via First Class Mail

Tiffany O'Neal
177 N. Singingwood St., Unit 13
Orange, Ca 92869

Via First Class Mail

Cortney Simmons
765 Kimbark Ave.
San Bernardino, CA 92407

Via First Class Mail

Jen Adamo
14 Edgewater Dr.
Magnolia, DE 19962

Via First Class Mail

Jen Adamo
14 Edgewater Dr.
Magnolia, DE 19962

Via First Class Mail

Ampersand Man
c/o Robyn Friedman
2824 High Sail Ct.
Las Vegas, NV 89117


An employee of Ghandi Deeter Blackham

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Guardianship of Adult**COURT MINUTES****February 13, 2020**

G-19-052263-A In the Matter of the Guardianship of:
Kathleen Jones, Protected Person(s)

February 13, 2020 10:00 AM All Pending Motions

HEARD BY: Marquis, Linda **COURTROOM:** RJC Courtroom 10A

COURT CLERK: Christensen, Karen; Madrigal, Blanca

PARTIES PRESENT:

Robyn Friedman, Petitioner, Temporary Guardian, Present John P. Michaelson, Attorney, Present

Kathleen June Jones, Protected Person, Not Present Maria L. Parra-Sandoval, Attorney, Present

Donna Simmons, Petitioner, Temporary Guardian, Present John P. Michaelson, Attorney, Present

**Rodney Gerald Yeoman, Other, Not Present Laura A Deeter, Attorney, Present
Ty E. Kehoe, Attorney, Present**

Kimberly Jones, Guardian of Person and Estate, Other, Present Ross E Evans, ESQ, Attorney, Present

State Guardianship Compliance Officer, Agency, Not Present

Richard Powell, Other, Not Present Pro Se

JOURNAL ENTRIES**PETITION FOR PAYMENT OF GUARDIAN'S ATTORNEY'S FEES AND COSTS**

COURT CLERKS: Karen Christensen, Blanca Madrigal (mb).

Attorneys, James Beckstrom, Ross Evans, and Laura Deeter, also present in court. Donna Simmons and Robyn Friedman present by telephone.

Discussion regarding payment of guardian's fees and costs from the estate. The Notice of Intent was filed on January 15th. Mr. Evans argued the Guardian was unemployed, relocated to care for the Protected Person, and there was no opposition to the guardianship in general; an opposition was filed as to the temporary guardianship only.

Mr. Beckstrom acknowledged a guardianship was necessary, and Guardian was providing excellent care for the Protected Person; however, Mr. Beckstrom argued against payment of attorney fees. Ms. Parra-Sandoval argued against payment of fees and costs from the estate, and had no objection to payment of fees after the filing of the Notice of Intent; however, she objected to undecipherable entries.

The Court finds Notice was not given at the onset and asked counsels if she had discretion to grant fees from the estate under the statute. Ms. Parra-Sandoval noted the statute was silent and requested the Court provide a written opinion if the Court grants fees; based on the lack of notice of intent.

Printed Date: 2/21/2020**Page 1 of 2****Minutes Date:****February 13, 2020**

Notice: Journal Entries are prepared by the courtroom clerk and are not the official record of the Court.

Ms. Deeter stated that the issue with the investigators fell off the radar, and requested the Court set the matter for a status check on 3/17/2020. No objection by either counsel.

COURT ORDERED:

1) The Court will allow fees after January 15th; the Court will review the entries after the same date and issue a written decision. The Court believes the statute does not give this Court jurisdiction and requires the filing of a Notice at the onset. The Court did not know Guardian needed fees at the onset. The Guardian was a successor guardian on a temporary guardianship and ultimately made the permanent guardian; therefore, attorney's fees post-January 15th are appropriate, subject to Ms. Parra-Sandoval's specific objections;

2) Matter set for STATUS CHECK on Investigative Reports on 3/17/2020 at 9:30 AM.

INTERIM CONDITIONS:

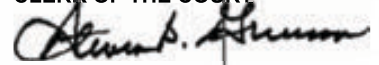
FUTURE HEARINGS:

Mar 02, 2020 8:30AM Status Check
RJC Courtroom 10A Marquis, Linda

Mar 17, 2020 9:30AM Motion for Protective Order
RJC Courtroom 10A Marquis, Linda

Mar 17, 2020 9:30AM Motion for Protective Order
RJC Courtroom 10A Marquis, Linda

Mar 17, 2020 9:30AM Hearing
RJC Courtroom 10A Marquis, Linda



PET

John P. Michaelson, Esq.
Nevada Bar No. 7822
Email: john@michaelsonlaw.com
Lora L. Caindec-Poland, Esq.
Nevada Bar No. 14178
Email: lora@michaelsonlaw.com
MICHAELSON & ASSOCIATES, LTD.
2200 Paseo Verde Parkway, Ste. 160
Henderson, Nevada 89052
Ph: (702) 731-2333
Fax: (702) 731-2337
Attorneys for Petitioners

DISTRICT COURT

CLARK COUNTY, NEVADA

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

Kathleen June Jones,

An Adult Protected Person.

Case Number: G-19-052263-A

Department: B

Hearing Requested

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

☐ TEMPORARY GUARDIANSHIP

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

☒ GENERAL GUARDIANSHIP

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

☐ SPECIAL GUARDIANSHIP

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

☐ NOTICES / SAFEGUARDS

- ☐ Blocked Account
☐ Bond Posted
☐ Public Guardian Bond

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

Summary

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

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

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

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

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

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

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

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

14 About this time, Mr. Yeoman was undergoing cancer treatments and became unable to
15 care for Ms. Jones while he was either hospitalized or visiting specialized facilities for treatment.
16 In April 2019, Mr. Yeoman's family requested that Kimberly travel to Las Vegas to provide care
17 for her mother because Mr. Yeoman was unable to provide the necessary care. Kimberly
18 immediately came to Las Vegas from her home in California to care for Ms. Jones and has
19 remained in Las Vegas in her caregiving role ever since. The discovery of the transfer of the
20 Kraft house along with other concerns about what had been going on with Ms. Jones finances, as
21 well as having Kimberly here to oversee Ms. Jones' financial and healthcare needs, has given
22 rise to much contention between all parties involved. The procedural history below outlines the
23 events that have taken place since the guardianship proceedings were commenced in September
24
25

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

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

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

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

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

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

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

15 **Procedural History**

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

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

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

21 4. On October 24, 2012, Ms. Jones executed a new Financial Power of Attorney naming
22 Kimberly as her Attorney-in-Fact for financial matters.
23
24
25

1 5. On November 23, 2012, Ms. Jones executed a Last Will and Testament which named
2 Kimberly as Ms. Jones' chosen Personal Representative and as chosen guardian over her person
3 and estate.

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

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

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

17 9. As set forth in the Petition, there was great concern regarding who should care for Ms.
18 Jones, what kind of care she should receive, where she should live, *i.e.*, visitation by family
19 members, accountability for expenditures of Ms. Jones' funds, and the sale of her home to the
20 daughter and son-in-law of her most recent husband for far less than market value without any
21 notice to or discussion with any of Ms. Jones children, nor Kimberly, her designated attorney-in-
22 fact, even though Mr. Yeoman and his family knew full-well about Kimberly being Ms. Jones'
23 attorney-in-fact.
24
25

1 10. As their mother's ability to care for herself had declined over the years, Petitioners had
2 asked Kimberly and Mr. Yeoman on multiple occasions to provide a care plan for Ms. Jones.
3 Petitioners felt strongly that plans needed to be made in advance for the inevitable day that Mr.
4 Yeoman would be unable to provide the necessary care for Ms. Jones. Kimberly, despite her
5 training and professional experience in handling these types of matters for others, failed to enact
6 such a plan for her mother.

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

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

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

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

21 15. On October 2, 2019, Jeffrey P. Luszeck, Esq. as counsel for Kimberly also filed an
22 Opposition to the Ex Parte Petition for Appointment of Temporary and General Guardian and
23 Counter-Petition For Appointment of Kimberly as Ms. Jones Temporary and General Guardian
24
25

1 of the Person and Estate on the grounds that there was no need for an immediate temporary
2 guardian because Kimberly was doing just fine protecting their mother.

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

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

14 18. On October 11, 2019, Petitioners filed a Notice of Intent to Move the Protected Person
15 indicating that Ms. Jones was being moved to the home of Robyn Friedman located at 2824 High
16 Sail Court, Las Vegas, Nevada 89117. This move did not take place, but was contemplated as an
17 option in the event that Kimberly was not willing or able to stay in the Kraft house in the role of
18 caregiver for Ms. Jones. With the eviction proceeding filed to remove Kimberly from the Kraft
19 house, Kimberly's ability to provide stable care for Ms. Jones in the Kraft house was in question.
20 For a time, Robyn paid approximately \$10,000.00 per week for caregivers. In light of the
21 exorbitant fees for an outside caregiver if Kimberly was unable to provide the needed care to Ms.
22 Jones in the Kraft house, Petitioners felt that moving Ms. Jones to Robyn Friedman's house
23
24
25

1 would be the most fiscally responsible alternative. This was also the Petitioners' conclusion
2 because Kimberly was unable or unwilling to propose another alternative.

3 19. On October 14, 2019, Petitioners filed a Reply to Mr. Yeoman's Opposition and Counter
4 Petition For Appointment of Temporary and General Guardian and to Kimberly's Opposition
5 and Counter Petition For Appointment of Temporary and General Guardian, reiterating the need
6 to intervene with regard to their mother's care as Kimberly was unable as both healthcare and
7 financial agent for Ms. Jones to protect her from losing her house, her bank accounts and from
8 having her doctors' appointments cancelled or to ensure her whereabouts or even visitation and
9 communication with her children, including Kimberly. Mr. Yeoman's interference with and lack
10 of respect for Ms. Jones' choices as set forth in her powers of attorney and as expressed to her
11 children, as well as the almost complete lack of cooperation on the part of both Kimberly and
12 Mr. Yeoman in supporting the efforts of the Temporary Guardians also underscored the need to
13 move forward with an appointment of a general guardian to ensure that Ms. Jones would not be
14 subjected to abuse in many forms and have stable and reliable care and that her finances would
15 be protected.
16

17 20. On October 15, 2019, this Court heard oral argument on the appointment of Petitioners as
18 General Guardians for Ms. Jones. In short, counsel for Petitioners informed the Court that a
19 General Guardianship was needed in order to file a civil action to recover Ms. Jones' real
20 property in Las Vegas, Nevada, which had been sold to Mr. Yeoman's daughter and son-in-law
21 for below fair market value; counsel for Ms. Jones informed this Court that Ms. Jones wished to
22 have Kimberly act as her guardian and that she did not remember selling her house; counsel for
23 Mr. Yeoman indicated that Mr. Yeoman's son was willing to return the property, requested that
24 Mr. Yeoman be appointed as guardian, but would not provide his medical information as needed
25

1 to demonstrate that he would be able to care for Ms. Jones in light of his medical condition and,
2 should Kimberly be appointed as guardian that he be allowed to reside with his wife without
3 Kimberly residing in the home; counsel for Kimberly argued that based upon the power of
4 attorney, she should be appointed as guardian over her mother; the parties discussed Kimberly's
5 suitability to serve as guardian.

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

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

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

19 24. On or about November 6, 2019, counsel for Mr. Yeoman contacted the court and
20 indicated there was a disagreement among counsel concerning the language in the proposed
21 order. This Court granted Mr. Kehoe an opportunity to submit a competing order and requested
22 Mr. Kehoe serve his order on all parties.
23
24
25

1 25. This Court set the matter on the Court Chamber Calendar for November 25, 2019, to
2 review the competing orders and make a determination. This Court further informed the parties
3 that no appearance was required.

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

8 ARGUMENTS

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

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

17 28. Petitioners were apparently the only members of Ms. Jones' family that recognized the
18 need for a guardian to be appointed for Ms. Jones under the circumstances; a need which this
19 Court repeatedly affirmed. *See, e.g., video transcript of October 3, 2019 hearing at 15:08.* In
20 spite of police being called numerous times and the police failing to recognize or enforce
21 Kimberly's authority under the Power of Attorney, and in spite of all sides acknowledging Ms.
22 Jones' property had been taken for far less than market value and despite all sides claiming
23 granny snatching, etc. and in spite of Ms. Jones being at risk of a complete disruption of her
24
25

1 medical care, and despite her inability or unwillingness to provide an accounting or plan of care,
2 or a contingency plan in the event she were evicted from the Kraft property, Kimberly repeatedly
3 asked this Court to allow her to rely on her appointment as Ms. Jones' attorney-in-fact rather
4 than appoint a guardian for Ms. Jones. In fact, during the entirety of the hearing on October 3,
5 2019, Kimberly never once acknowledged that there was a need for guardianship and she,
6 through her counsel maintained that the Powers of Attorney were sufficient and that there was no
7 need for guardianship because of the Powers of Attorney. *Id at 2:41*. At the hearing on October
8 15, 2019, Kimberly again repeated her desire to rely on the Powers of Attorney rather than a
9 guardianship. *See video transcript of October 15, 2019 hearing at 34:03 and 35:00*. She only
10 reluctantly consented to her appointment as guardian because the Court found that appointment
11 of a guardian was necessary in this matter.

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

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

21 31. Petitioners may take steps to record the judgment or Order awarding fees against Ms.
22 Jones' real property in California, which is currently generating income as a rental property.
23
24
25

Legal Basis and Justification for Approval of Attorney's Fees

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 46. Under NRS 159.344(5)(h), the apportionment of time among multiple clients, if any, is
22 documented in **Exhibit 1**.
23
24
25

1 47. Under NRS 159.344(5)(i), services were provided in a reasonable, efficient and cost-
2 effective manner. Much work was performed by a paralegal or secretary and prior work product
3 was emulated as much as possible to reduce the total time spent working on this case.

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

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

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

19 51. In an effort to resolve the issue and minimize attorney's fees and costs, counsel for
20 Petitioner attempted on numerous occasions to meet and confer with counsel for Mr. Yeoman
21 and various counsel retained by Kimberly, to work effectively towards a solution and ensure that
22 the protected person's interests were being safeguarded. Counsel has also generally refrained
23 from filing unneeded pleadings or responses to the various unneeded pleadings that Mr. Yeoman
24
25

1 filed herein. Counsel has, however, made numerous phone calls and written numerous emails in
2 support of the protected person throughout the negotiations. He has also responded to many,
3 many phone calls and emails from counsel for other parties in an effort to resolve concerns and
4 assist in a speedier resolution of contested matters.

