

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

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Elizabeth A. Brown
Clerk of Supreme Court

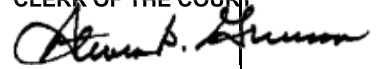
Appeal from the Eighth Judicial
District Court, the Honorable Linda
Marquis Presiding

RESPONDENTS' APPENDIX, VOLUME 8
(Nos. 949–1091)

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

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

KATHLEEN JUNE JONES,

Adult Protected Person.

Case No.: G-19-052263-A

Dept. No.: B

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

Kathleen June Jones ("June"), the protected person herein, by and through her counsel, Maria L. Parra-Sandoval, Esq., hereby objects to the Petition for Approval of Attorneys Fees and Costs and Request to Enter a Judgment Against the Real Property of the Estate, filed by Robyn Friedman and Donna Simmons, ("Petitioners"), the prior temporary guardians. 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.

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

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

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

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

¹ *In re Guardianship of Sleeth*, 244 P.3d 1169, 226 Ariz.171 (2010).
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1 expenses will be automatically paid out of the guardianship estate. Instead, they must face the
2 possibility that they will be liable for some of these costs. Otherwise, they have no financial
3 incentive to avoid poor decisions if the entirety of any financial risk is borne on the protected
4 person:

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

11 Here, Robyn Friedman and Donna Simmons, submit their request for reimbursement of
12 \$62,029.66 in attorney’s fees and costs.³ Petitioners seek to place a lien for this amount on the
13 protected person’s largest asset, her real property, located in California. Although Petitioners
14 only served as temporary guardians **for less than a one month period**, from September 23,
15 2019⁴ to October 15, 2019,⁵ Petitioners seek reimbursement of, what can only be characterized
16 as, an absurd amount of attorneys’ fees—including fees that stem from an earlier matter.
17 Petitioners submit attorneys’ fees requests that stem from a *previous* contentious probate matter
18 that did not benefit the protected person and was simply unproductive litigation. Similarly to the
19 guardian’s request in *Sleeth*, the present attorney’s fee request is a primary example of temporary
20 guardians lacking a financial incentive to avoid costly fees after substantial efforts to advance
21 their own interests, through both the present matter and the previous probate matter.
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26 ² *Id.*, 244 P.3d 1175, 266 Ariz. 177.

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

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

⁵ See Court Minutes, October 15, 2019.

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

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

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

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

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

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

1 guardianship matter, and consequently, the majority can be easily disallowed. The total to be
2 disallowed as related to the prior probate matter is **\$14,051.00**.⁸ The protected person should not
3 need to reimburse the Petitioners for any attorney's fees incurred prior to the present
4 guardianship case. An exception is the preparation of the guardianship pleadings, which can
5 easily be derived from the invoices, beginning with date 9/09/2019: LCP "Begin drafting
6 Petition for Guardianship." This is the first billing entry that should have been submitted to the
7 Court to consider.⁹ And this is the only billing entry from Invoice 12560 that may even arguably
8 be considered for possible reimbursement by June's estate. Any fee request for work prepared
9 on another matter is a *complete disregard* for the protected person's interests. Pre-guardianship
10 work, including engaging in unproductive litigation, should not be considered by this Court
11 pursuant to NRS 159.344(5)(k)-(n).
12

13 Finally, if this Court allows for a reimbursement of attorney's fees and costs, June
14 requests that fees be significantly reduced based on noncompliance with NRS 159.344. In
15 addition to the **\$14,051.00** that should be disallowed from Invoices 12460 and 12560;
16 **\$34,070.00**¹⁰ **should be disallowed** from Invoices: 12595, 12720 and 12748, for a **total**
17 **reduction of \$48,121.00** to be disallowed. See relevant objections next to each problematic
18 billing entry:
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25 ⁸ This number was calculated by adding the total reimbursable amounts requested from Invoice 12460 (\$4,900)
26 plus Invoice 12560 (\$10,201.00) = \$15,101. From the latter amount, counsel subtracted \$1,050 that should likely
27 be allowed for entry dated 9/9/2019 Begin Drafting Petition for Guardianship (Attorney LCP 3.5 hrs x \$350).

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

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

Invoice No. 12595

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

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

1							Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services.	
2								
3								
4	9/17/2019	LM	200	0.2	\$ 40.00	draft certificate of service for appointment of general guardian		\$ 40.00
5							NRS 159.344(5)(b) & Under NRS 159.344(5)(i), time for task is excessive and unreasonable; there is no rationale listed. With this entry, LCP has worked a total of 15.1 hours drafting and revising the same petition.	
6								
7								
8	9/17/2019	LCP	300	1.5	\$ 450.00	Further draft Petition for Temporary and General Guardianship		\$ 450.00
9								
10							NRS 159.344(5)(b) & Under NRS 159.344(5)(i), time for task is excessive and unreasonable; there is no rationale listed. With this entry, LCP has worked a total of 16.1 hours drafting and revising the same petition.	
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12								
13	9/17/2019	LCP	300	1	\$ 300.00	Further draft Petition for guardianship		\$ 300.00
14								
15							NRS 159.344(5)(b) & Under NRS 159.344(5)(i), time for task is excessive and unreasonable; there is no rationale listed for further revisions (in contrast, in other entries, revisions are made "per client request," which makes sense) & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed. With this entry, LCP has worked a total of 19.7 hours drafting and revising the same petition!	
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20	9/17/2019	LCP	300	3.6	\$ 1,080.00	Revisions to Petition; email to clients for review		\$ 1,080.00
21								
22								
23							Under NRS 159.344(5)(i), the first task should have been delegated to a lower biller; Under NRS 159.344(6)(b), no award is to be made for time that is block-billed & Under NRS 159.344 (6)(a)(no compensation for internal business activity).	
24								
25								
26	9/17/2019	JPM	450	3	\$ 1,350.00	Gather facts, research arguments, direct team and draft/edit/revise petition for temp and petition for general guardianship.		\$ 1,350.00
27								
28								

1						Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services.	
2							
3						Compile exhibits to be attached to ex parte petition for appointment of temporary guardian.	
4	9/18/2019	LM	200	0.4	\$ 80.00		\$ 80.00
5						Email Robyn and Donna regarding signatures on verifications to ex parte petition and on oath for the Letters of Temporary Guardianship	
6						Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(i), time for task is excessive and unreasonable; an email should be .1.	
7	9/18/2019	LM	200	0.3	\$ 60.00		\$ 45.00
8						Telephone call and leave message with Teri and Scott regarding our filing for appointment of temporary guardianship	
9						Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(i), time for task is excessive and unreasonable; each call should be .1. x \$150.	
10	9/18/2019	LM	200	0.3	\$ 60.00		\$ 30.00
11						telephone call with Teri regarding her opposing the petition for appointment of temporary guardian	
12						Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150.	
13	9/18/2019	LM	200	0.4	\$ 80.00		\$ 20.00
14						Under NRS 159.344(5)(i), time for task is excessive and unreasonable; there is <i>no rationale</i> listed for further revisions (in contrast, in other entries revisions are made "per client request," which makes sense; and I did not object to those) & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed. Important to note: with this entry, LCP has spent 23.7 hours drafting and revising this petition.	
15						Further revisions to Petition; email draft to clients	
16	9/18/2019	LCP	300	2.4	\$ 720.00		\$ 720.00
17						Gather facts, research arguments, direct team and draft/edit/revise petition for temp and petition for general guardianship.	
18						Under NRS 159.344(5)(i), the first task should have been delegated to a lower biller; Under NRS 159.344(6)(b), no award is to be made for time that is block-billed & Under NRS 159.344 (6)(a)(no compensation for internal business activity).	
19	9/18/2019	JPM	450	5	\$ 2,250.00		\$ 2,250.00

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

1							Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services.	
2	9/19/2019	LM	200	0.3	\$ 60.00	prepared amended citation		\$ 60.00
3						Email to clients re status of filing and next steps; sign Citation; review and sign Order	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed.	
4	9/19/2019	LCP	300	0.5	\$ 150.00			\$ 150.00
5						Various calls and communications with staff and attorneys for other parties in attempts to meet and confer to resolve claims and also prepare our petition for guardianship-draft/edit/ and revising same.	NRS 159.344(5)(b) & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed	
6	9/19/2019	JPM	450	1.7	\$ 765.00			\$ 765.00
7						Receipt of email from client with location of her mother	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(i), time for task is excessive and unreasonable; an email should be .1.	
8	9/20/2019	LM	200	0.2	\$ 40.00			\$ 25.00
9						email Dave at Servlaw to attempt personal service at the Kraft house address	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(i), time for task is excessive and unreasonable; an email should be .1 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services (this is not a legally substantive task).	
10	9/20/2019	LM	200	0.2	\$ 40.00			\$ 40.00
11						TC with JPM re providing advance copy of pleading to opposing counsel	Under NRS 159.344 (6)(a)(no compensation for internal business activity).	
12	9/20/2019	LCP	300	0.2	\$ 60.00			\$ 150.00
13						Various communications re obtaining guardianship and noticing other parties, as well as logistics b/w the parties re June's care and including responding to Ty Kehoe's ex parte contact with probate court re POA's that are	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed & Under NRS 159.344(5)(b), for "ex parte contact with probate court." How does that benefit the protected person?	
14	9/20/2019	JPM	450	1.3	\$ 585.00			\$ 585.00

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

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

Invoice No. 12720

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

					affidavit of personal appearance (.1)				
9/25/2019	LCP	300	1.1	\$	330.00	Review multiple emails from client; lengthy response email re: duties of guardian	Under NRS 159.344(5)(i), time for task is excessive and unreasonable; maybe a call would have lasted less? & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed.	\$	330.00
9/25/2019	JPM	450	0.6	\$	270.00	Review some communications. Phone conference with Robyn. Direct team.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed & Under NRS 159.344 (6)(a)(no compensation for internal business activity).	\$	270.00
9/25/2019	LCP	300	0.7	\$	210.00	Redraft of demand letters to T. Kehoe and D. Johnson per request of R. Friedman.	NRS 159.344(5)(b). How did this task benefit the protected person?	\$	210.00
9/25/2019	JPM	450	0.7	\$	315.00	Review of correspondence from Robyn. Direct team re letters to attorneys for other parties. Draft/edit/revise those letters. Send email to client with letter attached.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed & Under NRS 159.344 (6)(a)(no compensation for internal business activity) & Under NRS 159.344(5)(b), How did this task benefit the protected person?	\$	315.00
9/26/2019	LCP	300	0.9	\$	270.00	Revisions to demand letters to T. Kehoe and D. Johnson per client request.	NRS 159.344(5)(b). How did this task benefit the protected person?	\$	270.00
9/26/2019	LCP	300	0.3	\$	90.00	Send demand letters to opposing counsel	Under NRS 159.344(5)(i), time for task is excessive and unreasonable; & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services, regardless of who the biller is. These are all secretarial tasks--tasks that are not legally substantive (transmitting a letter).	\$	90.00