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

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

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

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

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

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

19 58. Pursuant to NRS 159.344(9), "if two or more parties in a guardianship proceeding file
20 competing petitions for the appointment of a guardian or otherwise litigate any contested issue in
21 the guardianship proceeding, only the prevailing party may petition the court for payment of
22 attorney's fees and costs from the guardianship estate pursuant to this section." Here, three
23 competing petitions were filed for the appointment of a guardian; the original petition for
24
25

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

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

22 ///

23 ///

24 ///

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25



Robyn Friedman

VERIFICATION

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

Donna Simmons
Donna Simmons

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

EXHIBIT 1



INVOICE

Invoice # 12460
Date: 08/30/2019

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

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

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

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

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

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

Please make all amounts payable to: Michaelson & Associates Ltd.

Payment is due upon receipt.

You may pay online using the link below.

Please be sure to include the invoice number when submitting a payment.

<https://app.clio.com/link/4HAcxKJ27WhK>



**MICHAELSON
& ASSOCIATES, LTD.**
BUILDING • PROTECTING • SUSTAINING

INVOICE

Invoice # 12560
Date: 09/10/2019

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

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

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

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

09/05/2019	Service	LM	Telephone call with Robyn Friedman regarding medical documentation to support a guardianship (.3); draft notice of appearance(.4); arranged for mailing (.3).	1.00	\$200.00	\$200.00
09/05/2019	Service	LCP	Call to Donna Simmons; left VM at 9:50am	0.10	\$300.00	\$30.00
09/05/2019	Service	LCP	TC with Donna Simmons (.2); email to JMP [NO CHARGE]; email to D. Simmons to provide my contact information (.2)	0.40	\$300.00	\$120.00
09/05/2019	Service	LCP	Review medical records received from attorney D. Johnson	0.40	\$300.00	\$120.00
09/05/2019	Service	SJ	Efile - Notice of Appearance	0.10	\$40.00	\$4.00
09/05/2019	Expense	SJ	Reimbursable expenses: Efile - Notice of Appearance	1.00	\$3.50	\$3.50
09/05/2019	Service	SJ	Regular US Mail - Notice of Appearance	0.10	\$40.00	\$4.00
09/05/2019	Expense	SJ	Reimbursable expenses: Regular US Mail - Notice of Appearance	5.00	\$0.50	\$2.50
09/05/2019	Service	SJ	FILED - Notice of Appearance	0.10	\$40.00	\$4.00
09/05/2019	Service	LCP	Research Nevada Statute regarding POA validity (.5); draft memo on findings (.4)	0.90	\$300.00	\$270.00
09/05/2019	Service	JPM	Various communications re guardianship petition facts, tomorrow's hearing to enforce POA in order to avoid guardianship (1.2) Review of pleadings (.6).	1.80	\$450.00	\$810.00
09/06/2019	Service	LCP	Communication with JPM re: research	0.20	\$300.00	\$60.00
09/06/2019	Service	LM	Legal research regarding NRS 162A, validity of power of attorney, execution and presumption in favor of validity; email findings to attorney	1.30	\$200.00	\$260.00
09/06/2019	Service	JMP	Research for JPM re: court hearing 2019.9.6	0.30	\$75.00	\$22.50
09/06/2019	Service	LCP	Confer with JPM prior to Probate Court	0.50	\$300.00	\$150.00
09/06/2019	Service	JPM	Prepare for and participate in hearing to enforce POA's as least restrictive means rather than guardianship (2.5). Also participate in direct negotiations with all parties(1.5).	4.00	\$450.00	\$1,800.00
09/07/2019	Service	JPM	Multiple communications to/from opposing counsel Ty Kehoe now that Kimberly has picked up her mother in AZ. Also communications with client.	1.80	\$450.00	\$810.00
09/08/2019	Service	AEF	Telephone conference with John Michaelson and Lora Caindec-Poland	0.40	\$350.00	\$140.00

			regarding case status, power of attorney responsibilities, location of proposed protected person, law enforcement response, next steps, etc. (24).			
09/08/2019	Service	LCP	TC with JPM and and AEF re: current events and strategy re: same	0.40	\$300.00	\$120.00
09/08/2019	Service	JPM	Communication with Dr. Brown to see if he can meet Kimberly and evaluate June Jones on a very expedited basis to gauge capacity.	0.50	\$450.00	\$225.00
09/08/2019	Service	JPM	Update team and discussion options going forth. Client communications.	0.70	\$450.00	\$315.00
09/09/2019	Service	LCP	Email Dr. Brown's address to client	0.10	\$300.00	\$30.00
09/09/2019	Service	LCP	Discuss strategy with JPM and AEF	0.20	\$300.00	\$60.00
09/09/2019	Service	LCP	Begin drafting Petition for Guardianship	3.50	\$300.00	\$1,050.00
09/09/2019	Service	JPM	Coordinate with Kimberly's counsel, Dr. Brown's office to facilitate evaluation.	0.70	\$450.00	\$315.00
09/09/2019	Service	JPM	Work on petition for temp and special guardianship. Direct team. Client communications.	1.20	\$450.00	\$540.00
09/09/2019	Service	AEF	Office conference with John Michaelson and Lisa Carden. Discussed regarding temporary guardianship, refusal of involved persons to honor power of attorney documents, responses/positions, outlining of other attorney, next steps, etc. (18)	0.30	\$350.00	\$105.00
				Total	\$10,840.50	
				Payment (09/12/2019)	-\$10,840.50	
				Balance Owing	\$0.00	

Please make all amounts payable to: Michaelson & Associates Ltd.

Payment is due upon receipt.

You may pay online using the link below.

Please be sure to include the invoice number when submitting a payment.

<https://app.clio.com/link/4HAcxKJ27WhK>



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

INVOICE

Invoice # 12595
Date: 09/25/2019

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

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

Date	Type	Attorney	Notes	Quantity	Rate	Total
09/10/2019	Service	HAR	Phone call to client regarding payment to Dr. Brown; update case file	0.10	\$200.00	\$20.00
09/10/2019	Service	LCP	Draft Guardianship Petition	3.40	\$300.00	\$1,020.00
09/10/2019	Service	JPM	Phone conference with attorney David Johnson re pros and cons of guardianship petition in this matter.	0.40	\$450.00	\$180.00
09/10/2019	Service	JPM	Various communications including getting Dr. Brown paid. Draft/edit/revise petition for guardianship.	1.00	\$450.00	\$450.00
09/11/2019	Service	LCP	Draft Petition for Guardianship	1.80	\$300.00	\$540.00
09/11/2019	Service	JPM	Coordinate with Dr. Brown, including review his report. Client communications.	0.70	\$450.00	\$315.00
09/12/2019	Service	LCP	Meet with JPM re: changes to be made to guardianship petition based on his conversation with R. Friedman this morning	0.40	\$300.00	\$120.00
09/12/2019	Service	LCP	TC with R. Friedman	0.30	\$300.00	\$90.00
09/12/2019	Service	JPM	Review preemptively void transfer statute relating to caregivers and vulnerable persons (.3). Meeting with clients to review same and plan next steps/arguments and assess situation (1.4).	1.70	\$450.00	\$765.00
09/13/2019	Service	LCP	Call from R. Friedman (.2); revisions to Petition	2.80	\$300.00	\$840.00

			for Guardianship to reflect clients as Petitioners (2.6)			
09/13/2019	Service	LCP	Petition for Guardianship; forward draft to JPM for review	1.00	\$300.00	\$300.00
09/13/2019	Service	LCP	TC with JPM; email to clients re: info needed for Petition	0.40	\$300.00	\$120.00
09/13/2019	Service	JPM	TC with with team and direct staff	0.50	\$450.00	\$225.00
09/16/2019	Service	LCP	Further revisions to Petition for Guardianship	2.30	\$300.00	\$690.00
09/16/2019	Service	LM	Begin preparing ancillary documents for appointment of temporary guardianship	0.30	\$200.00	\$60.00
09/16/2019	Service	LCP	Research Temporary vs. Special Guardianship and discuss with JPM review of draft of Petition	1.00	\$300.00	\$300.00
09/16/2019	Service	JPM	Review draft petition. Edit and revise. Direct team.	1.60	\$450.00	\$720.00
09/16/2019	Service	JPM	Phone conference with Kimberly's attorney re petition for guardianship.	0.60	\$450.00	\$270.00
09/16/2019	Service	JPM	Review email from attorney for Gerry and Dick.	0.20	\$450.00	\$90.00
09/17/2019	Service	LM	Continue to Draft all ancillary temporary guardianship documents; draft guardians' acknowledgment of duties; draft citation to appear and show cause for general (1.2); draft certificate of service for appointment of general guardian (.2)	1.40	\$200.00	\$280.00
09/17/2019	Service	LCP	Further draft Petition for Temporary and General Guardianship	1.50	\$300.00	\$450.00
09/17/2019	Service	LCP	Further draft Petition for guardianship	1.00	\$300.00	\$300.00
09/17/2019	Service	LCP	Revisions to Petition; email to clients for review	3.60	\$300.00	\$1,080.00
09/17/2019	Service	JPM	Gather facts, research arguments, direct team and draft/edit/revise petition for temp and petition for general guardianship.	3.00	\$450.00	\$1,350.00
09/18/2019	Service	LM	Compile exhibits to be attached to ex parte petition for appointment of temporary guardian.	0.40	\$200.00	\$80.00
09/18/2019	Service	LCP	Revisions to Petition per clients comments on draft	1.60	\$300.00	\$480.00

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

			address (.2).			
09/20/2019	Expense	LT	Mail: Certified USPS Mail Amended citation to appear and show cause and Ex Parte petition for appt. to all on Cert of Service	14.00	\$6.40	\$89.60
09/20/2019	Expense	LT	Filing Fee: E-Filed Amended citation to appear and show cause and Ex Parte petition	1.00	\$3.50	\$3.50
09/20/2019	Service	LCP	Emails to/from R. Friedman (.4); TC with JPM re: emails from opposing counsel (.1)	0.50	\$300.00	\$150.00
09/20/2019	Service	LCP	TC with JPM re: providing advance copy of pleading to opposing counsel (.2); email to clients re: same (.2)	0.40	\$300.00	\$120.00
09/20/2019	Service	JPM	Various communications re obtaining guardianship and noticing other parties, as well as logistics b/w the parties re June's care and including responding to Ty Kehoe's ex parte contact with probate court re POA's that are not being honored, as well as emails from attorneys for other parties.	1.30	\$450.00	\$585.00
09/23/2019	Service	LM	Telephone call with Chryste in Dept. B. regarding approval of order granting temporary guardianship (.2); calendar return date for appointment of temporary guardian (.1); telephone call with Dave at Servlaw regarding status of service of amended citation and petition upon June Jones(.2); follow-up email from Dave at Servlaw to also serve the order granting the temporary guardianship (.1); second telephone call with Chryste regarding faxing over a copy of the order (.2); emailed a copy of the order granting the temporary guardianship to the clients (.2); efiled the notice of entry of order granting temporary guardianship and arranged for mailing of same (.2); emailed Dave to also serve the Order Granting the Temporary Guardianship (.1).	1.30	\$200.00	\$260.00
09/23/2019	Service	LCP	Call from JPM re: obtaining Order from Judge's Clerk (.1); arrange with L. Murnane re: same [NO CHARGE]; call from D. Johnson (.2); communication with JPM re: status of Order and message from D. Johnson (.1)	0.40	\$300.00	\$120.00
09/23/2019	Service	SJ	Regular US Mail - NEO Granting Ex Parte	0.20	\$40.00	\$8.00
09/23/2019	Expense	SJ	Reimbursable expenses: Regular US Mail - NEO Granting Ex Parte	13.00	\$0.50	\$6.50
09/23/2019	Service	LCP	Call from R. Friedman re: events of the	0.20	\$300.00	\$60.00

			afternoon; email to JPM re: same			
09/23/2019	Service	JPM	Various communications and direction to team re guardianship.	0.40	\$450.00	\$180.00
09/23/2019	Service	JPM	Various communications with client, counsel for Kimberly, counsel for Dick and Gerry. On phone while Robyn visits Kraft house and informs Kimberly of guardianship, to answer any questions. Later conversations and emails with clients.	2.20	\$450.00	\$990.00
09/23/2019	Expense	LM	Court filing fee - Notice of Entry of Order granting temporary guardianship.	1.00	\$3.50	\$3.50
09/23/2019	Expense	LM	Service fee - Personal Service fee.	1.00	\$50.00	\$50.00
09/24/2019	Service	LCP	Call from R. Friedman re: service of Citation on J. Jones	0.10	\$300.00	\$30.00
09/24/2019	Service	LM	Emailed a copy of the Letters of Temporary Guardianship to the clients (.2) arrange to obtain certified copies of both the order and letters (.2); emailed a copy of the Letters of Temporary Guardianship to Ty Kehoe and David Johnson (.1).	0.50	\$200.00	\$100.00
09/24/2019	Service	JPM	phone conference with Robyn.	0.20	\$450.00	\$90.00
09/24/2019	Service	LCP	Draft demand letters to be sent to T. Kehoe and D. Johnson.	1.50	\$300.00	\$450.00
09/24/2019	Service	JPM	Draft/edit/revise letters to attorneys for other parties re various demands and logistical coordination. Review client communications.	0.70	\$450.00	\$315.00
					Total	\$20,444.60
					Payment (09/30/2019)	-\$20,444.60
					Balance Owning	\$0.00

Please make all amounts payable to: Michaelson & Associates Ltd.

Payment is due upon receipt.

You may pay online using the link below.

Please be sure to include the invoice number when submitting a payment.