1						Review email from opposing counsel regarding requested items, temporary guardianship and visitation, then review and revise draft response email to opposing counsel regarding same.	Under NRS 159.344(5)(i), time for task is excessive and unreasonable; Under NRS 159.344(6)(b), no award is to be made for time that is block-billed & Under NRS 159.344(5)(b), How did it benefit the protected person?	
2	9/27/2019	AEF	350	0.4	\$ 140.00			\$ 140.00
3								
4						Telephone call with Robyn Friedman regarding email to her sister.	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4), no compensation for time spent performing secretarial or clerical services (tasks that are not legally substantive).	
5	9/27/2019	LM	200	0.2	\$ 40.00			\$ 40.00
6								
7						Numerous communications and emails to/from clients, David Johnson, Ty Kehoe trying to obtain June's identification and other property and resolve visitation issues.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed & Under NRS 159.344 (6)(a)(no compensation for internal business activity)-attorney David Johnson is a party in the probate matter, not this guardianship matter.	
8	9/27/2019	JPM	450	2	\$ 900.00			\$ 900.00
9								
10	9/27/2019	JPM	450	0.5	\$ 225.00	Later phone call with Ty Kehoe. Call with client.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed.	\$ 225.00
11						Review of combative Ty Kehoe communication and response thereto. Multiple communications with clients, counsel for Kimberly and Mr. Kehoe.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed.	
12	9/28/2019	JPM	450	0.8	\$ 360.00			\$ 360.00
13						Communications with all parties. Setup and participate in phone conference with Kimberly and her attorney.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed.	
14	9/29/2019	JPM	450	0.6	\$ 270.00			\$ 270.00
15								
16	9/30/2019	LCP	300	0.3	\$ 90.00	TC with Legal Aid attorney, M. Parra- Sandoval	Under NRS 159.344(5)(i), time for task is excessive and unreasonable; this was a short conversation, and Parra-Sandoval recorded a .1 on this date.	\$ 60.00

1							Under NRS 159.344 (6)(a)(no compensation for internal business activity)-attorney David Johnson was a party in the probate matter/POA action, not the guardianship matter; and has never appeared on the guardianship matter; & Under NRS 159.344(5)(b). How did this task benefit the protected person?	
2	10/1/2019	JPM	450	0.2	\$ 90.00	Communication with attorney David Johnson.		\$ 90.00
3							Under NRS 159.344(6)(b), no award is to be made for time that is block-billed & Under NRS 159.344 (6)(a)(no compensation for internal business activity).	
4	10/1/2019	JPM	450	0.5	\$ 225.00	Phone conference with Kimberly's new attorney Jeff Luszeck. Dictation and staff direction.		\$ 225.00
5							Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150.	
6	10/1/2019	LM	200	0.3	\$ 60.00	Review court file for oppositions to petition for appointment of guardianship.		\$ 15.00
7							Under NRS 159.344(5)(i), time for task is excessive and unreasonable--actual body includes three sentences plus a certificate of service; & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services, regardless of who the biller is. This Notice is equivalent to drafting a Notice of Entry of Order, which is a clerical task. There is also a form available.	
8	10/1/2019	LCP	300	0.5	\$ 150.00	Draft Notice of Intent to Move Protected Person		\$ 150.00
9							Under NRS 159.344(5)(g)(2) paralegal rate is excessive-the most should be \$150; & Under NRS 159.344(5)(i) this is not efficient or cost-effective--instead it is duplicative work (LCP charged .5 at the \$300 rate for reviewing this same document on the same date); & Under NRS 159.344(5)(b) How did this task benefit the protected person? LM did not draft anything from this.	
10	10/2/2019	LM	200	1.4	\$ 280.00	Receipt and review of Ty Kehoe's opposition to petition for appointment of temporary guardian and counter petition for appointment of temporary and general guardian.		\$ 280.00

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

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

Invoice No. 12748

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

						Under NRS 159.344(5)(i) time for task is excessive and unreasonable--LCP spent a total of 12.4 hours working on this Reply, and JPM spent an additional 2.2 on the same pleading. The filed pleading is 18 pages of writing plus exhibits, for a total of 56 pages. A chunk of the reply includes repetitive arguments from the Ex Parte Petition filed on 9-19-2019. The Reply should not have taken an excessive amount of time. If this Court will consider allowing this, it should only be the 2.2 hours for JPM (I did not include those entries as problematic).	
10/11/2019	LCP	300	0.5	\$	150.00	Draft Reply to Opposition	\$ 150.00
						Under NRS 159.344(5)(g)(2) paralegal rate is excessive-the most should be \$150; & Under NRS 159.344(5)(i) this is not efficient or cost-effective--instead it is duplicative work, since LCP is the main staff member drafting the Reply to Opposition (in fact, LCP billed 12 hours on this task).	
10/11/2019	LM	200	0.8	\$	160.00	Prepare response to counter petition for guardianship	\$ 160.00
						Under NRS 159.344(5)(g)(2) paralegal rate is excessive-the most should be \$150; & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services--these tasks are not legally substantive tasks; & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed-latter entry.	
10/11/2019	LM	200	0.6	\$	120.00	filing response before Tuesday's hearing and preparing a notice of move (.2); prepared a notice of move; efiled and eserved same with the court (.4).	\$ 120.00

1						Under NRS 159.344(5)(i) time for task is excessive and unreasonable--LCP spent a total of 12.4 hours working on this Reply, and JPM spent an additional 2.2 on the same pleading. The filed pleading is 18 pages of writing plus exhibits, for a total of 56 pages. A chunk of the reply includes repetitive arguments from the Ex Parte Petition filed on 9-19-2019. The Reply should not have taken an excessive amount of time. If this Court will consider allowing this, it should only be the 2.2 hours for JPM (I did not include those entries as problematic).	
2							
3							
4							
5							
6							
7							
8							
9							
10							
11	10/11/2019	LCP	300	1.7	\$ 510.00	Work on Reply to Opposition	\$ 510.00
12							
13						Review numerous pleadings and communications and draft/edit/revise response pleading. Communications with client and team re the same.	
14							
15							
16	10/12/2019	JPM	450	3.5	\$ 1,575.00		\$ 1,575.00
17							
18							
19							
20							
21							
22							
23							
24							
25							
26							
27	10/13/2019	LCP	300	2.6	\$ 780.00	Work on Reply to Opposition	\$ 780.00
28							

1							Under NRS 159.344(6)(b), no award is to be made for time that is block-billed (each task must be itemized with a time); & Under NRS 159.344 (6)(a)(no compensation for internal business activity)	
2						Review some emails and direct team on draft of response.		
3	10/13/2019	JPM	450	0.2	\$	90.00		\$ 90.00
4								
5							Under NRS 159.344(5)(i) time for task is excessive and unreasonable--LCP spent a total of 12.4 hours working on this Reply, and JPM spent an additional 2.2 on the same pleading. The filed pleading is 18 pages of writing plus exhibits, for a total of 56 pages. A chunk of the reply includes repetitive arguments from the Ex Parte Petition filed on 9-19-2019. The Reply should not have taken an excessive amount of time. If this Court will consider allowing this, it should only be the 2.2 hours for JPM (I did not include those entries as problematic).	
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16	10/14/2019	LCP	300	1.5	\$	450.00	Work on Reply to Opposition	\$ 450.00
17								
18								
19								
20	10/14/2019	LCP	300	0.9	\$	270.00	Gather and assemble documents that will be attached as exhibits to Reply.	\$ 270.00
21								
22								
23								
24								
25								
26	10/14/2019	LM	200	0.3	\$	60.00	Telephone call with Robyn Friedman and Donna to sign the respective verification pages to reply	\$ 60.00

1							Under NRS 159.344(5)(g)(2) paralegal rate is excessive-the most should be \$150; & Under NRS 159.344(5)(i), time for task is excessive and unreasonable, and not cost-efficient. This is work done prematurely. A general guardianship was never granted to these parties and thus this order could never have been filed.	
2								
3								
4								
5								
6						draft order granting petition for appointment of general guardian		
7	10/14/2019	LM	200	1.7	\$	340.00		\$ 340.00
8							Under NRS 159.344(5)(i), first task related to the supplement (which was really just a verification page and certificate of service) should have been delegated to a lower biller/paralegal; & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed (each task must be itemized with a time).	
9						Draft/edit/revise supplement and prepare arguments for hearing tomorrow.		
10	10/14/2019	JPM	450	2.5	\$	1,125.00		\$ 1,125.00
11							Under NRS 159.344(5)(g)(2) paralegal rate is excessive-the most should be \$150; & Under NRS 159.344(5)(i), time for task is excessive and unreasonable; & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services--these tasks are not legally substantive tasks.	
12								
13								
14								
15								
16								
17								
18						Receipt of email from Geri Tomich regarding scheduling at 2:00 p.m. meeting with JPM (.2); respond to same and calendar (.2).		
19	10/15/2019	LM	200	0.4	\$	80.00		\$ 80.00
20							Under NRS 159.344(5)(g)(2) paralegal rate is excessive-the most should be \$150; & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services--the telephone call is not a legally substantive task.	
21								
22								
23								
24						Telephone call with Sharon Coates regarding latest version of the care plan ... (.2); receipt and review of Rule 6 the initial guardianship care plan rule (.2)		
25	10/15/2019	LM	200	0.4	\$	80.00		\$ 50.00
26								
27								
28								

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

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

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1 **C. Conclusion**

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

10 DATED this 4th day of March 2020.

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

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

15 Maria L. Parra-Sandoval, Esq.
16 Nevada Bar No. 13736

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

19 725 E. Charleston Blvd
20 Las Vegas, NV 89104

21 Telephone: (702) 386-1526
22 Facsimile: (702) 386-1526

23 mparra@lacsns.org

24 Attorney for Adult Protected Person Kathleen
25 June Jones
26
27
28

CERTIFICATE OF SERVICE

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

Teri Butler
586 N. Magdalena Street
Dewey, AZ 86327

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

Jen Adamo
14 Edgewater Drive
Magnolia, DE 19962

Courtney Simmons
765 Kimbark Avenue
San Bernardino, CA 92407

Scott Simmons
1054 S. Verde Street
Anaheim, CA 92805

Ampersand Man
2824 High Sail Court
Las Vegas, NV 89117

Kimberly Jones
6277 Kraft Avenue
Las Vegas, NV 89130

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

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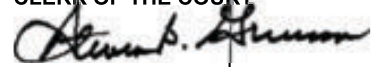
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1 **RPLY**

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12 Email: kelly@sylvesterpolednak.com

13 Attorneys for Robyn Friedman and Donna Simmons

14
15 **EIGHTH JUDICIAL DISTRICT COURT**
16 **FAMILY DIVISION**
17 **CLARK COUNTY, NEVADA**

18 IN THE MATTER OF THE
19 GUARDIANSHIP OF THE PERSON AND
20 ESTATE OF:

21 KATHLEEN JUNE JONES,

22 An Adult Protected Person.

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

**REPLY IN SUPPORT OF MOTION FOR
PROTECTIVE ORDER**

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

23 ROBYN FRIEDMAN and DONNA SIMMONS, by and through their attorneys of
24 record, John P. Michaelson, Esq., with the law firm of Michaelson & Associates, Ltd., and
25 Jeffrey R. Sylvester, Esq., with the law firm of Sylvester & Polednak, Ltd., hereby file this
26 Reply in Support of Motion for Protective Order (the "*Reply*").

27 This Reply is based on the Memorandum of Points and Authorities in the Motion, all of
28 the pleadings and papers on file in this case, and any oral argument allowed by the Court.

DATED this 10th day of March, 2020.

SYLVESTER & POLEDNAK, LTD.

By: 

Jeffrey R. Sylvester, Esq.

Kelly L. Schmitt, Esq.

1731 Village Center Circle

Las Vegas, Nevada 89134

Attorneys for Robyn Friedman and Donna
Simmons

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I.

3 FACTUAL BACKGROUND

4 1. On September 19, 2019, Robyn Friedman and Donna Simmons (the
5 “Petitioners”) commenced the instant action by filing an Ex Parte Petition for Appointment of
6 Temporary Guardian of the Person and Estate and Issuance of Letters of Temporary
7 Guardianship (the “Petition”).

8 2. On September 23, 2019, this Court granted the Petition, appointed Petitioners as
9 Temporary Guardians, and issued Letters of Temporary Guardianship reflecting same.¹

10 3. On October 3, 2019, this Court extended the Petitioners’ appointment as
11 Temporary Guardians. Notably, during the hearing, the protected person, through her court
12 appointed counsel, advised this Court of her wish for Kimberly Jones (“Kimberly”) to be
13 appointed as her guardian, if a guardianship is deemed necessary.²

14 4. On October 15, 2019, the protected person, through her court appointed counsel,
15 once again advised this Court of her wish for Kimberly to be appointed as her guardian.³

16 5. On that same date this Court, consistent with the protected person’s wishes,
17 appointed Kimberly as General Guardian of the protected person thereby denying Rodney
18 Gerald Yeoman’s (“Gerry”) counter-petition in its entirety. In addition, this Court expressly
19 revoked the Petitioners’ Letters of Guardianship.⁴ The Court also set a return hearing on the
20 Investigative Reports on January 14, 2020, *and if necessary, an evidentiary hearing on the*
21 *Investigative Reports for February 20, 2020* (emphasis added).⁵
22
23
24
25

26 ¹ See Notice of Entry of Order Granting Ex Parte Petition for Appointment of Temporary Guardians of the Person
27 and Estate and Issuance of Letters of Temporary Guardianship entered on September 23, 2019.

² See October 3, 2019 Transcript of Proceedings at p. 10, 4-11.

³ See October 15, 2019 Transcript of Proceedings at p.

28 ⁴ See Notice of Entry of Order dated November 25, 2019.

⁵ *Id.*

1 6. Notably, Gerry did not deem this Court's appointment of Kimberly as General
2 Guardian and denial of Gerry's Petition *in its entirety* to be an appealable issue, as Gerry did
3 not timely appeal the November 25, 2019 Order.

4 7. On November 22, 2019, Kimberly as General Guardian filed a Petition for
5 Return of Property of Protected Person seeking the return of the protected person's dogs and a
6 Petition for Confirmation to Bring Civil Actions on behalf of the protected person relating to the
7 improper transfer of the Kraft House.

8 8. On December 10, 2019, this Court determined the dogs - the real property at
9 issue - were the separate property of the protected person and further, set this issue for the
10 evidentiary hearing on February 20, 2020, out of an abundance of caution.

11 9. On December 23, 2019, Notice of Entry of Order granting the motion for return
12 of property and motion for confirmation to bring civil actions on behalf of protected person was
13 entered.

14 10. Notably, Gerry did not timely appeal the Court's December 23, 2019 Order.

15 11. On January 24, 2020, Gerry, through his counsel, issued via e-service Deposition
16 Notices to Petitioners requiring Donna, a California resident who has only appeared in this
17 matter through counsel and telephonically, to appear for deposition on February 7, 2020, and
18 Robyn to appear on February 11, 2020.

19 12. On that same date, Gerry, through his counsel, propounded Requests for
20 Admissions, Interrogatories, and Requests for Production of Documents on Petitioners seeking
21 facts relating to the appointment of guardian and facts relating to the "A" case.⁶

22 13. Upon the agreement of counsel for Gerry, counsel for Kimberly, and counsel for
23 the protected person, the February 20, 2020 Evidentiary Hearing was vacated.

24 14. This Court's February 7, 2020, Minute Order specifically states "[t]here are no
25 unresolved issues remaining in this matter."⁷

26
27
28 ⁶ On February 22, 2020, Kimberly as General Guardian commenced the "A" case against Gerry and Candice and Richard Powell relating to the improper transfer of the Kraft House, Case No. A- 19-807458-C.

15. Despite this, counsel for Gerry has refused to withdraw the written discovery issued to Petitioners and has also refused to vacate Petitioners' respective depositions.

II.

LEGAL ARGUMENT

A. Absent Case or Controversy, the Discovery Is Essentially A Fishing Expedition.

Assuming the February 20, 2020, evidentiary hearing had not been vacated, an evidentiary hearing isn't a discovery tool nor is it an open invitation for the parties to engage in a fishing expedition to see what arises. Rather, the purpose of an evidentiary hearing is for the district court to see and hear from witnesses in order to gauge their respective credibility to resolve the truth of any facts on which the witnesses disagree. If nothing is in dispute—if the parties agree on a single operative set of facts—then no evidentiary hearing is necessary because there are no questions of credibility for the district court to sort out by watching the competing witnesses testify in person and be subjected to cross-examination on any possible inconsistencies. *See U.S. v. de la Fuente*, 548 F.2d 528, 533 (5th Cir. 1977).

As recently as *Cuomo v. Clearing House Ass'n, LLC*, — U.S. —, —, 129 S.Ct. 2710, 2719, 174 L.Ed.2d 464 (2009), the Supreme Court stated that “[j]udges are trusted to prevent ‘fishing expeditions’ or an undirected rummaging through bank books and records for evidence of some unknown wrongdoing.” In *Rivera v. NIBCO, Inc.*, 364 F.3d 1057, 1072 (9th Cir.2004), the Ninth Circuit stated that “[d]istrict courts need not condone the use of discovery to engage in ‘fishing expedition[s]’ “and in *Hofer v. Mack Trucks, Inc.*, 981 F.2d 377, 380 (8th Cir.1993), the Eighth Circuit stated that the broad construction of relevancy “should not be misapplied so as to allow fishing expeditions in discovery.” *Hofer* further stated that “[s]ome threshold showing of relevance must be made before parties are required to open wide the doors of discovery and to produce a variety of information which does not reasonably bear upon the issues in the case.” *Id. Voggenthaler v. Maryland Square, LLC*, No. 2:08-CV-01618-RCJ, 2011

⁷ See February 7, 2020 Minute Order.

1 WL 112115, at *8 (D. Nev. Jan. 13, 2011), *on reconsideration in part*, No. 1:08-CV-L618-R CJ-
2 GWF, 2011 WL 902338 (D. Nev. Feb. 28, 2011).

3 Here, this Court previously determined the central issue of this matter - the appointment
4 of a guardian to protect the person and estate of Kathleen June Jones. More specifically, this
5 Court determined by clear and convincing evidence that Kimberly shall be appointed as General
6 Guardian and in doing so, this Court expressly considered and *denied* Gerry's request to be
7 appointed as such. The deadline for Gerry to appeal the appointment of Kimberly as guardian
8 has long since expired. Gerry is not permitted to conduct discovery as he is not a party.

9 The appointment of a guardian or more specifically any perceived inability of Kimberly
10 to perform her duties as General Guardian was not an issue contemplated by this Court for the
11 February 20, 2020 evidentiary hearing. As the record reflects, the only two issues for the
12 Court's consideration on February 20, 2020, included the return of the dogs and the receipt of
13 the Investigative Reports. Thus, the Court permitted limited discovery in the context of the
14 evidentiary hearing, not a fishing expedition on any and all matters.

15 Notwithstanding, Gerry propounded written discovery seeking facts relating to the
16 appointment of guardian, facts relating to the "A" case, and facts relating to the dogs - the only
17 issue ripe for the then pending evidentiary hearing. Once the dog issue was resolved and the
18 evidentiary hearing vacated - the written discovery as propounded sought wholly irrelevant
19 information.

20 N.R.C.P. 26(b)(1) allows discovery of matters "relevant to the subject matter in the
21 pending action..." and further states that "it is not ground for objection that the information
22 sought will be inadmissible at the trial if the information sought appears reasonably calculated
23 to lead to the discovery of admissible evidence." Accordingly, the information sought
24 through discovery must be relevant to the subject matter of the action and reasonably calculated
25 to lead to the discovery of admissible evidence. Generally speaking, "[a]ll relevant evidence is
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1 admissible”⁸ “[R]elevant evidence’ means evidence having any tendency to make the existence
2 of any fact that is of consequence to the determination of the action more or less probable than it
3 would be without the evidence.”⁹

4 Absent a case or controversy, it is difficult to adequately prepare a client for deposition
5 or to prepare responses to written discovery. For example:

- 6 a. what discovery is relevant within the definition of relevancy; and
7 b. if the order is final, and the court found by clear and convincing
8 evidence, a guardian is necessary, what discovery is permitted that predates the order.