<https://app.clio.com/link/4HAcxKJ27WhK>



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

INVOICE

Invoice # 12720
Date: 10/10/2019

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

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

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

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

10/01/2019	Service	JPM	Communication with attorney David Johnson.	0.20	\$450.00	\$90.00
10/01/2019	Service	JPM	Phone conference with Kimberly's new attorney Jeff Luszeck. Dictation and staff direction.	0.50	\$450.00	\$225.00
10/01/2019	Service	LM	Review court file for oppositions to petition for appointment of guardianship.	0.30	\$200.00	\$60.00
10/01/2019	Service	LCP	Prepare for Hearing	1.60	\$300.00	\$480.00
10/01/2019	Service	LCP	Draft Notice of Intent to Move Protected Person	0.50	\$300.00	\$150.00
10/01/2019	Service	JPM	Communication with attorney Ty Kehoe re visitation, plan of care, etc.	0.10	\$450.00	\$45.00
10/01/2019	Service	JPM	Further communications with Kimberly's attorney's outlining issues.	0.10	\$450.00	\$45.00
10/02/2019	Service	LCP	Strategy for hearing with JPM, discuss correspondence with Kimberly's new attorney.	0.70	\$300.00	\$210.00
10/02/2019	Service	LM	Receipt and review of Ty Kehoe's opposition to petition for appointment of temporary guardian and counter petition for appointment of temporary and general guardian.	1.40	\$200.00	\$280.00
10/02/2019	Service	LCP	TC with R. Friedman (.2); TC with D. Simmons (.2); receive and review Opposition filed by T. Kehoe (.5); email same to clients (.1)	1.00	\$300.00	\$300.00
10/02/2019	Service	LCP	Prepare for hearing	3.30	\$300.00	\$990.00
10/02/2019	Service	JPM	Communications all day with clients, opposing counsel re hearing prep and efforts to settle issues. Review opposition briefs and supplements thereto.	4.50	\$450.00	\$2,025.00
10/02/2019	Service	JPM	Visit with clients and protected person. Prior phone call to attorney for protected person.	0.20	\$450.00	\$90.00
10/03/2019	Service	LM	Filed order extending temporary guardianship (.1); prepared notice of entry of order extending temporary guardianship (.2); filed same and mailed to all interested parties (.2); emailed Donna and Robyn with a copy of the order extending temporary guardianship (.2); arranged for mailing of same (.1)	0.70	\$200.00	\$140.00
10/03/2019	Service	LCP	Attend hearing [NO CHARGE]	3.00	\$0.00	\$0.00
10/03/2019	Service	SJ	Regular US Mail - Proposed Care Plan	0.30	\$40.00	\$12.00

10/03/2019	Expense	SJ	Reimbursable expenses: Regular US Mail - Proposed Care Plan	9.00	\$0.50	\$4.50
10/03/2019	Service	SJ	Regular US Mail - NEO Extending Temp	0.30	\$40.00	\$12.00
10/03/2019	Expense	SJ	Reimbursable expenses: Regular US Mail - NEO Extending Temp	10.00	\$0.50	\$5.00
10/03/2019	Service	JPM	Review numerous materials and prepare arguments for hearing.	2.50	\$450.00	\$1,125.00
10/03/2019	Service	JPM	Settlement negotiations at court; client conferences at court; participate in hearing and follow up conversations with clients and opposing attorneys.	3.20	\$450.00	\$1,440.00
10/03/2019	Service	LCP	Generate list of items needed from Kim and Gerry (.5); email same to R. Friedman and D. Simmons (.2)	0.70	\$300.00	\$210.00
10/04/2019	Service	LCP	Call from R. Friedman (.2); email to SDF attorneys to follow up information reported by R. Friedman (.1)	0.30	\$300.00	\$90.00
10/04/2019	Service	LCP	TC x2 with D. Simmons (.2); email to D. Simmons attaching Oppositions per her request (.1)	0.30	\$300.00	\$90.00
10/04/2019	Service	LCP	Call from R. Friedman (.4); discussion of payments to caregivers (.3); email to R. Evans re: same(.2); email to JPM re: same (.1)	1.00	\$300.00	\$300.00
10/04/2019	Service	LM	Receipt of email from Donna to confirm her address and to send future mail to her certified mail (.2); email to Donna and Robyn letting them know certified copies of the Order Extending the Temporary Guardianship are ready for pickup (.3).	0.50	\$200.00	\$100.00
10/04/2019	Expense	LT	Mail: Fed Ex Overnight Envelope to Donna Simmons Priority only option because it's being delivered on Saturday.	1.00	\$60.06	\$60.06
10/04/2019	Service	LCP	Discuss with JPM re: caregiver compensation (.4); Call from R. Friedman re: same (.2)	0.60	\$300.00	\$180.00
10/04/2019	Service	LCP	Incorporate R. Friedman's requests for items into the existing list of demanded items	0.50	\$300.00	\$150.00
10/04/2019	Service	JPM	Communications re compensation for Kimberly as caregiver.	0.30	\$450.00	\$135.00
10/07/2019	Service	LM	Office conference with attorneys regarding filing a responsive pleading to opposition for appointment of guardian, scheduling a face to face meeting with all parties	0.30	\$200.00	\$60.00

			involved.			
10/07/2019	Service	LCP	Update on status	0.20	\$300.00	\$60.00
10/07/2019	Service	JPM	Meet with legal team and consider next steps in light of events and communications over the past few days.	0.40	\$450.00	\$180.00
10/07/2019	Service	JPM	Phone conference with Kimberly's attorney Ross Evans.	0.30	\$450.00	\$135.00
10/07/2019	Expense	SJ	Reimbursable expenses: Certification of Copy	1.00	\$10.00	\$10.00
10/07/2019	Service	LM	Review of email from Geraldine Tomich requesting a copy of the petition for guardianship (.2); emailed a copy to Ms. Tomich (.2).	0.40	\$200.00	\$80.00
10/07/2019	Service	JPM	Contact Kate McCloskey with guardianship compliance office re coordinating sharing of information in support of financial investigation.	0.10	\$450.00	\$45.00
10/07/2019	Service	JPM	Contact clients' real estate attorney re claims against Dick re recovery of home.	0.10	\$450.00	\$45.00
10/07/2019	Service	JPM	Draft/edit/revise letters to opposing parties re demands for various items.	0.40	\$450.00	\$180.00
10/08/2019	Service	LCP	Research Subpoena issues.	0.70	\$300.00	\$210.00
10/08/2019	Service	LM	Attempt to call Cindy Sauchak of the Las Vegas Metropolitan Police Department (.1); email Ms. Sauchak regarding setting up a telephonic conference with JPM (.1); telephone call with Metro's abuse and neglect (.1)	0.30	\$200.00	\$60.00
10/08/2019	Service	JPM	Meet with staff to debrief last week's hearing and plan strategy going forward including possible settlement conference.	0.80	\$450.00	\$360.00
10/08/2019	Service	JPM	Communications with clients and Kimberly's counsel discussing issues and trying to arrange face to face settlement meeting.	0.30	\$450.00	\$135.00
10/08/2019	Service	JPM	Communications with state guardianship compliance office re status of their investigation.	0.20	\$450.00	\$90.00
10/09/2019	Service	LM	Telephone call with Detective Ludwig at Metro's abuse and neglect unit regarding setting up conference call.	0.70	\$200.00	\$140.00
10/09/2019	Service	LCP	Strategy with JPM	1.00	\$300.00	\$300.00
10/09/2019	Service	JPM	phone conference with clients re possible settlement conference today.	0.50	\$450.00	\$225.00

10/09/2019	Service	JPM	Communication with Kimberly's attorneys re settlement conference.	0.30	\$450.00	\$135.00
10/09/2019	Service	JPM	Prepare for hearing and settlement conference. possible arguments, solutions, possible responses to oppositions filed.	1.10	\$450.00	\$495.00
10/09/2019	Service	LCP	Travel to and attend meeting at SDF law firm	2.50	\$300.00	\$750.00
10/09/2019	Service	JPM	Continue preparing for settlement conference. travel to and participate in settlement conference at Kimberly's attorney's office.	2.80	\$450.00	\$1,260.00
					Total	\$18,117.06
					Payment (10/14/2019)	-\$18,117.06
					Balance Owing	\$0.00

Please make all amounts payable to: Michaelson & Associates Ltd.

Payment is due upon receipt.

You may pay online using the link below.

Please be sure to include the invoice number when submitting a payment.

<https://app.clio.com/link/4HAcxKJ27WhK>



**MICHAELSON
& ASSOCIATES, LTD.**
BUILDING • PROTECTING • SUSTAINING

INVOICE

Invoice # 12748
Date: 10/18/2019

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

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

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

Date	Type	Attorney	Notes	Quantity	Rate	Total
10/10/2019	Service	LM	Drafted notice of intent for Scott Simmons to appear by telephone at the hearing on October 15th (.5); telephone call and leave message for Scott to confirm the telephone number we can reach him at next week (.1).	0.60	\$200.00	\$120.00
10/10/2019	Service	LCP	Review Notice to Appear by [REDACTED] Communication Equipment for S. Simmons email to clients to confirm telephone number [REDACTED]	0.10	\$300.00	\$30.00
10/10/2019	Service	JPM	Work on reply to opposition.	0.20	\$450.00	\$90.00
10/10/2019	Service	SJ	Regular US Mail - Notice of Intent [REDACTED]	0.20	\$40.00	\$8.00
10/10/2019	Expense	SJ	Reimbursable expenses: Regular US Mail - Notice of Intent	6.00	\$0.50	\$3.00
10/10/2019	Service	JPM	further work on reply to opposition.	0.20	\$450.00	\$90.00
10/10/2019	Service	JPM	Respond to attorney Ty Kehoe by calling him.	0.10	\$450.00	\$45.00
10/11/2019	Service	JPM	Draft/edit/revise reply to oppositions. Formulate arguments.	1.80	\$450.00	\$810.00
10/11/2019	Service	LM	Review of emails received from client to compel opposing party to provide information and documentation on finances and personal information such as passport and medical records (.20); review guardianship	0.50	\$200.00	\$100.00

			statutes regarding petition for instruction (.3).			
10/11/2019	Service	LCP	Draft Reply to Opposition	4.20	\$300.00	\$1,260.00
10/11/2019	Service	LCP	Draft Reply to Opposition	0.50	\$300.00	\$150.00
10/11/2019	Service	LM	Prepare response to counter petition for guardianship (.8); filing response before Tuesday's hearing and preparing a notice of move (.2); prepared a notice of move; efiled and eserved same with the court (.4).	1.40	\$200.00	\$280.00
10/11/2019	Service	LCP	Work on Reply to Opposition	1.70	\$300.00	\$510.00
10/11/2019	Service	JPM	Phone conference with attorney Ty Kehoe trying to resolve issues.	1.60	\$450.00	\$720.00
10/11/2019	Service	JPM	Later phone conferences with clients.	0.50	\$450.00	\$225.00
10/12/2019	Service	JPM	Review numerous pleadings and communications and draft/edit/revise response pleading. Communications with client and team re the same.	3.50	\$450.00	\$1,575.00
10/13/2019	Service	LCP	Work on Reply to Opposition	2.60	\$300.00	\$780.00
10/13/2019	Service	JPM	Review some emails and direct team on draft of response.	0.20	\$450.00	\$90.00
10/14/2019	Service	LCP	Work on Reply to Oppositions	1.50	\$300.00	\$450.00
10/14/2019	Service	LCP	Gather and assemble documents that will be attached as exhibits to Reply	0.90	\$300.00	\$270.00
10/14/2019	Service	LCP	Review and accept JPM's revisions to Reply to Opposition	0.50	\$300.00	\$150.00
10/14/2019	Service	LM	Telephone call with Robyn Friedman and Donna to sign the respective verification pages to reply (.3); draft order granting petition for appointment of general guardian. (1.7)	2.00	\$200.00	\$400.00
10/14/2019	Service	LCP	Email from R. Friedman requesting revisions to Reply (.1); revisions made per her request (.5)	0.60	\$300.00	\$180.00
10/14/2019	Service	SJ	Regular US Mail - Notice of Intent	0.30	\$40.00	\$12.00
10/14/2019	Expense	SJ	Reimbursable expenses: Regular US Mail - Notice of Intent	6.00	\$0.50	\$3.00
10/14/2019	Service	JPM	Draft/edit/revise supplement and prepare arguments for hearing tomorrow.	2.50	\$450.00	\$1,125.00
10/15/2019	Service	LM	Receipt of email from Geri Tomich regarding scheduling a 2:00 p.m. meeting with JPM (.2); respond to same and calendar (.2).	0.40	\$200.00	\$80.00

10/15/2019	Service	LM	Telephone call with Sharon Coates regarding latest version of the care plan approved by the Nevada Legislature (.2); receipt and review of Rule 6 the initial guardianship care plan rule (.2).	0.40	\$200.00	\$80.00
10/15/2019	Service	LCP	Attend court hearing	3.50	\$300.00	\$1,050.00
10/15/2019	Service	LM	Prepared supplement to reply to oppositions to include executed verification of clients (.4); efiled and mailed same (.2).	0.60	\$200.00	\$120.00
10/15/2019	Service	JPM	Prepare for hearing. Participate in hearing including client conferences and negotiations.	5.20	\$450.00	\$2,340.00
10/15/2019	Service	JPM	Phone conference with real estate attorney Geri Tomich re next steps.	0.20	\$450.00	\$90.00
10/15/2019	Service	JPM	email counsel for Kimberly re order.	0.10	\$450.00	\$45.00
10/16/2019	Service	SJ	Regular US Mail - Supplement TO Reply to Oppositions	0.20	\$40.00	\$8.00
10/16/2019	Expense	SJ	Reimbursable expenses: Regular US Mail - Supplement To Reply To Oppositions	6.00	\$0.50	\$3.00
10/16/2019	Service	JPM	Confer with counsel for Kimberly re guardianship order and outcome of hearing.	0.20	\$450.00	\$90.00
10/18/2019	Service	LM	Review court file for order regarding hearing; calendared evidentiary hearing and return hearing on investigator's report.	0.20	\$200.00	\$40.00
					Total	\$13,422.00
					Payment (10/20/2019)	-\$13,422.00
					Balance Owning	\$0.00

Please make all amounts payable to: Michaelson & Associates Ltd.

Payment is due upon receipt.

You may pay online using the link below.

Please be sure to include the invoice number when submitting a payment.