9 There is no pending controversy in this matter warranting discovery. There is no NRCP
10 16.1; no scheduling order and no discovery cut-off.

11 It is undisputed the Petitioners initiated the instant action for the appointment of a
12 guardian over their mother. It is undisputed this Court appointed Kimberly as the guardian of
13 the protected person so any discovery related to this issue is moot. It is undisputed the “A”
14 case was authorized by this Court and subsequently filed by Kimberly to deal directly with the
15 improper transfer of the Kraft House. Thus this guardianship proceeding is not the proper
16 forum for conducting any discovery related to the “A” case. It is also undisputed that the dogs
17 have been returned to the protected person so any discovery related to that issue is moot. It is
18 also undisputed that the Petitioners appointment as temporary guardians has been revoked by
19 this Court. Thus, Petitioners are no longer parties to the instant action subjecting them to
20 Gerry’s abusive discovery tactics including but not limited to improperly propounding written
21 discovery and serving deposition notices on Petitioners after their revocation as temporary
22 guardians. Any such requests should have been directed to the Petitioners by way of subpoena
23 in accordance with NRCP 34(c) and NRCP 45. Gerry’s attempt to bootstrap the irrelevant
24 written discovery directed to Petitioners with that of the premature written discovery related to
25 the “A” case which has absolutely nothing to do with Petitioners is wholly improper. There is
26

27 ⁸ NRS 48.025(1)

28 ⁹ NRS 48.015 (emphasis added).

1 no case or controversy currently pending to allow for discovery in this guardianship
2 proceeding. Petitioners are entitled to a protective order relating to the written and deposition
3 discovery.

4 **III.**

5 **CONCLUSION**

6 In light of the foregoing, Petitioners respectfully request this Court issue a protective
7 order (1) quashing their improper deposition notices; and (2) requiring Gerry to withdraw the
8 improper written discovery.

9 DATED this 10th day of March, 2020.

10 **SYLVESTER & POLEDNAK, LTD.**

11
12 By: 

13 Jeffrey R. Sylvester, Esq.

Kelly L. Schmitt, Esq.

14 1731 Village Center Circle

Las Vegas, Nevada 89134

15 *Attorneys for Robyn Friedman and Donna*
16 *Simmons*

CERTIFICATE OF SERVICE

Pursuant to N.R.C.P. 5(b), I hereby certify that I am an employee of SYLVESTER & POLEDNAK, LTD. and that on this 10th day of March, 2020, I caused to be served a copy of the above-entitled document on the parties set forth below via the Court e-filing system where an email address is provided and/or by depositing the same in the United States Mail, first class, postage prepaid, addressed as follows:

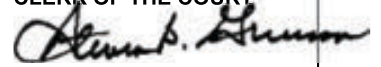
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Ross E. Evans, Esq.
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6 *Attorneys for Respondent Kimberly Jones*

7 **DISTRICT COURT**

8 **CLARK COUNTY, NEVADA**

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

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

11 KATHLEEN JUNE JONES

12 An Adult Protected Person.

13 **OPPOSITION TO FRIEDMAN AND SIMMONS' PETITION FOR APPROVAL OF**
14 **ATTORNEYS' FEES AND COSTS AND REQUEST TO ENTER A JUDGMENT**
15 **AGAINST THE REAL PROPERTY OF THE ESTATE; AND JOINDER TO KATHLEEN**
JUNE JONES' OBJECTION

16 Kimberly Jones ("Kimberly"), by and through her counsel of record, Jeffrey P. Luszeck,
17 Esq., and Ross E. Evans, Esq., of the law firm Solomon Dwiggins & Freer, Ltd., hereby objects to
18 Friedman and Simmons' Petition for Approval of Attorneys' Fees and Costs and Request to Enter
19 a Judgment Against the Real Property of the Estate ("Petition for Fees"), and further Joins in the
20 Objection submitted by Kathleen June Jones. In support thereof, Kimberly responds as follows:

21 1. Robyn Friedman ("Robyn") and Dona Simmons ("Donna") incurred \$32,195.50 in
22 attorneys' fees before they even filed their Ex Parte Application to appoint themselves as
23 Temporary Guardians in this matter on September 19, 2019.¹ These fees also predate the NRS
24 159.344 Notice of Intent to Seek Fees, which was included in such Petition. Accordingly, this
25 portion of fees should be denied in its entirety.

26 2. Moreover, as noted by counsel for the Protected Person, these pre-filing fees

27
28 ¹ See, Petition for Fees, at Exhibit 1, thereto.

1 related to a failed attempt by Robyn and Donna to have the Probate Court issue a judicial
2 declaration construing the Protected Person's Power of Attorney. However, rather than proceed in
3 that Court, Robyn and Donna jumped ship to seek their Ex Parte appointment as Guardians,
4 despite and contrary to the terms of the same Power of Attorney which designated their sister
5 Kimberly to serve as Guardian.

6 3. In moving for Guardianship, Robyn and Donna allege that they had to file
7 immediately and on an ex parte basis for temporary guardianship because they allege that
8 Kimberly had done nothing to investigate the circumstances regarding the financial misconduct
9 by the Protected Person's spouse, Gerald Yeoman ("Gerald"), and son-in-law, Dick Powell. The
10 temporary guardianship and ex parte filing was a completely unnecessary and wasteful expense,
11 as nothing needed to occur in less than the typical 30 days it takes to set a hearing in Guardianship
12 Court. Moreover, all of the factual basis for alleged by Robyn and Donna for why they needed to
13 file on an emergency and ex parte basis, had already occurred demonstrating that there was no
14 current risk of financial or physical harm at the time of filing. While Robyn and Donna argue that
15 Gerald had threatened to evict his spouse from the residence where she resided, they ignore that
16 there was no pending eviction at the time of their filing, and that the Protected Person would have
17 been able to oppose any future attempted eviction in justice court. Further, housing was never an
18 important question because the Protected Person owns real property in California to which she
19 could have relocated at any moment.

20 4. Moreover, Kimberly had taken a number of actions since learning of the financial
21 misconduct which negate Robyn and Donna's allegations that they had to seek an emergency ex
22 parte appointment as Temporary Guardians. For instance, prior to Robyn and Donna's ex parte
23 filings, Kimberly had already initiated complaints and made a report to Las Vegas Metro Police
24 Department and the Elder Abuse Detail, as well as generated complaint reports to Elder Protective
25 Services. Kimberly took the following actions since learning of the facts constituting the financial
26 misconduct:

- 27 a. On July 15, 2019, Kimberly retained attorney David Johnson to pursue recovery
28 of the Protected Person's interest in the real property. Mr. Johnson, Esq.,

recorded a lis pendens against the real property.

- b. August 8, 2019 - Called Metro to meet her at Dick Powell's house because he refused to let [the Protected Person] leave.
- c. August 9, 2019 - Called Las Vegas Metro Elder Abuse & Neglect left message. Detective Ploense called back, he took information and said that it would be assigned to a detective on Monday.
- d. August 12, 2019 - Called Las Vegas Metro Elder Abuse & Neglect, case assigned to Detective Ortega #6747 702-828-3364.
- e. August 21, 2019 - Called Elder Protective Services and Detective Ortega, left messages.
- f. August 22, 2019 - Called Elder Protective Services, spoke to Juan Gonzalez.
- g. August 26, 2019 - Spoke with Michelle Pester, LCSW Cleveland Clinic about Gerry cancelling [the Protected Person]'s medical appointments.
- h. August 27, 2019 - Det. Brambilla Metro Elder Protective Services called said the case had been re-assigned to him. Dropped off case information and documents at Metro station for Det. Brambilla.
- i. August 29, 2019 - Spoke with Alysson Thewes, LCSW Clinical Social Worker at Cleveland Clinic.
- j. August 30, 2019 - Ruth Almen Director of Clinical Social Work at Cleveland Clinic called. Ruth said she would be making a report to Elder Protective Services about Gerry cancelling [the Protected Person]'s medical appointments.
- k. August 31, 2019 - Called Metro and had them meet me at Dick's house because Dick would not allow me to see [the Protected Person]. Gerry was at Mayo Clinic in Arizona.
- l. September 3, 2019 - Left message with Det. Brambilla about Dick Powell with drawing \$1000 using [the Protected Person]'s ATM card.
- m. September 19, 2019 - Det. Brambilla called and scheduled interview.
- n. September 24, 2019 - Interview at 10:00 with Det. Brambilla at Las Vegas Metro.
- o. September 30, 2019 - Spoke with Taylor Belding Elder Protective Services 702-486-7081, gave her Det. Brambilla's contact information.
- p. November 4, 2019 - Taylor Belding Elder Protective Services email communication. Taylor Belding Elder Protective Services came to the Kraft house and spoke to [the Protected Person] between August 22-September 3.

See, true and correct June Jones Elder Protective Services and Las Vegas Metro Contact Record, attached hereto as **Exhibit 1**.

5. These events demonstrate that not only was Kimberly investigating the financial

1 misconduct, but she was actively pursuing and participating in a criminal investigation into the
2 circumstances of the financial misconduct. Further, Kimberly had already retained counsel and
3 was in the process of initiating a lawsuit against Gerald Yeoman and Dick Powell on behalf of the
4 Protected Person which was interrupted due to Robyn and Donna's Ex Parte Petition for
5 Guardianship. Indeed, despite that Kimberly regularly communicated her actions to her sisters,
6 they failed to give either Kimberly or the Protected Person with advanced notice that they would
7 be seeking a temporary guardianship. Notwithstanding, their unnecessary and premature filing,
8 Robyn and Donna ultimately capitulated that Kimberly should be the Guardian.

9 6. The Protected Person's Estate should not be charged the enormous legal fees
10 incurred by Robyn and Donna prior to their initiating the Guardianship which had nothing to do
11 with the Guardianship. Nor should the Protected Person's estate be charged for Robyn and
12 Donna's legal fees for their unnecessary ex parte filings, nor the legal fees incurred while they
13 squabbled over whether Kimberly should be appointed Guardian. Indeed, this Court removed
14 Robyn and Donna as temporary guardians and appointed Kimberly Jones as Guardian at the
15 hearing on October 15, 2019, which was within a month of their ex parte filings.