<https://app.clio.com/link/4HAcxKJ27WhK>

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

EXHIBIT 2

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

#12720

18117.06

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

total redacted

\$ 3,344.00

\$ 14,773.06

#12748

13422

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

total redacted

\$ 1,108.00

\$ 12,314.00

total fees and costs requested for reimbursement

\$ 62,029.66

costs requested for reimbursement

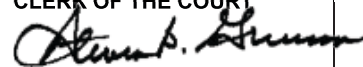
\$ 3.50	9/5/2019
\$ 2.50	9/5/2019
\$ 3.50	9/19/2019
\$ 89.60	9/20/2019
\$ 3.50	9/20/2019
\$ 6.50	9/23/2019
\$ 3.50	9/23/2019
\$ 50.00	9/23/2019
\$ 3.50	9/26/2019
\$ 20.00	9/26/2019
\$ 4.50	10/3/2019
\$ 5.00	10/3/2019
\$ 60.06	10/4/2019
\$ 10.00	10/7/2019
\$ 3.00	10/10/2019
\$ 3.00	10/14/2019
\$ 3.00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

total costs

\$ 274.66

total fees [invoice total minus costs]

\$ 61,755.00



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:

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

KATHLEEN JUNE JONES

An Adult Protected Person.

**NOTICE OF INTENT TO SEEK PAYMENT OF ATTORNEYS' FEES AND COSTS
 FROM GUARDIANSHIP CASE**

☐ **TEMPORARY GUARDIANSHIP**

☒ **GENERAL GUARDIANSHIP**

- ☐ Person
☐ Estate
☐ Person and Estate

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

☐ **SPECIAL GUARDIANSHIP**

☐ **NOTICES/SAFEGUARDS**

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

- ☐ Blocked Account Required
☐ Bond Required

MARQUIS AURBACH COFFING HEREBY GIVES NOTICE that they intend to seek reimbursement of their attorneys' fees and costs incurred in this Guardianship action and any necessary action resulting therein, pursuant to NRS 159.344 from the date of this Notice forward. As required by NRS 159.344(3) and in support of the foregoing notice, Marquis Aurbach Coffing provides the following information:

a. Compensation Arrangement.

Page 1 of 3

MAC:15820-001 2/21/2020 3:08 PM

1 The attorneys and staff at Marquis Aurbach Coffing, bill their services by the hour on a
2 six-minute increment of time rounded to the nearest one-tenth of an hour. Billing occurs on a
3 monthly basis and payment is required within fifteen days of the date of the billing statement.

4 b. Hourly Billing Rates. The hourly billing rates of the attorneys and paralegals at
5 Marquis Aurbach Coffing, presently assigned to this matter are as follows:

6 i. Geraldine Tomich, Esq. - \$415.00 per hour.

7 ii. James Beckstrom, Esq. - \$275.00 per hour.

8 Geraldine Tomich, Esq., is the principal attorney assigned to the matter. James A.
9 Beckstrom, Esq., is the associate attorney assigned to the matter. The firm reserves the right to
10 change the attorneys assigned to the matter. Attorneys at the firm generally bill at hourly rates
11 between \$235 and \$450. Senior paralegals of the firm bill at an hourly rate of \$170 per hour for
12 Guardianship matters. An increase in billing rates may occur in the future.

13 c. Necessity of Services. The services of an attorney for the Guardian is necessary in
14 this matter to aid Kimberly Jones in preserving her status as Guardian of the Person and Estate,
15 to investigate and respond to exploitative actions taken by certain interested parties, and to
16 provide guidance to the Guardian on Nevada law for the Guardian to make informed decisions
17 regarding the administration of the Guardianship. To the extent the Guardian requires counsel to
18 prosecute any collateral case on behalf of the Protected Person as a result of the Guardianship,
19 including the civil action approved by this Court, future fees and costs incurred after this Notice
20 may accrue.

21 Dated this 21st day of February, 2020.

22 MARQUIS AURBACH COFFING

23
24 By /s/ James A. Beckstrom
25 Geraldine Tomich, Esq.
26 Nevada Bar No. 8369
27 James A. Beckstrom, Esq.
28 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 INTENT TO SEEK PAYMENT OF ATTORNEYS' FEES AND COSTS FROM GUARDIANSHIP CASE** was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 21st day of February, 2020. 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

Matthew C. Piccolo, Esq.
PICCOLO LAW OFFICES
2450 St. Rose Pkwy., Ste. 210
Henderson, NV 89074

Laura Deeter, Esq.
Nedda Ghandi, Esq.
725 S. 8th Street, Ste. 100
Las Vegas, NV 89101
Attorneys for Rodney Gerald Yeoman

Maria L. Parra-Sandoval, Esq.
LEGAL AID OF SOUTHERN NEVADA
725 E. Charleston Blvd.
Las Vegas, NV 89104
Attorneys for Protected Person

John P. Michaelson, Esq.
MICHAELSON & ASSOCIATES, LTD.
2200 Paseo Verde Parkway, Ste. 160
Henderson, NV 89052
Attorneys for Robyn Friedman and Donna Simmons

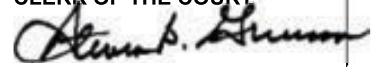
I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, addressed to:

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).



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

Attorneys for Respondent Kimberly Jones

DISTRICT COURT

CLARK COUNTY, NEVADA

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

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

KATHLEEN JUNE JONES

An Adult Protected Person.

**SUPPLEMENTAL BRIEF TO PETITION FOR PAYMENT OF GUARDIAN'S
ATTORNEY FEES AND COSTS; OR, ALTERNATIVELY, MOTION TO RECONSIDER**

Kimberly Jones ("Kim"), by and through her counsel of record, Jeffrey P. Luszeck, Esq., and Ross E. Evans, Esq., of the law firm Solomon Dwiggins & Freer, Ltd., hereby submits her Supplemental Brief to Petition for Payment of Guardian's Attorney Fees and Costs, or Alternatively Motion to Reconsider ("Supplement") ruling that Guardian may request reimbursement of attorney fees from January 15, 2020 forward. The foregoing Supplement relates to Kim's Petition for Payment of Guardian's Attorneys' Fees and Costs filed January 15, 2020 and the hearing which took place on February 13, 2020. Petitioner does not request a hearing as to this Supplement or Motion to Reconsider.

MEMORANDUM OF POINTS AND AUTHORITIES

1. At the hearing on February 13, 2020, this Court ordered that because Petitioner's Notice of Intent to Seek Payment of Attorneys' Fees and Costs from Guardianship Estate was not filed until January 15, 2020, the Court would only consider reimbursing Petitioner's attorneys' fees incurred after January 15, 2020.



2. At the hearing, however, this Court did not consider that it already ruled in its November 25, 2019 Order, a copy of which is attached hereto, that it would in fact approve the attorneys' fees of Solomon Duggins & Freer, Ltd.:

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

See Order from October 15, 2019, Hearing, attached hereto as **Exhibit 1**.

3. The November 25, 2019 Order was circulated to counsel for each of the interested parties on October 29, 2019, and was executed on the following dates: (a) by Maria Parra-Sandoval, Esq., counsel for the Protected Person, on October 29, 2019; (b) by John Michaelson, Esq., counsel for Robyn Friedman and Donna Simmons, on October 31, 2019. Mr. Kehoe, Esq., refused to execute the proposed Order, and submitted a letter to the Court which delayed entry of the Order until November 25, 2019. Each of the parties were on notice that Kim sought reimbursement of her attorneys' fees and costs as early as October 29, 2019.

4. Accordingly, Kim requests that the Court consider the effect of the November 25, 2019 Order imparting notice to the interested parties of Kim's intent to seek her attorneys' fees from the Estate.

5. This Court should grant reimbursement of all of Petitioner's expenses in the amount of \$1,684.85. See, NRS 159.183(1)(b), providing that "a guardian must be allowed ... [n]ecessary and reasonable expenses incurred in exercising the authority and performing the duties of a guardian[.]"

6. Kim hereby requests that in preparing its Order, this Court grant a reimbursement of Kim's attorneys' fees incurred from October 29, 2019 forward. Thus, Kim requests that the Court grant reimbursement of attorneys' fees incurred in the amount of \$6,652.00, and costs in the full amount of \$1,684.51, for a total reimbursement of \$8,336.51.¹

¹ See, revised attorney fee ledger attached hereto as **Exhibit 2**, and cost ledger attached hereto as **Exhibit 3**.

9060 WEST CHEYENNE AVENUE
LAS VEGAS, NEVADA 89129
TELEPHONE (702) 853-5483
FACSIMILE (702) 853-5485
WWW.SDFNVLAW.COM



1 7. Accordingly, this Court should enter its Order granting fees and costs to be paid
2 from the Guardianship Estate once it has sufficient funds, in the collective amount of \$8,336.51.

3 **WHEREFORE**, Petitioner Kimberly Jones, as Guardian of the Person and Estate of
4 Kathleen Jones, respectfully requests that this Court enter its Order as follows:

5 a. Authorizing payment of attorneys' fees and costs to the law firm of Solomon
6 Dwiggins & Freer, Ltd., from the Guardianship Estate in the amount of \$8,336.51; and

7 b. For any and all such further relief as the Court deems just and appropriate.

8 DATED this 21st day of February, 2020.

9 SOLOMON DWIGGINS & FREER, LTD.

10 By 
11

12 JEFFREY P. LUSZECK, ESQ.

13 Nevada Bar No. 09619

14 ROSS E. EVANS, ESQ.

15 Nevada Bar No. 11374

16 9060 West Cheyenne Avenue

17 Las Vegas, Nevada 89129

18 *Attorneys for Kimberly Jones*

9060 WEST CHEYENNE AVENUE
LAS VEGAS, NEVADA 89129
TELEPHONE (702) 853-5483
FACSIMILE (702) 853-5485
WWW.SDFNLAW.COM



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of February, 2020, pursuant to NRCP 5(b), I caused a true and correct copy of the foregoing **SUPPLEMENTAL BRIEF TO PETITION FOR PAYMENT OF GUARDIAN'S ATTORNEY FEES AND COSTS; OR, ALTERNATIVELY, MOTION TO RECONSIDER**, to be served to the following in the manner set forth below:

Via:

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

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

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

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

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

Laura A. Deeter, Esq.
GHANDI DEETER BLACKAM
725 S. 8th Street, Ste. 100
Las Vegas, NV 89101
laura@ghandilaw.com

///

///

///

1 Kimberly Jones
2 Geraldine Tomich, Esq.
3 James A. Beckstrom, Esq.
4 MARQUIS AURBACH & COFFING
5 gtomich@maclaw.com
6 jbeckstrom@maclaw.com

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



An employee of SOLOMON DWIGGINS & FREER, LTD.

9060 WEST CHEYENNE AVENUE
LAS VEGAS, NEVADA 89129
TELEPHONE (702) 853-5483
FACSIMILE (702) 853-5485
WWW.SDFNLAW.COM



EXHIBIT 1

Steven D. Grierson

ORDER

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

Attorneys for Respondent Kimberly Jones

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

KATHLEEN JUNE JONES

An Adult Protected Person.

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

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

ORDER FROM OCTOBER 15, 2019 HEARING

☐ TEMPORARY GUARDIANSHIP

- ☐ Person
☐ Estate
☐ Person and Estate

☒ GENERAL GUARDIANSHIP

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

☐ SPECIAL GUARDIANSHIP

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

☐ NOTICES/SAFEGUARDS

- ☐ Blocked Account Required
☐ Bond Required

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

RECEIVED

NOV 01 2019

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

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

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

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

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

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

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

23 7. That on October 2, 2019, Rodney Gerald Yeoman, the husband of Kathleen June
24 Jones, filed his Opposition to Appointment of Temporary Guardian and General Guardian and
25 Counter-Petition for Appointment of Temporary Guardian of the Person and Estate and Issuance of
26 Letters of Temporary Guardianship and Estate and Issuance of Letters of Temporary Guardianship
27 and Counter-Petition for Appointment of General Guardian of the Person and Estate and Issuance
28

1 of Letters of General Guardianship ("Rodney's Counter-Petition").

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

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

10 Good Cause Appearing Therefore,

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

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

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

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

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

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

28

9060 WEST CHEYENNE AVENUE
LAS VEGAS, NEVADA 89129
TELEPHONE (702) 853-5483
FACSIMILE (702) 853-5485
WWW.SDFNLAW.COM



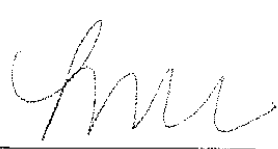
1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Kimberly Jones shall
2 disseminate the medical records and/or information relating to Kathleen June Jones to Robyn
3 Friedman, Donna Simmons and Rodney Gerald Yeoman.

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

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

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

16 DATED this 25th day of November, 2019.

17
18 
19 DISTRICT COURT JUDGE

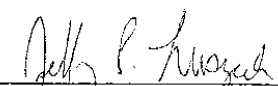
LINDA MARQUIS *sa*


20 Submitted by:

Approved as to Form and Content: *MLPS*

21 SOLOMON DWIGGIN & FREER, LTD.

LEGAL AID CENTER OF SOUTHERN
NEVADA

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

By: 
MARIA L. PARRA SANDOVAL, ESQ.
Nevada Bar No. 13736
725 E. Charleston Blvd.
Las Vegas, NV 89104

Attorney for Kathleen Jones, Protected Person

Attorneys for Kimberly Jones

9060 WEST CHEYENNE AVENUE
LAS VEGAS, NEVADA 89129
TELEPHONE (702) 853-5483
FACSIMILE (702) 853-5485
WWW.SDFNLAW.COM



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

~~Approved as to Form and Content:~~

KEHOE & ASSOCIATES

DISAPPROVED

By: *Ty E. Kehoe* 10-31-19

TY E. KEHOE, ESQ.

Nevada Bar No. 6011

871 Coronado Center Dr. Ste. 200

Henderson, NV 89052

Attorney for Rodney Gerald Yeoman

Approved as to Form and Content:

MICHAELSON & ASSOCIATES, LTD.

By: 

JOHN P. MICHAELSON, ESQ.

Nevada Bar No. 7822

2200 Paseo Verde Parkway, Suite 160

Henderson, NV 89052

*Attorneys for Robyn Friedman and Donna
Simmons*

9060 WEST CHEYENNE AVENUE
LAS VEGAS, NEVADA 89129
TELEPHONE (702) 853-5483
FACSIMILE (702) 853-5485
WWW.SDFNYLAW.COM

SOLOMON
DWIGGINS & FREER
TRUST AND ESTATE ATTORNEYS



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Approved as to Form and Content:

KEHOE & ASSOCIATES

By: 

TY E. KEHOE, ESQ.
Nevada Bar No. 6011
871 Coronado Center Dr. Ste. 200
Henderson, NV 89052

Attorney for Rodney Gerald Yeoman

Approved as to Form and Content:

MICHAELSON & ASSOCIATES, LTD.