16 7. It does not appear that there were any legal services rendered for Robyn and
17 Donna in seeking Guardianship or responding to the various responses to the Guardianship, which
18 actually benefitted the Protected Person or her Estate. Indeed, even after Robyn and Donna were
19 appointed temporarily as Guardians, they maintained Kimberly as the day-to-day caregiver until
20 her appointment as the permanent Guardian. Thus, despite Robyn and Donna's ex parte filings,
21 the status quo remained virtually the same, as Kimberly took care of her mother before, during,
22 and following the ex parte temporary guardianship. Therefore, the Court should determine that
23 there was no benefit to the Protected Person by these early filings, and the Protected Person
24 should not have to bear the enormous legal expenses racked up by Robyn and Donna.

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

27 a. Denying the Petition For Approval Of Attorneys' Fees And Costs And Request To
28

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



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Enter A Judgment Against The Real Property Of The Estate; and

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

DATED this 11th day of March, 2020.

SOLOMON DWIGGINS & FREER, LTD.

By 

JEFFREY P. LUSZECK, ESQ. (#9619)

ROSS E. EVANS, ESQ. (#11374)

9060 West Cheyenne Avenue

Las Vegas, Nevada 89129

Attorneys for Kimberly Jones

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of March, 2020, pursuant to NRCP 5(b), I caused a true and correct copy of the foregoing **OPPOSITION TO FRIEDMAN AND SIMMONS' PETITION FOR APPROVAL OF ATTORNEYS' FEES AND COSTS AND REQUEST TO ENTER A JUDGMENT AGAINST THE REAL PROPERTY OF THE ESTATE; AND JOINDER TO KATHLEEN JUNE JONES' OBJECTION**, 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:
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john@michaelsonlaw.com

Kathleen Jones, Adult Protected Person:
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Rodney Gerald Yeoman:
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Laura A. Deeter, Esq.
GHANDI DEETER BLACKAM
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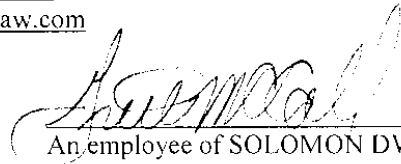

An employee of SOLOMON DWIGGINS & FREER, LTD.

EXHIBIT 1

June Jones Elder Protective Services and Las Vegas Metro Contact Record

1. August 8, 2019

Called Metro to meet me at Dick Powell's house because he refused to let mom leave.

2. August 9, 2019

Called Las Vegas Metro Elder Abuse & Neglect left message. Detective Ploense called back, he took information and said that it would be assigned to a detective on Monday.

3. August 12, 2019

Called Las Vegas Metro Elder Abuse & Neglect, case assigned to Detective Ortega #6747 702-828-3364.

4. August 21, 2019

Called Elder Protective Services and Detective Ortega, left messages.

5. August 22, 2019

Called Elder Protective Services, spoke to Juan Gonzalez.

6. August 26, 2019

Spoke with Michelle Pester, LCSW Cleavland Clinic about Gerry cancelling mom's medical appointments.

7. August 27, 2019

Det. Brambilla Metro Elder Protective Services called said the case had been re-assigned to him. Dropped off case information and documents at Metro station for Det. Brambilla.

8. August 29, 2019

Spoke with Alysson Thewes, LCSW Clinical Social Worker at Cleveland Clinic.

9. August 30, 2019

Ruth Almen Director of Clinical Social Work at Cleveland Clinic called. Ruth said she would be making a report to Elder Protective Services about Gerry cancelling my mom's medical appointments.

10. August 31, 2019

Called Metro and had them meet me at Dick's house because Dick would not allow me to see my mom. Gerry was at Mayo Clinic in Arizona.

11. September 3, 2019

Left message with Det. Brambilla about Dick Powell with drawing \$1000 using my mom's ATM card.

12. September 19, 2019

Det. Brambilla called and scheduled interview.

13. September 24, 2019

Interview at 10:00 with Det. Brambilla at Las Vegas Metro.

14. September 30, 2019

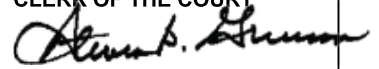
Spoke with Taylor Belding Elder Protective Services 702-486-7081, gave her Det. Brambilla's contact information.

June Jones Elder Protective Services and Las Vegas Metro Contact Record

15. November 4, 2019

Taylor Belding Elder Protective Services email communication.

-Taylor Belding Elder Protective Services came to the Kraft house and spoke to my mom between August 22-September 3, I am not certain of the exact date.



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**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,
Protected Person.

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

**JOINDER IN OPPOSITIONS TO PETITION FOR APPROVAL OF ATTORNEY'S FEES
AND COSTS AND REQUEST TO ENTER A JUDGMENT AGAINST THE REAL
PROPERTY OF THE ESTATE**

<input type="checkbox"/> TEMPORARY GUARDIANSHIP <input type="checkbox"/> Person <input type="checkbox"/> Estate <input type="checkbox"/> Special Guardianship <input type="checkbox"/> Person and Estate	<input checked="" type="checkbox"/> GENERAL GUARDIANSHIP <input type="checkbox"/> Person <input type="checkbox"/> Estate <input type="checkbox"/> Special Guardianship <input checked="" type="checkbox"/> Person and Estate
<input type="checkbox"/> SPECIAL GUARDIANSHIP <input type="checkbox"/> Person <input type="checkbox"/> Estate <input type="checkbox"/> Special Guardianship <input type="checkbox"/> Person and Estate	<input type="checkbox"/> NOTICES / SAFEGUARDS <input type="checkbox"/> Blocked Account Required <input type="checkbox"/> Bond Required <input type="checkbox"/> Public Guardian's Bond

1 Rodney Gerald Yeoman (“Gerry”), husband of the Protected Person Kathleen June Jones,
2 by and through his counsel Ty E. Kehoe, Esq., Laura A. Deeter, Esq., and Matthew C. Piccolo,
3 Esq., submits this Joinder in Oppositions to Petition for Approval of Attorney’s Fees And Costs
4 and Request to Enter a Judgment Against the Real Property of the Estate (“Petition”). Gerry
5 joins in the oppositions filed by both the Protected Person, and Kimberly.
6

7 Additionally, Gerry points out the Petition seeks attorney’s fees and costs totaling a
8 substantial portion of the financial concerns the original guardianship petition raised related to
9 the Protected Person. In fact, the disputed equity in the Kraft Property, which is the underlying
10 basis of this guardianship, totals approximately \$105,000. The Petition seeks fees and costs over
11 \$60,000 from the Protected Person for a few weeks of a temporary guardianship. One counsel
12 for the current guardian has already asked for over \$23,000 in additional attorney’s fees and costs
13 from the Protected Person. The other counsel for the current guardian has not yet filed an
14 application for attorney’s fees and costs, but almost certainly has incurred over \$22,000 which
15 will be sought to be paid by the Protected Person. Thus, the entire equity which the guardians
16 have suggested they are seeking for the Protected Person has already been lost to attorney’s fees
17 and costs, and the litigation regarding the equity has barely even commenced. These financial
18 realities indicate the attorney’s fees and costs sought in the Petition are not reasonable.
19

20 Concerns are raised regarding the actions of Robyn and Donna based upon the fact that
21 Kimberly (the person with the purported power of attorney for the Protected Person), and Gerry
22 (the husband of the Protected Person), were working together for resolution prior to the ex parte
23 petition for temporary guardianship, and both opposed the petition for temporary and general
24 guardianship. Additionally, both Kimberly and Gerry had priority under the statute to be
25 appointed guardian over Robyn and Donna who started this guardianship process and sought the
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1 temporary guardianship. These facts indicate the attorney's fees and costs sought in the Petition
2 are not reasonable.

3 Kimberly and her attorney argue there was no emergency need for the temporary
4 guardianship. Gerry has repeatedly argued the same. Neither Robyn nor Donna have ever proven
5 any emergency need. The only alleged financial risk to the Protected Person had occurred
6 approximately 18 months before the ex parte petition for temporary guardianship. These facts
7 indicate the attorney's fees and costs sought in the Petition are not reasonable.
8

9 The Petition is seeking over \$60,000 in attorney's fees and costs for just the temporary
10 guardianship. That is not reasonable. \$60,000 for a temporary guardianship because of a concern
11 over \$105,000 in alleged disputed equity is not reasonable. There has still not been any adequate
12 analysis of the disputed equity which precipitated this entire guardianship proceeding.
13

14 Additionally, as to the pending discovery disputes, based upon the fee application by
15 Robyn and Donna, as well as the disputed issues regarding the commencement of this
16 guardianship (particularly the temporary guardianship upon which the Petition is based), along
17 with the disputed issues regarding the alleged emergency need for the temporary guardianship,
18 additional grounds exist for Robyn and Donna to be treated as parties herein and subject to the
19 discovery requests propounded by Gerry and currently under consideration by this Court.
20

21 Dated this 12th day of March, 2020.

KEHOE & ASSOCIATES

22 /s/ Ty E. Kehoe

Ty E. Kehoe, Esq.

23 **CERTIFICATE OF SERVICE**

24 I HEREBY CERTIFY on the 12th day of March, 2020, I served a true and correct copy of
25 the Joinder in Oppositions to Petition for Approval of Attorney's Fees And Costs and Request to
26 Enter a Judgment Against the Real Property of the Estate via electronic service through the court's
27 efile system to the following, or via US First Class Mail postage pre-paid to the addresses listed:
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Counsel for Kimberly Jones

All other parties on the court's system

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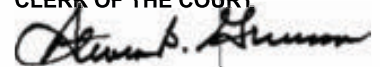
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Counsel for Kimberly Jones

/s/ Ty E. Kehoe
Ty E. Kehoe



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DISTRICT COURT

CLARK COUNTY, NEVADA

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

Kathleen June Jones,)

An Adult Protected Person.)

Case Number: G-19-052263-A

Department: B

Date of Hearing: 03/17/2020

Time of Hearing: 9:30 a.m.

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

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

5 ☐ TEMPORARY GUARDIANSHIP

- 6 ☐ Person
7 ☐ Estate ☐ Summary Admin.
8 ☐ Person and Estate

9 ☐ SPECIAL GUARDIANSHIP

- 10 ☐ Person
11 ☐ Estate ☐ Summary Admin.
12 ☐ Person and Estate

13 ☒ GENERAL GUARDIANSHIP

- 14 ☐ Person
15 ☐ Estate ☐ Summary Admin.
16 ☒ Person and Estate

17 ☒ NOTICES / SAFEGUARDS

- 18 ☐ Blocked Account
19 ☐ Bond Posted
20 ☒ Public Guardian Bond

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

LEGAL ARUGMENT

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

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

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

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

...