By: 

JOHN P. MICHAELSON, ESQ.
Nevada Bar No. 7822
2200 Paseo Verde Parkway, Suite 160
Henderson, NV 89052

*Attorneys for Robyn Friedman and Donna
Simmons*

EXHIBIT 2

Date: 01/03/2020

Detail Fee Transaction File List
Solomon Dwigins & Freer, Ltd.

Client	Trans Date	Tmkr	Rate	Hours to Bill	Amount	Description
7099.0001	10/29/2019	JPL	425	0.5	\$212.50	Supplement order to incorporate counsel's requests (.3). Draft correspondence to client (x2), Ty Kehoe (x1) and all counsel regarding order (.2).
7099.0001	10/30/2019	JPL	425	0.3	\$127.50	Evaluate and respond to numerous correspondence from counsel.
7099.0001	10/30/2019	REE	285	0.3	\$85.50	Draft email to client regarding (.3); Review client response and forward to Jeffrey P. Luszeck (0.0).
7099.0001	10/31/2019	JPL	425	0.4	\$170.00	Evaluate and respond to numerous correspondence from other counsel regarding order (.3). Evaluate and respond to client (.1).
7099.0001	11/04/2019	JPL	425	0.1	\$42.50	Evaluate and respond to correspondence from Ty Kehoe.
7099.0001	11/04/2019	JPL	425	0.3	\$127.50	Telephone conference with client (.2). Evaluate and respond to multiple correspondence from Ty Kehoe (.1).
7099.0001	11/05/2019	JPL	425	0.3	\$127.50	Evaluate and respond to correspondence from David Johnson. Confer with Ross E. Evans regarding same.
7099.0001	11/07/2019	JPL	425	0.1	\$42.50	Confer with Ross E. Evans regarding publication.
7099.0001	11/07/2019	REE	285	0.3	\$85.50	Conference with client regarding case issues.
7099.0001	11/08/2019	JPL	425		\$0.00	Travel to and attend conference with John Michaelson.
7099.0001	11/09/2019	JPL	425	0.1	\$42.50	Evaluate correspondence from client.
7099.0001	11/12/2019	JPL	425	0.8	\$340.00	Prepare for and participate in telephone conference with client (.5). Evaluate and respond to correspondence from client (.3).
7099.0001	11/13/2019	JPL	425	0.6	\$255.00	Telephone conferences with Kimberly Jones (.3). Evaluate and respond to multiple correspondence from Marquis Aurbach Coffing (.3). Confer with Ross E. Evans regarding same (.1). Evaluate and respond to correspondence from client (.2).
7099.0001	11/14/2019	JPL	425	1.4	\$595.00	Prepare for and participate in numerous telephone conferences with Kimberly (.5), Marquis Aurbach Coffing (.3) and John Michaelson (.3). Evaluate and respond to correspondence from client (.2). Evaluate minute order from (.1).
7099.0001	11/15/2019	JPL	425	0.1	\$42.50	Evaluate and respond to correspondence.
7099.0001	11/18/2019	JPL	425	0.5	\$212.50	Prepare for and participate in conference call with client (.4). Evaluate and respond to correspondence from David Johnson (.1).
7099.0001	11/20/2019	JPL	425	0.3	\$127.50	Telephone conference with Marquis Aurbach Coffing and client.
7099.0001	11/21/2019	JPL	425	0.6	\$255.00	Telephone conference with Marquis Aurbach Coffing (.2). Evaluate and respond to numerous correspondence from client (.2). Evaluate and respond to correspondence from Ty Kehoe (.2).
7099.0001	11/22/2019	JPL	425	0.8	\$340.00	Evaluate order and correspondence from Ty Kehoe (.4). Evaluate and respond to numerous correspondence from Marquis Aurbach Coffing (.2). Evaluate and respond to correspondence from client (.2).
7099.0001	11/22/2019	REE	285	0.2	\$57.00	Conference with Ty Kehoe regarding status; Conference with Jeffrey P. Luszeck.
7099.0001	11/23/2019	JPL	425	1.4	\$595.00	Evaluate correspondence (.1). Evaluate multiple voicemails (.1). Continue to evaluate Ty's proposed order and correspondence thereto (.2). Draft response to Ty's proposed order (1). Draft correspondence to client regarding .

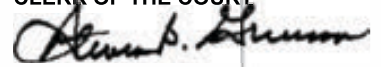
7099.0001	11/24/2019	JPL	425	0.3	\$127.50	Evaluate and respond to correspondence from client (.1). Supplement correspondence to Judge Marquis (.2).
7099.0001	11/25/2019	JPL	425	0.6	\$255.00	Evaluate correspondence from Ty Kehoe (.1). Evaluate correspondence from John Michaelson (.1). Evaluate and respond to numerous correspondence from client (.2). Supplement correspondence to court and evaluate correspondence from same (.2).
7099.0001	11/29/2019	JPL	425	0.2	\$85.00	Evaluate email and declaration attached thereto.
7099.0001	12/03/2019	JPL	425	0.1	\$42.50	Evaluate correspondence.
7099.0001	12/04/2019	JPL	425	0.6	\$255.00	Telephone conference with client (.2). Evaluate numerous correspondence from James, John and Ty regarding upcoming hearing (.3). Evaluate notices of hearing and orders shortening time (.1).
7099.0001	12/05/2019	JPL	425	0.2	\$85.00	Evaluate and respond to correspondence.
7099.0001	12/06/2019	JPL	425	0.8	\$340.00	Evaluate and respond to correspondence from Ty Kehoe (.2). Evaluate and respond to numerous correspondence from client (.3). Evaluate oppositions filed by Ty Kehoe (.4).
7099.0001	12/09/2019	JPL	425	0.1	\$42.50	Evaluate and respond to correspondence.
7099.0001	12/10/2019	JPL	425	0.4	\$170.00	Evaluate numerous correspondence from client, Ty Kehoe, Marquis Aurbach Coffing and court-appointed investigator (over 10 emails).
7099.0001	12/11/2019	JPL	425	0.1	\$42.50	Evaluate numerous correspondence regarding dogs and order.
7099.0001	12/12/2019	JPL	425	0.1	\$42.50	Evaluate correspondence from Ty Kehoe.
7099.0001	12/18/2019	JPL	425	0.2	\$85.00	Evaluate and respond to correspondence.
7099.0001	12/19/2019	REE	285	2.6	\$741.00	Conference with Jeffrey P. Luszeck regarding Petition for fees and draft petition for fees.
7099.0001	12/19/2019	JPL	425	0.1	\$42.50	Confer with Ross E. Evans regarding petition for fees.
7099.0001	12/20/2019	REE	285	1.3	\$370.50	Revise petition for reimbursement of attorney fees to Guardian.
7099.0001	12/24/2019	JPL	425	0.1	\$42.50	Confer with Ross E. Evans regarding matter.
Total for Client ID 7099.0001			Billable	17.2	\$6,652.00	Jones/Kimberly June Jones Guardianship/Power of Attorney

EXHIBIT 3

Date: 01/03/2020

**Detail Cost Transaction File List
Solomon Duggins & Freer, Ltd.**

Client	Trans Date	Rate	Amount	Description
7099.0001	10/02/2019		\$85.90	Electronic Filing Fee for Opposition to Ex Parte Petition for Appointment of Temporary and General Guardian of the Person and Estate; and Alternatively, Counter-Petition for Appointment of Kimberly Jones as Temporary and General Guardian of the Person and Estate
7099.0001	10/03/2019		\$3.50	Electronic Filing Fee for Supplement to Counter-Petition for Appointment of Kimberly Jones as Temporary and General Guardian of the Person and Estate
7099.0001	10/09/2019	0.1	\$0.50	Laser copy charges.
7099.0001	10/14/2019	0.1	\$15.25	Laser copy charges.
7099.0001	10/15/2019	0.1	\$9.25	Laser copy charges.
7099.0001	10/16/2019	0.1	\$1.25	Laser copy charges.
7099.0001	10/17/2019		\$24.00	Parking
7099.0001	10/18/2019	0.1	\$0.50	Laser copy charges.
7099.0001	10/29/2019	0.1	\$0.50	Laser copy charges.
7099.0001	10/31/2019	5	\$1,216.50	Westlaw online legal research.
7099.0001	10/31/2019	8	\$8.00	Courier fee.
7099.0001	10/31/2019	8	\$8.00	Courier fee.
7099.0001	10/31/2019	8	\$8.00	Courier fee.
7099.0001	11/01/2019	8	\$8.00	Courier fee.
7099.0001	11/13/2019	0.25	\$0.50	Copy charges.
7099.0001	11/15/2019	0.1	\$0.60	Scan charges.
7099.0001	11/22/2019	0.25	\$6.75	Copy charges.
7099.0001	11/22/2019	0.5	\$1.50	Color photocopies.
7099.0001	11/25/2019	0.1	\$0.90	Scan charges.
7099.0001	11/25/2019	0.25	\$9.00	Copy charges.
7099.0001	11/25/2019	0.5	\$1.50	Color photocopies.
7099.0001	11/25/2019	8	\$8.00	Courier fee.
7099.0001	11/25/2019	8	\$8.00	Courier fee.
7099.0001	11/25/2019		\$3.50	Electronic Filing Fee for Order from October 15, 2019 Hearing
7099.0001	11/25/2019		\$3.50	Electronic Filing Fee for Notice of Entry of Order
7099.0001	11/27/2019	0.1	\$0.20	Scan charges.
7099.0001	11/27/2019	0.25	\$1.50	Copy charges.
7099.0001	11/27/2019	0.25	\$0.50	Copy charges.
7099.0001	11/27/2019		\$3.50	Electronic Filing Fee for Letters of Guardianship
7099.0001	12/02/2019	0.25	\$12.75	Copy charges.
7099.0001	12/05/2019		\$25.00	Certified Copies of Letters of Guardianship
7099.0001	12/05/2019	0.25	\$2.75	Copy charges.
7099.0001	12/05/2019	8	\$8.00	Courier fee.
7099.0001	12/06/2019		\$90.00	Certified copies of Letters of Guardianship (x30)
7099.0001	12/06/2019	0.25	\$38.00	Copy charges.
7099.0001	12/09/2019		\$60.00	Certified copies of Letters of Guardianship (x30)
7099.0001	12/09/2019	0.25	\$0.75	Copy charges.
7099.0001	12/09/2019	8	\$8.00	Courier fee.
7099.0001	12/23/2019	0.25	\$1.00	Copy charges.
Total for Client ID 7099.0001		Billable	\$1,684.85	Jones/Kimberly June Jones Guardianship/Power of Attorney



1 **RSPN**
2 Maria L. Parra-Sandoval, Esq.
3 Nevada Bar No. 13736
4 mparra@lacsnsn.org
5 **LEGAL AID CENTER OF**
6 **SOUTHERN NEVADA, INC.**
7 725 E. Charleston Blvd
8 Las Vegas, NV 89104
9 Telephone: (702) 386-1526
10 Facsimile: (702) 386-1526
11 *Attorney for Kathleen June Jones, Adult Protected Person*

8 **EIGHTH JUDICIAL DISTRICT COURT**
9 **FAMILY DIVISION**
10 **CLARK COUNTY, NEVADA**

11 In the Matter of the Guardianship of the Person and Estate of: **Case No.: G-19-052263-A**
12 **Dept. No.: B**

13 KATHLEEN JUNE JONES,

14 Adult Protected Person.

15 **RESPONSE TO GUARDIAN'S SUPPLEMENTAL BRIEF TO PETITION FOR**
16 **PAYMENT OF ATTORNEY FEES AND COSTS; OR ALTERNATIVELY, MOTION**
17 **TO RECONSIDER**

18 Kathleen June Jones ("June"), the protected person herein, by and through her counsel,
19 Maria L. Parra-Sandoval, Esq. of Legal Aid Center of Southern Nevada, Inc., hereby responds
20 to Kimberly Jones' ("Guardian") Supplemental Brief to Petition for Payment of Guardian's
21 Attorney Fees and Costs; Or Alternatively, Motion to Reconsider. June's response is based upon
22 and supported by the following Memorandum of Points and Authorities, the pleadings and
23 papers on file in this case, and attached exhibits.

24 DATED this 26th day of February, 2020.

25 LEGAL AID CENTER OF SOUTHERN
26 NEVADA, INC.

27 /s/ Maria L. Parra-Sandoval
28 Maria L. Parra-Sandoval, Esq.
Nevada Bar No. 13736
Attorney for Kathleen June Jones,
Adult Protected Person

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2
3 **I. Pursuant to NRS 159.344(3), the Court has correctly ruled that Guardian may**
4 **request payment of attorney fees and costs incurred from January 15, 2020**
5 **(and forward), the date her attorney filed the Notice of Intent to Seek Fees**
6 **from the Guardianship Estate.**

7 NRS 159.344(3) clearly requires that any person who intends to seek payment of
8 attorney's fees and costs from the guardianship estate must file a written notice of such intent
9 when that person *first* appears in the guardianship proceedings. The Guardian's first pleading
10 was filed on October 2, 2019, yet the Guardian filed the Notice of Intent to Seek Payment of
11 Attorneys' Fees and Costs from the Guardianship Estate on January 15, 2020. On February 13,
12 2020, this Court correctly ruled that if a guardian intends to seek the payment of attorney's fees
13 and costs from the guardianship estate, a Notice of Intent to Seek Fees from the Guardianship
14 Estate must be filed "**at the onset.**"¹ The Guardian did not comply with this requirement and
15 should remain personally liable for her own attorney's fees before January 15, 2020. Since the
16 Guardian's attorney's last billed entry in this matter occurred on December 24, 2019, *he is not*
17 *entitled to any fees and costs from the guardianship estate.*² Thus, the Guardian's Petition for
18 Payment of Guardian's Attorneys' Fees and Costs should rightly be denied under NRS
19 159.344(3). The Guardian raises no new facts or issues in the Motion to Reconsider and the
20 Court did not err in determining the Notice of Intent must be filed upon the attorney first
21 appearing in the case. Therefore, the Motion to Reconsider should be denied.

22 **A. The Order From the October 15, 2019 Hearing, filed on November 25,**
23 **2019, included a boilerplate paragraph that does not translate into**
24 **approval of a Notice of Intent to Seek Fees or to actual payment of**
25 **attorney's fees and costs.**

26 The Guardian's attorney argues that this Court has "already ruled in its November 25,

27
28 ¹ Court Hearing, February 13, 2020.

² See Petition for Payment of Guardian's Attorneys' Fees and Costs, Exhibit 1, p. 17, filed January 15, 2020.

1 2019 Order...that it would in fact approve the attorneys' fees of Solomon Dwiggins & Freer,
2 Ltd."³ The language in the Order From October 15, 2019 Hearing, ("Order") to which counsel
3 refers is as follows:

4 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Court approve
5 payment of attorneys' fees and costs from the Guardianship estate to the law firm of
6 Solomon Dwiggins & Freer, Ltd., at the conclusion of the guardianship proceeding,
subject to Court confirmation.⁴

7 The Guardian's attorney confuses this boilerplate language in an attorney proposed
8 order from actual relief sought in a petition. Nowhere in the Guardian's first pleading⁵ did she
9 state she intended to have her attorney's fees paid from the estate; nowhere did her attorney
10 include the billing rates for the firm's attorneys and paralegals; nor did she include an
11 explanation of the compensation arrangement or the reasons for the services. In short, the
12 Guardian failed to comply with NRS 159.344's requirement to file a notice of intent to seek
13 fees from the guardianship estate upon the attorney's first appearance.
14

15 While there is language, in the Order granting the general guardianship, regarding fees,
16 what this Court approved in that Order was simply that any legitimate and lawful request for
17 the payment of fees from the guardianship estate first would be subject to Court approval.
18 Nothing in the language referred to by the Guardian's attorney suggests that the Court approved
19 the Guardian's bypassing the specific requirements of NRS 159.344 (3) to have the fees paid
20 from the estate. Furthermore, at the October 15, 2019 citation hearing, this Court was never
21 asked to rule on the issue of attorney's fees and never issued any ruling on the issue.
22
23
24

25 ³ See Supplemental Brief to Petition for Payment of Guardian's Attorney Fees and Costs; Or, Alternatively,
26 Motion to Reconsider, p. 2, filed February 21, 2020.

27 ⁴ See Order From October 15, 2019 Hearing, granting general guardianship, p. 4, filed November 25, 2019.

28 ⁵ See Opposition to Ex Parte Petition for Appointment of Temporary and General Guardian of the Person and
Estate; Alternatively, Counter-Petition for Appointment of Kimberly Jones as Temporary and General Guardian
of the Person and Estate, filed October 2, 2019.

1 On October 24, 2019, Mr. Jeffrey P. Luszeck ("Mr. Luszeck") circulated the Order from
2 the October 15, 2019 hearing to the relevant parties, and requested any proposed revisions by
3 October 28, 2019.⁶ On October 28, 2019, counsel for June objected to the entire paragraph at
4 issue regarding payment of attorney's fees and sent revisions to Mr. Luszeck, deleting that
5 language. Mr. Luszeck replied on the same date, as follows:
6

7 "Maria,
8 I am not sure that I understand your requests to delete certain section of the Order
9 as both sections were in the Order appointing John Michaelson's clients as
10 Temporary Co-Guardians. Specifically, I believe there needs to be specific instruction
11 that the Clerk of the Court issues Letters to Kimberly. Further, I am familiar NRS
12 159.344 and the language referencing fees does not eradicate that requirement.
13 Once again, it was included in Mr. Michaelson's proposed order without objection. In
14 light of the foregoing I do not intend to remove either section. Jeff"

15 (emphasis added). Thus, Mr. Luszeck clearly recognizes that this language is not a preemptive
16 grant of approval of fees before a request for fees has been made. Now that this Court has ruled
17 that it will only consider the payment of fees from the estate that were incurred after January
18 15, 2020, *when the notice of intent to seek fees was actually filed*, Mr. Luszeck is scrambling to
19 find creative ways to get paid. The Guardian argues that since the October 29, 2019 Order, the
20 parties were, in effect, on "notice" that the Guardian would be seeking fees from the
21 guardianship estate. Mr. Luszeck is wrong. The parties were put on notice that the guardian
22 intended to seek fees from the estate only when the Notice of Intent to Seek Fees was filed on
23 January 15, 2020.

24 The reality is that the Guardian failed to follow the specific requirements under NRS
25 159.344(3). The written notice of intent clearly *requires all of the following*:

- 26 (a) Must provide a general explanation of the compensation arrangement
27 and how compensation will be computed;
28 (b) Must include the hourly billing rates of all timekeepers, including,

⁶ See Exhibit A, email chain.

without limitation, attorneys, law clerks and paralegals;

(c) Must provide a general explanation of the reasons why the services of the attorney are necessary to further the best interests of the ward;

(d) Must be served by the person on all persons entitled to notice pursuant to NRS 159.034 and 159.047; and

(e) Is subject to approval by the court after a hearing.⁷

If, as the Guardian argues, the Order From October 15, 2019 Hearing, filed on November 25, 2019, was sufficient to provide the required information under NRS 159.344, then it would not have been necessary to file the Notice of Intent on January 15, 2020. Mr. Luszeck introduced boilerplate language into an Order as an afterthought where the original petition did not include a notice of intent to seek payment of fees from the estate and where the Court never ruled on fees. This language included in the Order does not satisfy the requirements of NRS 159.344.

Most importantly, on October 28, 2019, undersigned counsel submitted revisions objecting to the paragraph approving payment of attorneys' fees and costs—and instructed attorney Jeffrey P. Luszeck to submit his written notice: "Remove this. You need to submit a notice of intent to petition the court for payment of attorney's fees and costs from the guardianship estate, consistent with NRS 159.344. See the full statute."⁸ Accordingly, as early as October 28, 2019, the Guardian's attorney knew this language was not sufficient under NRS 159.344 and that a written notice was required prior to seeking fees from the estate yet took no action to correct the problem until January 15, 2020.

Because Mr. Luszeck did not file his Notice of Intent to Seek Fees from the Guardianship Estate upon his first appearance and later when June's counsel brought the matter

⁷ See NRS 159.344(3).

⁸ See Exhibit B, Email to Jeffrey P. Luszeck, with attached Order Revisions, October 28, 2019.

1 to his attention, counsel believed that Guardian would be responsible for her own attorney fees
2 and costs. In fact, undersigned counsel was surprised to see both the Notice of Intent to Seek
3 Payment of Attorney's Fees and Costs from the Guardianship Estate and Petition for Payment
4 of Attorney's Fees and Costs filed on January 15, 2020.

5
6 It should be noted that Guardian has not replied to *any* of undersigned counsel's line-
7 item objections filed on February 11, 2020. Guardian's attorney simply requests his fees to be
8 paid from October 29, 2019 based on a misleading argument and without addressing any of
9 undersigned counsel's objections. If this Court is going to consider payment of any of Mr.
10 Luszeck's fees from June's estate, he should be required to respond to counsel's specific
11 objections.
12

13 **II. The legal standard for a Motion to Reconsider has not been met.**

14 A Motion to Reconsider should only be considered if: 1) there are new facts or issues
15 raised supporting a ruling contrary to the ruling already made or 2) the law was not applied
16 correctly by the court. A district court "may reconsider a previously decided issue if
17 substantially different evidence is subsequently introduced or the decision is clearly
18 erroneous."⁹ Thus, the purpose of bringing a Motion to Reconsider is to correct an error of law
19 or fact. Further, under Local Rule 2.24 (b), "... A motion for rehearing or reconsideration
20 must be served, noticed, filed *and heard* as is any other motion..."¹⁰
21

22
23 Here, Mr. Luszeck does not introduce any new facts that would change the Court's
24 ruling. Guardian did not comply with NRS 159.344 in its entirety, until January 15, 2020. The
25 language included in the Order is not a new fact and it does not change anything. Furthermore,
26

27 ⁹ *Masonry & Tile Contractors Ass'n. of Southern Nevada v. Jolley, Urga & Wirth, Ltd.*, 113 Nev. 737, 741, 941
28 P.2d 486, 489 (1997).

¹⁰ See Local Rule, Rule 2.24 (b). Rehearing of motions.

1 the Court applied the law correctly. NRS 159.344(3) requires that any person who intends to
2 seek payment of attorney's fees and costs from the guardianship estate must file a written notice
3 of such intent when the attorney *first* appears in the guardianship proceedings.¹¹ The Guardian
4 failed to file this notice in the first pleading which reflects her attorney's appearance in the
5 matter. The Court's decision to refuse to consider the payment of Mr. Luszeck's fees from
6 June's estate prior to the filing of the Notice of Intent was not wrong.
7

8 Finally, a motion for reconsideration requires that it be *actually heard*, and here, Mr.
9 Luszeck has forfeited his request for a hearing. This Court should not consider this pleading as
10 a Motion to Reconsider as it has not met the legal requirements.
11

12 III. Conclusion

13 For the foregoing reasons, this Court should deny the Motion to Reconsider. This Court
14 correctly ruled that the Notice of Intent to Seek Fees from the Guardianship Estate must be filed
15 "at the onset" of the case and this was not done. The Court's decision that the Guardian may
16 only seek payment of fees from the estate from January 15, 2020 and forward was not incorrect.
17 Accordingly, this ruling should not be disturbed.
18

19 DATED this 26th day of February, 2020.

20
21 LEGAL AID CENTER OF
SOUTHERN NEVADA, INC.

22 /s/ Maria L. Parra-Sandoval
23 Maria L. Parra-Sandoval, Esq.
24 Nevada Bar No. 13736
25
26
27

28

¹¹ See NRS 159.344(3).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 26th day of February 2020, I deposited in the United States Mail at Las Vegas, Nevada, a copy of the foregoing document entitled **RESPONSE TO GUARDIAN'S SUPPLEMENTAL BRIEF TO PETITION FOR PAYMENT OF ATTORNEY FEES AND COSTS; OR ALTERNATIVELY, MOTION TO RECONSIDER** in a sealed envelope, mailed regular U.S. mail, upon which first class postage was fully prepaid, addressed to the following:

Teri Butler
586 N. Magdalena Street
Dewey, AZ 86327

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

Jen Adamo
14 Edgewater Drive
Magnolia, DE 19962

Courtney Simmons
765 Kimbark Avenue
San Bernardino, CA 92407

Scott Simmons
1054 S. Verde Street
Anaheim, CA 92805

Ampersand Man
2824 High Sail Court
Las Vegas, NV 89117

Division of Welfare and Supportive Services
Medicaid Chief Eligibility and Payments
1470 College Parkway
Carson City, NV 89706

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

Jeffrey Luszeck, Esq.
jluszeck@sdfnvlaw.com

Ross Evans, Esq.
revans@sdfnvlaw.com
Attorneys for Guardian

James Beckstrom
jbecstrom@maclaw.com
Attorney for Guardian

John Michaelson, Esq.
john@michaelsonlaw.com

1 Lora Caindec-Poland
2 lora@michaelsonlaw.com

Jeffrey Sylvester, Esq.
jeff@sylvesterpolednak.com
*Attorneys for Robyn Friedman and Donna
Simmons*

3
4 Ty Kehoe, Esq.
5 TyKehoeLaw@gmail.com

Matthew Piccolo, Esq.
matt@piccololawoffices.com

6 Laura A. Deeter, Esq.
7 laura@ghandilaw.com
8 Attorneys for Rodney Gerald Yeoman

Cheryl Becnel
cbecnel@maclaw.com

9 David C. Johnson
10 dcj@johnsonlegal.com

Geraldine Tomich
Gtomich@maclaw.com

11 LaChasity Carroll
12 lcarroll@nvcourts.nv.gov

Kate McCloskey
NVGCO@nvcourts.nv.gov

13
14
15 /s/Alexa Reanos
16 Employee of Legal Aid Center of Southern Nevada
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT A

Maria Parra-Sandoval

From: Jeffrey P. Luszeck <jluszeck@sdfnlaw.com>
Sent: Monday, October 28, 2019 6:52 PM
To: Maria Parra-Sandoval
Cc: Gretta G. McCall
Subject: RE: Jones - Order from October 15, 2019 Hearing

Maria,

I am not sure that I understand your requests to delete certain sections of the Order as both sections were in the Order appointing John Michaelson's clients as Temporary Co-Guardians. Specifically, I believe there needs to be a specific instruction that the Clerk of the Court issues Letters to Kimberly. Further, I am familiar NRS 159.344 and the language referencing fees does not eradicate that requirement. Once again, it was included in Mr. Michaelson's proposed order without objection. In light of the foregoing I do not intend to remove either section. Jeff

Jeffrey P. Luszeck

SOLOMON DWIGGINS & FREER, LTD.
Cheyenne West Professional Center | 9060 W. Cheyenne Avenue | Las Vegas, NV 89129
Direct: 702.589.3511 | Office: 702.853.5483
Facsimile: 702.853.5485
Email: jluszeck@sdfnlaw.com | Website: www.sdfnlaw.com
 www.facebook.com/sdfnlaw
 www.linkedin.com/company/solomon-dwiggins-&-freer-ltd-



 Please consider the environment before printing this email.

This message contains confidential information and may also contain information subject to the attorney client privilege or the attorney work product rules. If you are not the intended recipient, please delete the message and contact Solomon Dwiggins & Freer, Ltd. at 702-853-5483. Any disclosure, copying, distribution, reliance on or use of the contents of this message by anyone other than the intended recipient is prohibited.

From: Maria Parra-Sandoval <MParra@lacs.org>
Sent: Monday, October 28, 2019 12:26 PM

To: Jeffrey P. Luszeck <jluszeck@sdfnlaw.com>
Subject: RE: Jones - Order from October 15, 2019 Hearing

Dear Jeffrey,

Please see my proposed revisions, attached.

Kind Regards,
Maria

SINCE 1958
LEGAL AID CENTER
■ ■ ■ ■ of Southern Nevada

Maria Parra-Sandoval, Esq.
Attorney, Consumer Rights Project
Legal Aid Center of Southern Nevada, Inc.
725 E. Charleston Blvd.
Las Vegas, NV 89104
702-386-1526 direct/fax
702-386-1070 ext. 1526
mparra@lacs.org
www.lacs.org

Legal Aid Center of Southern Nevada, Inc. is a 501 (c) (3) organization
and your contribution may qualify as a federally recognized tax deduction.