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

...

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

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

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

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

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

10 4. As stated in paragraph 33, page 13 of Petitioners' Petition for Approval of Attorney's Fees
11 and Costs and Request to Enter a Judgment Against the Real Property of the Estate ("Petition for
12 Attorneys' Fees"), Petitioners acknowledge that they are personally liable for payment of
13 attorney's fees and costs incurred in retaining an attorney to represent them in a guardianship
14 proceeding. Although counsel for Ms. Jones and counsel for Kimberly Jones allege that the
15 services performed did not confer an actual benefit to the protected person or advanced the
16 protected person's best interest, the opposite is true. In addition, counsel for Gerry in its
17 Opposition to Petition for Attorney's Fees join counsel for Kimberly by arguing *there was no*
18 *emergency need for the temporary guardianship* and that *[n]either Robyn nor Donna have ever*
19 *proven any emergency need*. See Gerry's Joinder in Opposition for Attorney's Fees at lines 3-4 on
20 page 3 of 4. Again, the opposite to this allegation is true, as was clearly confirmed by this Court's
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1 appointment of Petitioners as temporary guardians and then by the subsequent appointment of
2 Kimberly as the general guardian. In particular, in granting the temporary guardianship, the court
3 was very concerned about a lack of access to medication, allegations of "granny snatching",
4 potential for violence between the parties, the emotional toll all of this had had on Ms. Jones, the
5 lack of transparency or information about accounts, the fact that so many assets had been
6 admittedly lost during Kimberly's tenure as POA agent, Richard Powell's intransigence, Gerry's
7 unwillingness to provide medical information, the eviction proceedings against Ms. Jones'
8 caregivers, false reports to Metro and the FBI that the POA agent, Kimberly Jones, had kidnapped
9 her mother, the fact that Dick Powell and group took Ms. Jones out of state over the objection of
10 the POA agent Kimberly, and despite being in close contact with Mr. Michaelson about the issue,
11 the fact that Mr. Kehoe continued to misrepresent Commissioner Yamashita's statements about the
12 validity of the POA (Commissioner Yamashita specifically said he was not opining on the validity
13 of the POA's, but Mr. Kehoe continued to tell people the Commissioner had "concerns" about the
14 POA's), Mr. Kehoe openly expressing to the Court and others without basis that he doesn't respect
15 the POA's, Ms. Jones not having access to her clothing, no plan of care in place, no accounting or
16 inventory filed or otherwise provided by Kimberly Jones despite repeated requests for
17 transparency and clarification. This issue has been repeatedly raised in pleadings and fully
18 litigated at length in the hearings and the Court has continued to reject the specious claim that there
19 was no basis for either the temporary or general guardianship.
20

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

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

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

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

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

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

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

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

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

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

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

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

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

11 15. Petitioners have been more than reasonable in their responses to Ms. Jones' attorneys'
12 objections to the individual billing charges. For example, even though Ms. Jones' attorneys state
13 no statute or case to support their contention that \$200 per hour is an excessive billing rate for a
14 paralegal, Petitioners have conceded this point and agreed to a paralegal rate of \$150 per hour. On
15 the other hand, Ms. Jones' attorneys' demand that the entirety of each objected to charge be written
16 off completely, is not reasonable. Where block billing and excessive time have been alleged,
17 Petitioners have adjusted some of those amounts. This result is fair to all involved, and consistent
18 with the notion that Petitioners should not be required to bear the entire burden of their efforts to
19 protect Ms. Jones from other members of the family.
20

1 16. In the light of recent changes occurring in the law of guardianship, this case might set a
2 precedent should it be appealed by opposing counsel. If the objecting attorneys' argument that all
3 contested charges be completely eliminated prevails, we could end up with a situation in Nevada
4 where only the wealthy can afford to protect their loved ones through the guardianship process
5 because guardians would be forced to pay out of pocket. Also, the Court should bear in mind that
6 Petitioners are not seeking compensation from Ms. Jones' liquid assets, but only a lien against her
7 real property so that they can be compensated after her death.

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

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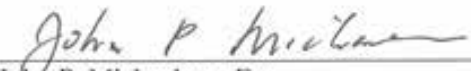
19. Attached hereto as *Exhibit 1* is responses to Ms. Jones' attorney's objections to
Petitioner's invoices.

CONCLUSION

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

DATED: March 12, 2020.

MICHAELSON & ASSOCIATES, LTD.


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

CERTIFICATE OF SERVICE

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

Kathleen June Jones 6277 Kraft Avenue Las Vegas, Nevada 89130	Maria L. Parra-Sandoval, Esq. mparra@lacsni.org Alexa Reanos areanos@lacsni.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	Courtney Simmons 765 Kimbark Avenue

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


Employee of Michaelson & Associates

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EXHIBIT 1

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Invoice No. 12595

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

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

Date	Tmkr	Rate	Time	Amount (\$)	Description	Objection	Proposed Reduction	Petitioner's Response	Petitioner's fee reduction proposal
9/13/2019	LCP	300	0.4	\$ 120.00	TC with JPM; email to clients re: info needed for Petition	NRS 159.344(5)(b) & Under NRS 159.344 (6)(a)(no compensation for internal business activity) & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed.	\$ 120.00	How does objector conclude this is internal business activities? Attorneys are not required to disclose work product to justify fees. This was time spent analyzing case and preparing pleadings.	\$ 0.00
9/16/2019	LCP	300	2.3	\$ 690.00	Further revisions to Petition for Guardianship	Under NRS 159.344(5)(1), time for task is excessive and unreasonable; there is no rationale for the revisions (in contrast, in other entries, revisions are made "per client request," which makes sense). NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$1.50 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services	\$ 690.00	Not required to document every reason for every change. Objection is purely speculation. LCP is a quality writer and work is just and reasonable. Courtesy reduction.	\$ 600.00
9/16/2019	LM	200	0.3	\$ 60.00	Begin preparing ancillary documents for appointment of temporary guardianship	NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$1.50 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services	\$ 60.00	This is not a secretarial or clerical task. Billing is just, reasonable, and necessary. Suggest billing be reduced to \$45.	\$ 15.00

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

Date	Tmkr	Rate	Time	Amount (\$)	Description	Objection	Proposed Reduction	Petitioner's Response	Petitioner's fee reduction proposal
9/17/2019	LM	200	1.2	\$ 240.00	Continue to Draft all ancillary temporary guardianship documents; draft guardian's acknowledgment of duties; draft citation to appear and show cause for general	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or	\$ 240.00	Partially conceded. Suggest that billing be reduced to \$90.	\$ 90.00
9/17/2019	LM	200	0.2	\$ 40.00	draft certificate of service for appointment of general guardian	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or	\$ 40.00	Rate reduced as courtesy though no authority cited. This is paralegal work because ensuring proper service is extremely important and can be complex.	\$ 10.00

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

Date	Tmkr	Rate	Time	Amount (\$)	Description	Objection	Proposed Reduction	Petitioner's Response	Petitioner's fee reduction proposal
9/17/2019	LCP	300	3.6	\$ 1,080.00	Revisions to Petition; email to clients for review	NRS 159.344(5)(b) & Under NRS 159.344(5)(i), time for task is excessive and unreasonable; there is no rationale listed for further revisions (in contrast, in other entries, revisions are made "per client request," which makes sense) & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed. With this entry, LCP has worked a total of 19.7 hours drafting and revising the same petition!	\$ 1,080.00	Not required to list rationale or internal thinking for every entry. Courtesy reduction.	\$ 500.00
9/17/2019	JPM	450	3	\$ 1,350.00	Gather facts, research arguments, direct team and draft/edit/revise petition for temp and petition for general guardianship.	Under NRS 159.344(5)(i), the first task should have been delegated to a lower biller; Under NRS 159.344(6)(b), no award is to be made for time that is block-billed & Under NRS 159.344 (6)(a)(no compensation for internal business activity).	\$ 1,350.00	No. as reflected by JPM's lesser total hours on virtually all projects, many items are delegated. However, to do a proper job, lead attorney will do some fact gather himself/herself, requires judgment, familiarizes with case. Not to be delegated. This is not block billing but	\$0.00

Date	Tmkr	Rate	Time	Amount (\$)	Description	Objection	Proposed Reduction	Petitioner's Response	Petitioner's fee reduction proposal
								relates all to same item.	
						Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$1.50 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services.		Not secretarial work.	
9/18/2019	LM	200	0.4	\$ 80.00	Compile exhibits to be attached to ex parte petition for appointment of temporary guardian.		\$ 80.00		\$ 0.00
						Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$1.50 & Under NRS 159.344(5)(i), time for task is excessive and unreasonable; an email should be 1.		Completely disagree. Courtesy reduction for rate.	\$ 15.00
9/18/2019	LM	200	0.3	\$ 60.00	Email Robyn and Donna regarding signatures on verifications to ex parte petition and on oath for the Letters of Temporary Guardianship		\$ 45.00		

Date	Tmkr	Rate	Time	Amount (\$)	Description	Objection	Proposed Reduction	Petitioner's Response	Petitioner's fee reduction proposal
9/18/2019	LM	200	0.3	\$ 60.00	Telephone call and leave message with Teri and Scott regarding our filing for appointment of temporary guardianship	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(i), time for task is excessive and unreasonable; each call should be .1. x \$150.	\$ 30.00	Completely disagree. Reduction only for rate as courtesy.	\$15.00
9/18/2019	LM	200	0.4	\$ 80.00	telephone call with Teri regarding her petition for appointment of temporary guardian	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150.	\$ 20.00	Completely disagree. Reduction only for rate as courtesy.	\$ 20.00

Date	Tmkr	Rate	Time	Amount (\$)	Description	Objection	Proposed Reduction	Petitioner's Response	Petitioner's fee reduction proposal
9/18/2019	LCP	300	2.4	\$ 720.00	Further revisions to Petition; email draft to clients	Under NRS 159.344(5)(i), time for task is excessive and unreasonable; there is <i>no rationale</i> listed for further revisions (in contrast, in other entries revisions are made "per client request," which makes sense; and I did not object to those) & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed. Important to note: with this entry, LCP has spent 23.7 hours drafting and revising this petition.	\$ 720.00	Not required to list attorney rationale. This work and many other entries concern two related petitions – temp and general.	\$ 0.00
9/18/2019	JPM	450	5	\$ 2,250.00	Gather facts, research arguments, direct team and draft/edit/revise petition for temp and petition for general guardianship.	Under NRS 159.344(5)(i), the first task should have been delegated to a lower biller; Under NRS 159.344(6)(b), no award is to be made for time that is block-billed & Under NRS 159.344 (6)(a)(no compensation for internal business activity).	\$ 2,250.00	No. as reflected by JPM's lesser total hours on virtually all projects, many items are delegated. However, to do a proper job, lead attorney will do some fact gather himself/herself, requires judgment, familiarizes with case. not to be delegated. This is	\$ 225.00