[Legal Aid Center E-Newsletter](#)

Please remember Legal Aid Center of Southern Nevada in your estate plan.

From: Jeffrey P. Luszeck [<mailto:jluszeck@sdfnlaw.com>]
Sent: Monday, October 28, 2019 7:48 AM
To: Ty Kehoe <tykehoelaw@gmail.com>
Cc: John & Gina Michaelson <john@michaelsonlaw.com>; Maria Parra-Sandoval <MParra@lacs.org>; Ross E. Evans <revans@sdfnlaw.com>; Gretta G. McCall <gmccall@sdfnlaw.com>
Subject: RE: Jones - Order from October 15, 2019 Hearing

Sure. Please provide me with any proposed revisions by the close of business today.

Jeffrey P. Luszeck

SOLOMON DWIGGINS & FREER, LTD.
Cheyenne West Professional Center | 9060 W. Cheyenne Avenue | Las Vegas, NV 89129
Direct: 702.589.3511 | Office: 702.853.5483
Facsimile: 702.853.5485
Email: jluszeck@sdfnlaw.com | Website: www.sdfnlaw.com
 www.facebook.com/sdfnlaw
 www.linkedin.com/company/solomon-dwiggins-&-freer-ltd-



 Please consider the environment before printing this email.

This message contains confidential information and may also contain information subject to the attorney client privilege or the attorney work product rules. If you are not the intended recipient, please delete the message and contact Solomon Dwiggins & Freer, Ltd. at 702-853-5483. Any disclosure, copying, distribution, reliance on or use of the contents of this message by anyone other than the intended recipient is prohibited.

From: Ty Kehoe <tykehoelaw@gmail.com>
Sent: Friday, October 25, 2019 1:33 PM
To: Jeffrey P. Luszeck <jluszeck@sdfnvlaw.com>
Cc: John & Gina Michaelson <john@michaelsonlaw.com>; mparra@lacs.org; Ross E. Evans <revans@sdfnvlaw.com>; Gretta G. McCall <gmccall@sdfnvlaw.com>
Subject: Re: Jones - Order from October 15, 2019 Hearing

With the holiday today, can this wait until Monday?

Ty

On Thu, Oct 24, 2019, 11:06 AM Jeffrey P. Luszeck <jluszeck@sdfnvlaw.com> wrote:

Counsel,

Please find the proposed Order from the October 15, 2019 hearing. Please provide me with any proposed revisions by the close of business tomorrow. If none, please execute and return to my attention.

Jeffrey P. Luszeck


SOLOMON DWIGGINS & FREER, LTD.

Cheyenne West Professional Center | 9060 W. Cheyenne Avenue | Las Vegas, NV 89129

Direct: 702.589.3511 | Office: 702.853.5483

Facsimile: 702.853.5485

Email: juszeck@sdfnlaw.com | Website: www.sdfnlaw.com

 www.facebook.com/sdfnlaw

 www.linkedin.com/company/solomon-dwiggins-&-freer-ltd-



 ***Please consider the environment before printing this email.***

This message contains confidential information and may also contain information subject to the attorney client privilege or the attorney work product rules. If you are not the intended recipient, please delete the message and contact Solomon Dwiggins & Freer, Ltd. at 702-853-5483. Any disclosure, copying, distribution, reliance on or use of the contents of this message by anyone other than the intended recipient is prohibited.

EXHIBIT B

Maria Parra-Sandoval

From: Maria Parra-Sandoval
Sent: Monday, October 28, 2019 12:26 PM
To: 'Jeffrey P. Luszeck'
Subject: RE: Jones - Order from October 15, 2019 Hearing
Attachments: Order from October 15 2019 Hearing - JPL - 10-24-19 4843-2368-6058 MP Revisions.docx

AmicusId: 525651
AmicusStatus: Saved
AmicusFileName: Jones, Kathleen J. re: Adults Under Guardianship
AmicusFileIds: 79094
AmicusDealtWith: Yes
AmicusTimeEntry: Yes

Dear Jeffrey,

Please see my proposed revisions, attached.

Kind Regards,
Maria



Maria Parra-Sandoval, Esq.
Attorney, Consumer Rights Project
Legal Aid Center of Southern Nevada, Inc.
725 E. Charleston Blvd.
Las Vegas, NV 89104
702-386-1526 direct/fax
702-386-1070 ext. 1526
mparra@lacsnn.org
www.lacsnn.org

Legal Aid Center of Southern Nevada, Inc. is a 501 (c) (3) organization and your contribution may qualify as a federally recognized tax deduction.



[Legal Aid Center E-Newsletter](#)

Please remember Legal Aid Center of Southern Nevada in your estate plan.

From: Jeffrey P. Luszeck [mailto:jluszeck@sdfnvlaw.com]
Sent: Monday, October 28, 2019 7:48 AM
To: Ty Kehoe <tykehoelaw@gmail.com>
Cc: John & Gina Michaelson <john@michaelsonlaw.com>; Maria Parra-Sandoval <MParra@lacsnn.org>; Ross E. Evans

<revans@sdfnlaw.com>; Gretta G. McCall <gmccall@sdfnlaw.com>

Subject: RE: Jones - Order from October 15, 2019 Hearing

Sure. Please provide me with any proposed revisions by the close of business today.

Jeffrey P. Luszeck


SOLOMON DWIGGINS & FREER, LTD.


Cheyenne West Professional Center | 9060 W. Cheyenne Avenue | Las Vegas, NV 89129

Direct: 702.589.3511 | Office: 702.853.5483

Facsimile: 702.853.5485

Email: jluszeck@sdfnlaw.com | Website: www.sdfnlaw.com

 www.facebook.com/sdfnlaw

 www.linkedin.com/company/solomon-dwiggins-&-freer-ltd-



 Please consider the environment before printing this email.

This message contains confidential information and may also contain information subject to the attorney client privilege or the attorney work product rules. If you are not the intended recipient, please delete the message and contact Solomon Dwiggins & Freer, Ltd. at 702-853-5483. Any disclosure, copying, distribution, reliance on or use of the contents of this message by anyone other than the intended recipient is prohibited.

From: Ty Kehoe <tykehoelaw@gmail.com>

Sent: Friday, October 25, 2019 1:33 PM

To: Jeffrey P. Luszeck <jluszeck@sdfnlaw.com>

Cc: John & Gina Michaelson <john@michaelsonlaw.com>; mparra@lacs.org; Ross E. Evans <revans@sdfnlaw.com>;

Gretta G. McCall <gmccall@sdfnlaw.com>

Subject: Re: Jones - Order from October 15, 2019 Hearing

With the holiday today, can this wait until Monday?

Ty

On Thu, Oct 24, 2019, 11:06 AM Jeffrey P. Luszeck <jluszeck@sdfnlaw.com> wrote:

Counsel,

Please find the proposed Order from the October 15, 2019 hearing. Please provide me with any proposed revisions by the close of business tomorrow. If none, please execute and return to my attention.

Jeffrey P. Luszeck

SOLOMON DWIGGINS & FREER, LTD.

Cheyenne West Professional Center | 9060 W. Cheyenne Avenue | Las Vegas, NV 89129

Direct: 702.589.3511 | Office: 702.853.5483

Facsimile: 702.853.5485

Email: jluszeck@sdfnlaw.com | Website: www.sdfnlaw.com

 www.facebook.com/sdfnlaw

 www.linkedin.com/company/solomon-dwiggins-&-freer-ltd-



Please consider the environment before printing this email.

This message contains confidential information and may also contain information subject to the attorney client privilege or the attorney work product rules. If you are not the intended recipient, please delete the message and contact Solomon Dwiggins & Freer, Ltd. at 702-853-5483. Any disclosure, copying, distribution, reliance on or use of the contents of this message by anyone other than the intended recipient is prohibited.

ORDER

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

Attorneys for Respondent Kimberly Jones

**DISTRICT COURT
 CLARK COUNTY, NEVADA**

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

KATHLEEN JUNE JONES

An Adult Protected Person.

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

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

ORDER FROM OCTOBER 15, 2019 HEARING

☒ TEMPORARY GUARDIANSHIP

- ☐ Person
☐ Estate
☒ Person and Estate

☐ GENERAL GUARDIANSHIP

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

☐ SPECIAL GUARDIANSHIP

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

☐ NOTICES/SAFEGUARDS

- ☐ Blocked Account Required
☐ Bond Required

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

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

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

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

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

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

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

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

23 7. That on October 2, 2019, Rodney Gerald Yeoman, the husband of Kathleen June
24 Jones, filed his Opposition to Appointment of Temporary Guardian and General Guardian and
25 Counter-Petition for Appointment of Temporary Guardian of the Person and Estate and Issuance of
26 Letters of Temporary Guardianship and Estate and Issuance of Letters of Temporary Guardianship
27 and Counter-Petition for Appointment of General Guardian of the Person and Estate and Issuance
28

1 of Letters of General Guardianship ("Rodney's Counter-Petition").

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

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

10 Good Cause Appearing Therefore,

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

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

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

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

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

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

Commented [A1]: This whole sentence is not necessary.

Commented [MP2R1]:

1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a Return Hearing is set
2 for January 14, 2020 at 1:30 p.m. to reconvene on the investigation results from the appointed State
3 Guardianship Compliance Investigator and Financial Forensic Specialist regarding the transfer of
4 the protected person's real property with address 6277 Kraft Avenue, Las Vegas, Nevada 89130.

Formatted: Indent: First line: 0.5"

5 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Kimberly Jones will
6 devise a housing plan to address the current unstable housing situation.

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

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

Formatted: Indent: First line: 0.5"

15 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Rodney Gerald Yeoman
16 shall provide dates to Kimberly Jones of when he will be away in Arizona getting medical treatment.

17 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Rodney Gerald Yeoman,
18 as an interested party, shall be allowed access to the Physician's Certificate.

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

Commented [A3]: Remove this. You need to submit a notice of intent to petition the court for payment of attorney's fees and costs from the guardianship estate, consistent with NRS 159.344. See the full statute.

23 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that attorney Jeffrey P.
24 Luszeck shall prepare and submit an Order.

Commented [MP4R3]:

Formatted: Indent: First line: 0.5"

25 DATED this ____ day of _____, 2019.

26
27 _____
28 DISTRICT COURT JUDGE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Submitted by:
SOLOMON DWIGGINS & FREER, LTD.

By: JEFFREY P. LUSZECK, ESQ.
Nevada Bar No. 09619
ROSS E. EVANS, ESQ.
Nevada Bar No. 11374
9060 West Cheyenne Avenue
Las Vegas, Nevada 89129

Attorneys for Kimberly Jones

Approved as to Form and Content:
KEHOE & ASSOCIATES

By: TY E. KEHOE, ESQ.
Nevada Bar No. 6011
871 Coronado Center Dr. Ste. 200
Henderson, NV 89052

Attorney for Rodney Gerald Yeoman

Approved as to Form and Content:
LEGAL AID CENTER OF SOUTHERN
NEVADA

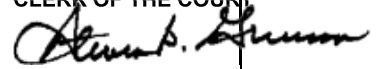
By: MARIA L. PARRA-SANDOVAL, ESQ.
Nevada Bar No. 13736
725 E. Charleston Blvd.
Las Vegas, NV 89104

Attorney for Kathleen Jones, Protected Person

Approved as to Form and Content:
MICHAELSON & ASSOCIATES, LTD.

By: JOHN P. MICHAELSON, ESQ.
Nevada Bar No. 7822
2200 Paseo Verde Parkway, Suite 160
Henderson, NV 89052

*Attorneys for Robyn Friedman and Donna
Simmons*



1 **JOIN**

2 Maria L. Parra-Sandoval, Esq.
3 Nevada Bar No. 13736
4 mparra@lacsns.org

5 **LEGAL AID CENTER OF**
6 **SOUTHERN NEVADA, INC.**

7 725 E. Charleston Blvd.
8 Las Vegas, NV 89104
9 Telephone: (702) 386-1526
10 Facsimile: (702) 386-1526

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

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

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

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

19 KATHLEEN JUNE JONES,

20 Adult Protected Person.

21 **PROTECTED PERSON'S JOINDER TO GUARDIAN'S MOTION FOR**
22 **PROTECTIVE ORDER**

23 Kathleen June Jones ("June"), the protected person herein, by and through her counsel,
24 Maria L. Parra-Sandoval, Esq., hereby files this Joinder in support of Guardian's Motion for
25 Protective Order. June's Joinder is based upon and supported by the Memorandum of Points
26 contained in the Guardian's Motion for Protective Order, the pleadings and papers on file in this
27 case, and the argument of counsel as allowed by the Court at the time of hearing.

28 June further alleges as follows:

June requests for the guardianship to stay in place *as is* with Kimberly Jones ("Kimberly") serving as guardian of the person and estate. June is content and feels comfortable with visitations being *supervised*, as they currently are, including with Kimberly as supervisor.

It is clear that Gerry Yeoman ("Mr. Yeoman") seeks to ultimately modify the guardianship. Mr. Yeoman's Opposition to the Guardian's Motion for Protective Order states, "The Parties claim they are not aware of the scope of Gerry's discovery without a petition

1 pending; however, this argument is not sound. Gerry raised factual concerns, subject to
2 discovery, in his original petition herein and at every hearing held herein, including, but not
3 limited to, issues involving the suitability of the proposed and current guardians, the Protected
4 Person's physical and mental state, Gerry's visitation rights, the sale of the Kraft House, and the
5 guardian's use of the Protected Person's assets."¹ What Mr. Yeoman is seeking with his tactics
6 and depositions is to somehow persuade this Court to make him June's guardian. Mr. Yeoman
7 is disgruntled that he did not get his way from the beginning of this guardianship case and is not
8 willing to give up.

9 Furthermore, Mr. Yeoman advances: "The Motion argues much about wasted resources
10 and yet continues to demand Gerry file an *additional pleading* prior to conducting discovery
11 which would be a tremendous and legally unnecessary waste."² (Emphasis added). In fact, there
12 is absolutely no reason for Mr. Yeoman to waste time and resources by filing any kind of
13 pleading to remove the current guardian since June is happy with the status quo. Under NRS
14 159.328 (h), a protected person has the right to "Remain as independent as possible, including,
15 without limitation, to have his or her preference honored regarding his or her residence and
16 standard of living, either as expressed or demonstrated before a determination was made relating
17 to capacity or as currently expressed, if the preference is reasonable under the circumstances."³

18 The Bill of Rights also states that a protected person has the right to "Be granted the
19 greatest degree of freedom possible, consistent with the reasons for a guardianship, and exercise
20 control of all aspects of his or her life that are not delegated to a guardian specifically by a court
21 order."⁴ The purpose of these rights is to give the protected person the driver's seat in his or her
22 guardianship case. *Thus, the law is clear that it is June who decides who she wants to manage*
23 *her affairs as well as her daily care.* June is able to make her preferences known. Mr. Yeoman
24 has never been June's first choice nor her second choice for that matter. Since June is able to
25 direct her attorney, there is no reason for Mr. Yeoman to increase litigation costs for all parties
26

27 ¹ Opposition to Motion for Protective Order, p. 9, filed February 20, 2020.

28 ² *Id.*

³ See NRS 159.328(h).

⁴ See NRS 159.328(i).

1 involved by filing a petition regarding June's stated preferences; Mr. Yeoman should refrain
2 from doing so.

3 However, if Mr. Yeoman chooses to depose a party regarding the Kraft home, the
4 deposition or depositions should be appropriately filed *in the civil action matter*, not this
5 guardianship case.

6
7 DATED this 3rd day of March, 2020.

8
9 **LEGAL AID CENTER OF
SOUTHERN NEVADA, INC.**

10 /s/ Maria L. Parra-Sandoval, Esq.

11 Maria L. Parra-Sandoval, Esq.

12 Nevada Bar No. 13736

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

14 725 E. Charleston Blvd

Las Vegas, NV 89104

Telephone: (702) 386-1526

Facsimile: (702) 386-1526

mparra@lacsnsn.org

16 *Attorney for Adult Protected Person Kathleen
17 June Jones*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 3rd day of March 2020, I deposited in the United States Mail at Las Vegas, Nevada, a copy of the foregoing document entitled **PROTECTED PERSON'S JOINDER TO GUARDIAN'S MOTION FOR PROTECTIVE ORDER** in a sealed envelope, mailed regular U.S. mail, upon which first class postage was fully prepaid, addressed to the following:

Teri Butler
586 N. Magdalena Street
Dewey, AZ 86327

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

Jen Adamo
14 Edgewater Drive
Magnolia, DE 19962

Courtney Simmons
765 Kimbark Avenue
San Bernardino, CA 92407

Scott Simmons
1054 S. Verde Street
Anaheim, CA 92805

Ampersand Man
2824 High Sail Court
Las Vegas, NV 89117

Division of Welfare and Supportive Services
Medicaid Chief Eligibility and Payments
1470 College Parkway
Carson City, NV 89706

Kimberly Jones
6277 Kraft Avenue
Las Vegas, NV 89130

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

Jeffrey Luszeck, Esq.
jluszeck@sdfnvlaw.com

Ross Evans, Esq.
revans@sdfnvlaw.com
Attorneys for Guardian

James Beckstrom
jbecstrom@maclaw.com
Attorney for Guardian

John Michaelson, Esq.
john@michaelsonlaw.com

1 Lora Caindec-Poland
2 lora@michaelsonlaw.com

Jeffrey Sylvester, Esq.
jeff@sylvesterpolednak.com
Attorneys for Robyn Friedman and Donna
Simmons

3 Ty Kehoe, Esq.
4 TyKehoeLaw@gmail.com

Matthew Piccolo, Esq.
matt@piccololawoffices.com

5 Laura A. Deeter, Esq.
6 laura@ghandilaw.com
Attorneys for Rodney Gerald Yeoman

Cheryl Becnel
ebecnel@maclaw.com

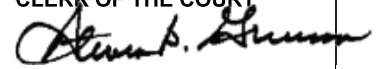
7 David C. Johnson
8 dcj@johnsonlegal.com

Geraldine Tomich
Gtomich@maclaw.com

9 LaChasity Carroll
10 lcarroll@nvcourts.nv.gov

Kate McCloskey
NVGCO@nvcourts.nv.gov

11
12
13 /s/Alexa Reanos
14 Employee of Legal Aid Center of Southern Nevada
15
16
17
18
19
20
21
22
23
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:

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

KATHLEEN JUNE JONES

Date of Hearing: March 17, 2020
Time of Hearing: 9:30 a.m.

An Adult Protected Person.

REPLY IN SUPPORT OF MOTION FOR PROTECTIVE ORDER

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 files her Reply in Support of Motion for Protective Order. This Motion is made and based upon all papers, pleadings, and records on file herein, the attached Memorandum of Points and Authorities, and any oral argument allowed at a hearing on this matter.

Dated this 3rd day of March, 2020.

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

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Discovery is not free of boundaries and is not a freestanding legal device. Indeed, by definition, the legal prerequisite to discovery is an actionable claim between one or more parties. In the present Guardianship action, this basic prerequisite does not exist because there is no actionable claim advanced by Mr. Yeoman. While counsel for Mr. Yeoman continually attempts to ignore this basic fundamental of civil litigation and has fallen increasingly out of touch with the purpose of Guardianship and this Court's prior orders, this is a simple issue. A party cannot conduct blind discovery with no pending cause of action before the Court.

Rather than file a Petition to provide notice to the Court, the Guardian, or the Protected Person's legal counsel regarding any issues Mr. Yeoman believes require judicial intervention, Mr. Yeoman and his counsel have served as the proverbial bull in a china shop throughout these proceedings. In doing so, Mr. Yeoman seems to be under the impression that some unknown adversarial proceeding remains in this guardianship action for him to litigate tooth and nail. This is incorrect.

These guardianship proceedings remain dormant as a matter of law as to Mr. Yeoman who remains nothing more than an interested party. A guardian has been appointed by a final order of this Court and no appeal has been taken within the statutory time to do so. Any pending petition of Mr. Yeoman was denied in full. All that remains following this Court's Order is for the investigators to provide their report(s) to the Court and for Kimberly to conduct any discovery she feels is necessary to marshal the assets of the Protected Person.

Thus, while Mr. Yeoman attempts to scream procedural murder, it is he who fails to recognize that none of the discovery he propounded was authorized and therefore the Guardian, nor any other interested party to this case, was under any obligation to take any action in response to the deposition notices, nor written requests for information. The Protective Order was filed after an exhausting back and forth with Mr. Yeoman's counsel who simply did not understand this. The Motion was filed properly and the request for fees and costs should be granted.

1 The Court never authorized Mr. Yeoman to start engaging in discovery. While Mr. Yeoman
2 attempts to mischaracterize snippets from the January 14, 2020 hearing, which was needlessly
3 expanded by Mr. Kehoe, Mr. Yeoman never raised any specific issue as to what he sought
4 discovery on and the Court referenced discovery in only the most cursory and general fashion.
5 While the Court is capable of making its own arguments concerning what was said, the undisputed
6 fact remains that no legal issue remains subject to litigation in the guardianship proceedings and
7 this case is not a facility for Mr. Yeoman to vindicate his personal pride. Indeed, the Court was
8 well aware during the January 14, 2020 hearing, that an A-Case was filed and acknowledged that
9 while “somebody could always file a petition to terminate [the Guardianship] tomorrow” as it
10 stood, nothing concerning the Guardianship was in a state of flux. *See* Hearing Transcript, January
11 14, 2020 at 21:2-7, on file.

12 Accordingly, the Motion must be granted as a matter of law and fees and costs should be
13 awarded.

14 **II. LEGAL ARGUMENT**

15 **A. AS A MATTER OF LAW, MR. YEOMAN HAS NOTHING TO CONDUCT**
16 **DISCOVERY ON, BECAUSE THERE IS NO PENDING PETITION**
17 **BEFORE THIS COURT.**

18 Discovery flows from an actionable legal claim, it is not an independent right. Mr.
19 Yeoman’s attorney mistakes the Court’s generic reference to discovery being open to mean he can
20 conduct discovery on everything under the sun with no notice to any party as to what he seeks to
21 adjudicate. While Mr. Yeoman did have a pending petition, that petition was denied, eliminating
22 any need for Mr. Yeoman to conduct any discovery. To be clear, the Court’s order did not mince
23 words:

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

26 Order at Exhibit 1.

27 Thus, as a matter of law, with no pending petition on file for any legal relief, discovery
28 cannot take place on behalf of Mr. Yeoman. While Mr. Yeoman’s attorney likely knows this, he
refuses to file a petition to state what legal issues he believes exist, because he knows the

1 guardianship statutes allow for the Guardian to move for fees and costs against him should a
2 frivolous or meritless petition be filed. *See* NRS 159.1853. Nonetheless, as it stands, an interested
3 party cannot conduct discovery without some cognizable legal claim at issue and as it stands Mr.
4 Yeoman is nothing more than a party on the sideline.

5 The only person who has the right to conduct discovery is the Guardian, because this right
6 was specifically granted to the Guardian by written order of the Court, as follows:

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

10 Order at Exhibit 1.

11 This Order properly tasked Kimberly with taking any action necessary to protect the
12 Protected Person. Kimberly has abided by that duty and has engaged in no discovery in the
13 Guardianship case, with the exception of subpoenaing financial documents connected to
14 transactions and accounts of the Protected Person, *because Mr. Yeoman has still never disclosed*
15 *those documents*, even after he was ordered to do so by the Court. Therefore, while Kimberly
16 maintains an ongoing duty to conduct discovery should she see it necessary, there is no other party
17 in this case at the present, except for interested parties who are as a matter of law, sitting on the
18 sideline.

19 In short, Mr. Yeoman can seek no relief from the Court, nor meaningfully oppose this
20 Motion because he has no present claims to litigate.

21 **B. THE PROTECTIVE ORDER WAS PROPER AND SHOULD BE**
22 **GRANTED.**

23 Counsel for Mr. Yeoman has lost sight of the forest for the trees. The purpose of a
24 protective order is to challenge improper and abusive discovery. While the filing of a motion for
25 protective order does not as a matter of law halt the complained of discovery, procedurally and
26 logically, a protective order that is granted does. In the Eighth Judicial District, the Federal District
27 of Nevada, and courts across the nation, a party seeking a protective order often does so at its own
28 risk. This case is no different. Mr. Yeoman refused to cooperate in good faith and his attorney

1 attempted to move forward with three depositions unilaterally set in a case with no pending
2 adversarial dispute. In response, counsel for the protected person met and conferred with Mr.
3 Yeoman's attorney on a number of occasions. *See* Emails, Mtn. at Exhibit 5. After realizing Mr.
4 Kehoe was out of touch with reality and had no legal basis to support his position, the undersigned
5 refused to kowtow to the unsupported demands and sought refuge from the Court.

6 Despite this, Mr. Kehoe refused to vacate his unilaterally set depositions and insisted his
7 "written discovery" be answered. In response to Mr. Kehoe's apparent inability to set forth any
8 viable legal argument in support of the Guardian expending thousands of dollars of additional fees
9 and costs in Mr. Kehoe's boundless discovery, on February 6, 2020, well before the deposition of
10 the Guardian was set, the instant motion was filed. After filing the Motion for Protective Order,
11 Mr. Kehoe was well aware the Guardian would not be appearing for the unilaterally set deposition,
12 nor responding to the abusive discovery requests he propounded. Mr. Kehoe having practiced in
13 this town for as long as he has apparently thought it was still a good idea to appear for a deposition
14 and incur costs. Opposition at 3:16-19. That is his fault. The idea of Mr. Kehoe even hinting at
15 fees or costs is absurd and is a true snapshot of the professionalism the undersigned is dealing with.

16 **C. THE GUARDIAN IS ENTITLED TO FEES AND COSTS INCURRED FOR**
17 **HAVING TO BRING THE INSTANT MOTION.**

18 NRCP 26 (c)(3) governs fees to a party who prevails on moving for a protective order and
19 incorporates the provisions of NRCP 37(a)(5), which states in relevant part:

20 If the motion is granted — or if the disclosure or requested discovery is provided
21 after the motion was filed — *the court must*, after giving an opportunity to be heard,
22 *require the party or deponent whose conduct necessitated the motion, the party or*
23 *attorney advising that conduct, or both to pay the movant's reasonable expenses*
24 *incurred in making the motion, including attorney fees.* But the court must not
25 order this payment if:

- 26 (i) the movant filed the motion before attempting in good faith
27 to obtain the disclosure or discovery without court action;
28 (ii) the opposing party's nondisclosure, response, or objection
was substantially justified; or
(iii) other circumstances make an award of expenses unjust.

Here, there is no doubt that the discovery sought is (1) improper and (2) abusive. There is
no pending petition or motion in front of the Court—despite this counsel for Yeoman continues to
improperly propound discovery and set depositions. The email exchanges between the attorneys

1 representing each person relevant to this Motion paint a surprisingly clear picture of Yeoman's
2 counsel's inability to follow proper procedures. *See* E-Mail Correspondence, at Exhibit 5. This is
3 sanctionable and fees and costs should not be required to come from the protected person or
4 Guardian's pocket. Instead, fees are required and should be ordered against Yeoman and his
5 attorney. Upon the Court ordering fees and costs, counsel for the Guardian will timely submit a
6 memorandum and points of authorities as to the fees sought.

7 To the extent Mr. Yeoman contends a "meet and confer" did not take place, that too is
8 simply false. The email chain provided for the Court makes it very clear that numerous efforts by
9 the undersigned took place to discuss this issue. The attestation of a licensed attorney signing a
10 pleading under penalty of perjury in Nevada satisfies the certification requirement of NRCP 37.
11 Any argument that fees and costs shouldn't follow because some sort of notarized declaration did
12 not accompany the Motion is further proof of Mr. Yeoman's failure to appreciate the purpose of
13 Guardianship court, which is to protect the Protected Person, by among other things, conserving
14 costs and avoiding excessive and unnecessary motion practice.

15 ///

16
17 ///

18
19 ///

20
21 ///

22
23 ///

24
25 ///

26
27 ///

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **REPLY IN SUPPORT OF MOTION FOR PROTECTIVE ORDER** was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 3rd day of March, 2020. 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

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/ Cally Hatfield
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).