Date	Tmkr	Rate	Time	Amount (\$)	Description	Objection	Proposed Reduction	Petitioner's Response	Petitioner's fee reduction proposal
								not block billing but relates all to same item. Courtesy reduction.	
9/18/2019	LCP	300	0.9	\$ 270.00	Various tasks associated with finalizing Petition	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed; "various tasks" is too vague as well.	\$ 270.00	This is not block billed. One item – finalizing petition. Not required to show attorney's thinking.	\$ 0.00
9/19/2019	LCP	300	0.1	\$ 30.00	TC with JPM	Under NRS 159.344 (6)(a)(no compensation for internal business activity).	\$ 30.00	This related to matters at hand, could have been more specific.	\$ 30.00

Date	Tmkr	Rate	Time	Amount (\$)	Description	Objection	Proposed Reduction	Petitioner's Response	Petitioner's fee reduction proposal
9/19/2019	LCP	300	0.5	\$ 150.00	revisions to Petition	Under NRS 159.344(5)(i), time for task is excessive and unreasonable; there is <i>no rationale</i> listed for further revisions (in contrast, in other entries revisions are made "per client request," which makes sense). By this billing entry, 18.2 solid hours have already been billed just to <i>revising</i> the Petition for Guardianship. There's more time that can't be deciphered from block-billing entries. And there's more time billed for "drafting" the petition. The final document is 30 pages, plus exhibits.	\$ 150.00	There were two petitions, temp and general. Allocate 1/2 to each if necessary. Lots of moving parts and adverse parties in this litigation.	\$ 0.00

Date	Tmkr	Rate	Time	Amount (\$)	Description	Objection	Proposed Reduction	Petitioner's Response	Petitioner's fee reduction proposal
9/19/2019	LM	200	0.2	\$ 40.00	Filed petition for appointment of temporary guardian	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services.	\$ 40.00	This is not a secretarial or clerical task. Courtesy reduction to \$30.	\$ 10.00
9/19/2019	LM	200	1	\$ 200.00	drafted order granting temporary guardianship	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(i), time for task is excessive and unreasonable; the law firm would likely have a template already available for this task that can be recycled.	\$ 100.00	We reduce rate as courtesy. We have templates but every order has to be carefully crafted and reviewed.	\$50.00

Date	Trkr	Rate	Time	Amount (\$)	Description	Objection	Proposed Reduction	Petitioner's Response	Petitioner's fee reduction proposal
9/19/2019	LM	200	0.2	\$ 40.00	efiled citation to appear and show cause	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services.	\$ 40.00	This is not a secretarial or clerical task.	\$ 10.00
9/19/2019	LM	200	0.3	\$ 60.00	prepared amended citation	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services.	\$ 60.00		\$ 15.00
9/19/2019	LCP	300	0.5	\$ 150.00	Email to clients re status of filing and next steps; sign Citation; review and sign Order	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed.	\$ 150.00	Statute does not preclude curing alleged block billing. Assign .1 to each task.	\$ 60.00

Date	Tmkr	Rate	Time	Amount (\$)	Description	Objection	Proposed Reduction	Petitioner's Response	Petitioner's fee reduction proposal
9/19/2019	JPM	450	1.7	\$ 765.00	Various calls and communications with staff and attorneys for other parties in attempts to meet and confer to resolve claims and also prepare our petition for guardianship-draft/edit/ and revising same.	NRS 159.344(5)(b) & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed	\$ 765.00	Statute does not preclude curing alleged block billing. Assign .1 to each task. Bill as follows: Various calls and communications with staff and attorneys for other parties in attempts to meet and confer to resolve claims (.8) and also prepare our petition for guardianship-draft/edit/ and revising same. (.7)	\$ 0.00
9/20/2019	LM	200	0.2	\$ 40.00	Receipt of email from client with location of her mother	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(i), time for task is excessive and unreasonable; an email should be .1.	\$ 25.00	Partially conceded. Suggest reduction to \$15.	\$ 25.00

Date	Trkr	Rate	Time	Amount (\$)	Description	Objection	Proposed Reduction	Petitioner's Response	Petitioner's fee reduction proposal
9/20/2019	LM	200	0.2	\$ 40.00	email Dave at Servlaw to attempt personal service at the Kraft house address	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(i), time for task is excessive and unreasonable; an email should be .1 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services (this is not a legally substantive task).	\$ 40.00	Adjust only for rate as a courtesy.	\$10.00
9/20/2019	LCP	300	0.2	\$ 60.00	TC with JPM re providing advance copy of pleading to opposing counsel	Under NRS 159.344(6)(a)(no compensation for internal business activity).	\$ 150.00	Counsel for Legal Aid erroneously deducted \$150 instead of the stated amount of \$60. This is conferring on strategy. Not internal business activity.	\$0.00

Date	Tmkr	Rate	Time	Amount (\$)	Description	Objection	Proposed Reduction	Petitioner's Response	Petitioner's fee reduction proposal
9/20/2019	JPM	450	1.3	\$ 585.00	Various communications re obtaining guardianship and noticing other parties, as well as logistics b/w the parties re June's care and including responding to Ty Kehoe's ex parte contact with probate court re POA's that are not being honored, etc...	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed & Under NRS 159.344(5)(b), for "ex parte contact with probate court." How does that benefit the protected person?	\$ 585.00	Statute does not preclude curing alleged block billing. Assign .1 to each task. Bill as follows: Various communications re obtaining guardianship and noticing other parties .3, as well as logistics b/w the parties re June's care .2 and including responding to Ty Kehoe's ex parte contact with probate court re POA's that are not being honored, etc....2	\$270.00
9/23/2019	LM	200	0.2	\$ 40.00	Telephone call with Chryste in Dept. B regarding approval of order granting temporary guardianship	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services	\$ 40.00	Paralegal needs to handle this type of call as paralegal is familiar with case. adjust for rate only.	\$ 10.00

Date	Tmkr	Rate	Time	Amount (\$)	Description	Objection	Proposed Reduction	Petitioner's Response	Petitioner's fee reduction proposal
						(this is not a legally substantive task).			
9/23/2019	LM	200	0.1	\$ 20.00	calendar return date for appointment of temporary guardian	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services.	\$ 20.00	This is paralegal work, not secretarial. Calendar calculations are extremely important. We want this done by paralegal. Dates and calendaring in litigated cases are essential. Statute does not define this as secretarial work.	\$ 5.00
9/23/2019	LM	200	0.3	\$ 60.00	telephone call with Dave at Servlaw regarding status of service of amended citation and petition upon June Jones (.2); follow-up email from Dave at Servlaw to also serve the order granting the temporary guardianship (.1);	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services.	\$ 60.00	Adjust for rate only. These are extremely important activities, not secretarial.	\$ 15.00

Date	Tmkr	Rate	Time	Amount (\$)	Description	Objection	Proposed Reduction	Petitioner's Response	Petitioner's fee reduction proposal
9/23/2019	LM	200	0.4	\$ 80.00	second telephone call with Chryste regarding faxing over a copy of the order (.2); emailed a copy of the order granting the temporary guardianship to the clients (.2);	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services.	\$ 80.00	Not secretarial. Adjust for rate only.	\$ 20.00
9/23/2019	LM	200	0.3	\$ 60.00	efiled the notice of entry of order granting temporary guardianship and arranged for mailing of same (.2); emailed Dave to also serve the Order Granting the Temporary Guardianship (.1)	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services.	\$ 60.00	Coordinating these items is not secretarial work.	\$ 45.00
9/23/2019	LCP	300	0.4	\$ 120.00	Call from JPM re obtaining Order from Judge's Clerk (.1); call from D. Johnson (.2); communication with JPM re status of Order and message from D. Johnson (.1)	Under NRS 159.344 (6)(a)(no compensation for internal business activity).	\$ 120.00	This is not internal business but legal work by an attorney coordinating with various sides to get important work done.	\$0.00

Date	Tmkr	Rate	Time	Amount (\$)	Description	Objection	Proposed Reduction	Petitioner's Response	Petitioner's fee reduction proposal
9/23/2019	JPM	450	0.4	\$ 180.00	Various communications and direction to team re guardianship.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed & Under NRS 159.344 (6)(a)(no compensation for internal business activity).	\$ 180.00	Not block billed. Not required to enumerate every aspect of what we do. This case was fast paced. JPM frequently communicated with various parties within minutes of each other about the same issue, then with clients.	\$0.00
9/23/2019	JPM	450	2.2	\$ 990.00	Various communications with client, counsel for Kimberly, counsel for Dick and Gerry. On phone while Robyn visits Kraft house and informs Kimberly of guardianship, to answer questions. Later conversations and emails with clients.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed.	\$ 990.00	This matter was one running item. Trying to resolve issues and get cooperation of all sides who were resisting guardian. NOT block bill.	\$0.00
9/24/2019	LM	200	0.5	\$ 100.00	Emailed a copy of the Letters...(2); arrange to obtain certified copies...(2); emailed a copy of the Letters...to Ty Kehoe and David Johnson (.1).	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$1.50 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing	\$ 100.00	Not secretarial. Adjust for rate only as courtesy.	\$25.00

Date	Tmkr	Rate	Time	Amount (\$)	Description	Objection	Proposed Reduction	Petitioner's Response	Petitioner's fee reduction proposal
						secretarial or clerical services.			

Total proposed reduction for invoice no. 12595 \$ 14,395.00 Total petitioner's proposed amount to be paid \$2,740.00

Invoice No. 12720

Date	Trnkr	Rate	Time	Amount	Description	Objection	Proposed Reduction (\$)	Petitioner's Response	Petitioner's fee reduction proposal
9/25/2019	LM	200	0.6	\$120.00	Receipt of email... regarding obtaining certified copies (.1); Respond to same (.2); prepare receipt of documents (.1); email Robyn that certified copies are ready for pickup (.1); telephone call and leave message with Donna...; filed affidavit of personal appearance (.1)	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services. These are <i>all</i> secretarial tasks--tasks that are not legally substantive.	\$ 120.00	No, no and no. Secretary not familiar with day to day activities of case. Most appropriate person to coordinate with client is paralegal working the case. ridiculous arm-chair quarterbacking by legal aid. Courtesy adjust for rate only.	\$ 30.00
9/25/2019	LCP	300	1.1	\$ 330.00	Review multiple emails from client; lengthy response email re: duties of guardian	Under NRS 159.344(5)(i), time for task is excessive and unreasonable; maybe a call would have lasted less? & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed.	\$ 330.00	How does legal aid unilaterally conclude this is block billing? Its not. All relate to one item.	\$0.00

9/25/2019	JPM	450	0.6	\$ 270.00	Review some communications. Phone conference with Robyn. Direct team.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed & Under NRS 159.344 (6)(a)(no compensation for internal business activity).	\$ 270.00	How does legal aid unilaterally conclude this is block billing? Its not. All relate to one item.	\$0.00
9/25/2019	LCP	300	0.7	\$ 210.00	Redraft of demand letters to T. Kehoe and D. Johnson per request of R. Friedman.	NRS 159.344(5)(b). How did this task benefit the protected person?	\$ 210.00	This task protected the overall interest of the protected person. This is invalid objection and legal aid should pay fees for having to answer many of these speculative and ridiculous objections. Not required to explain benefit in every entry. See body of response to objections. Lots of harm to protected person, not being adequately addressed by clients of either attorney.	\$ 0.00

9/25/2019	JPM	450	0.7	\$ 315.00	Review of correspondence from Robyn. Direct team re letters to attorneys for other parties. Draft/edit/revise those letters. Send email to client with letter attached.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed & Under NRS 159.344 (6)(a)(no compensation for internal business activity) & Under NRS 159.344(5)(b), How did this task benefit the protected person?	\$ 315.00	No block billing. All one item. No internal business activity. Re question: This task protected the overall interest of the protected person. This is invalid objection and legal aid should pay fees for having to answer many of these speculative and ridiculous objections. Not required to explain benefit in every	\$ 0.00
9/26/2019	LCP	300	0.9	\$ 270.00	Revisions to demand letters to T. Kehoe and D. Johnson per client request.	NRS 159.344(5)(b). How did this task benefit the protected person?	\$ 270.00	This task protected the overall interest of the protected person. This is invalid objection and legal aid should pay fees for having to answer many of these speculative and ridiculous objections. Not required to explain benefit in every	\$ 0.00

						entry. See body of response to objections. Lots of harm to protected person, not being adequately addressed by clients of either attorney.	
					Under NRS 159.344(5)(i), time for task is excessive and unreasonable; & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services, regardless of who the biller is. These are all secretarial tasks--tasks that are not legally substantive (transmitting a letter).	Sending letter includes some revisions before sending. Demand letters are critical. Valid time in support of protecting protected person.	
9/26/2019	LCP	300	0.3	\$ 90.00	Send demand letters to opposing counsel	\$ 90.00	\$ 0.00
9/27/2019	AEF	350	0.4	\$ 140.00	Review email from opposing counsel regarding requested items, temporary guardianship and visitation, then review and revise draft response email to opposing counsel regarding same.	This task protected the overall interest of the protected person. This is invalid objection and legal aid should pay fees for having to answer many of these speculative and ridiculous objections. Not required to explain	\$0.00

						person?		benefit in every entry. See body of response to objections. Lots of harm to protected person, not being adequately addressed by clients of either attorney.	
9/27/2019	LM	200	0.2	\$ 40.00	Telephone call with Robyn Friedman regarding email to her sister.	Under NRS 159.344(5)(g)(2)) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4), no compensation for time spent performing secretarial or clerical services (tasks that are not legally substantive).	\$ 40.00	How could legal aid in sincerity conclude this is secretarial? This is bad faith! The paralegal is working this case, is very familiar with the client who frequently calls with questions, this is not secretarial. Rate adjustment is courtesy. Not required to explain legal significance in every entry.	\$ 10.00
9/27/2019	JPM	450	2	\$ 900.00	Numerous communications and emails to/from clients, David Johnson, Ty Kehoe trying to obtain June's identification and other property and resolve visitation issues.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed & Under NRS 159.344 (6)(a)(no compensation for internal business activity)-attorney David Johnson is a party in the probate matter, not this	\$ 900.00	Legal aid is incorrect. Not block bill, all one item, part of same conversation about personal property and visitation. These were two issues frequently addressed in the same conversation. David Johnson heavily involved in	\$ 0.00

						guardianship matter.	and after probate matter including guardianship, had knowledge of some facts and whereabouts of items.	
9/27/2019	JPM	450	0.5	\$ 225.00	Later phone call with Ty Kehoe. Call with client.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed.	No block billing. Call with Ty, report to client. Legal aid knows this and shows insincerity of legal aid objections.	\$ 0.00
9/28/2019	JPM	450	0.8	\$ 360.00	Review of combative Ty Kehoe communication and response thereto. Multiple communications with clients, counsel for Kimberly and Mr. Kehoe.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed.	No block billing. All portions of these sentences relate to same issues and form a continuum of action.	\$0.00
9/29/2019	JPM	450	0.6	\$ 270.00	Communications with all parties. Setup and participate in phone conference with Kimberly and her attorney.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed.	No block billing. All portions of these sentences relate to same issues and form a continuum of action.	\$ 0.00
9/30/2019	LCP	300	0.3	\$ 90.00	TC with Legal Aid attorney, M. Parra-Sandoval	Under NRS 159.344(5)(i), time for task is excessive and unreasonable; this was a short conversation, and Parra-Sandoval	LCP recorded .3. time not excessive. May have involved some preparation prior to call or afterward. Statute does not require	\$0.00

						recorded a .1 on this date.	recording of literally every separate subpart of an activity.	
10/1/2019	JPM	450	0.2	\$ 90.00	Communication with attorney David Johnson.	Under NRS 159.344 (6)(a)(no compensation for internal business activity)-attorney David Johnson was a party in the probate matter/POA action, not the guardianship matter; and has never appeared on the guardianship matter; & Under NRS 159.344(5)(b). How did this task benefit the protected person?	David Johnson involved in early stages of guardianship action. Knowledge of many matters relating to the guardianship. Not required to list in every entry an express statement of benefit to protected person. David knew Kimberly who was supposed to serve as guardian but refused, understood her intentions and communicated with her.	\$ 0.00
10/1/2019	JPM	450	0.5	\$ 225.00	Phone conference with Kimberly's new attorney Jeff Luszeck. Dictation and staff direction.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed & Under NRS 159.344 (6)(a)(no compensation for internal business activity).	No block billing. Each phrase is subpart of one item.	\$0.00

10/1/2019	LM	200	0.3	\$	60.00	Review court file for oppositions to petition for appointment of guardianship.	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150.	\$	15.00	Courtesy adjust for rate.	\$15.00
10/1/2019	LCP	300	0.5	\$	150.00	Draft Notice of Intent to Move Protected Person	Under NRS 159.344(5)(i), time for task is excessive and unreasonable--actual body includes three sentences plus a certificate of service; & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services, regardless of who the biller is. This Notice is equivalent to drafting a Notice of Entry of Order, which is a clerical task. There is also a form available.	\$	150.00	Not excessive, no prohibition of attorney doing this work that is part of larger efforts to protect Ms. Jones.	\$0.00

10/2/2019	JPM	450	4.5	\$ 2,025.00	Communications all day with clients, opposing counsel re hearing prep and efforts to settle issues. Review opposition briefs and supplements thereto.	Under NRS 159.344(5)(g)(2)) paralegal rate is excessive--the most should be \$150; & Under NRS 159.344(5)(i) this is not efficient or cost-effective--instead it is duplicative work (LCP charged .5 at the \$300 rate for reviewing this same document on the same date); & Under NRS 159.344(5)(b) How did this task benefit the protected person? LM did not draft anything from this. LCP is the one that has been drafting and revising documents.	\$ 280.00	Courtesy adjustment for rate. Ridiculous question in objection from legal aid. This paralegal was very involved in this case. She read to familiarize and contribute her thoughts to attorneys.	\$ 70.00
10/2/2019	JPM	450	4.5	\$ 2,025.00	Under NRS 159.344(6)(b), <i>no award</i> is to be made for time that is block-billed (each task must be itemized with a time).	No block billing. Each phrase relates to the same item – the hearing. Hearings virtually always entail efforts to settle outstanding matters.	\$0.00		

10/3/2019	JPM	450	3.2	\$ 1,440.00	Settlement negotiations at court; client conferences at court; participate in hearing and follow up conversations with clients and opposing attorneys.	Under NRS 159.344(6)(b), <i>no award</i> is to be made for time that is block-billed (each task must be itemized with a time).	\$ 1,440.00	No block billing. Each phrase relates to the same item – the hearing. Hearings virtually always entail efforts to settle outstanding matters.	\$0.00
10/4/2019	LM	200	0.5	\$ 100.00	Receipt of email from Donna to confirm her address and to send future mail to her certified mail (.2); email to Donna and Robyn letting them know certified copies of the Order Extending the Temporary Guardianship are ready for pickup (.3).	Under NRS 159.344(5)(g)(2)) paralegal rate is excessive-the most should be \$150; & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services--these are not legally substantive tasks.	\$ 100.00	Adjustment for rate. This is paralegal work coordinating with clients. Many clients express frustration with getting pawmed off by other firms on secretarial staff who's lack of familiarity and sophistication frustrates clients and actually slows the matter down, despite a lower billing rate.	\$0.00
10/4/2019	LCP	300	0.4	\$ 120.00	Discuss with JPM re: caregiver compensation	Under NRS 159.344 (6)(a)(no compensation for internal business activity).	\$ 120.00	Legal matter in case, planning for potential next steps. Unsure how legal aid saw a basis for claiming internal business activity.	\$0.00
10/4/2019	LCP	300	0.5	\$ 150.00	Incorporate R. Friedman's requests for items into the existing list of demanded items	Under NRS 159.344(5)(i), time for task is excessive and unreasonable, and could have been delegated to a lower	\$ 105.00	This is attorney work.	\$ 0.00

						biller (paralegal \$150 x .3).		
10/4/2019	JPM	450	0.3	\$ 135.00	Communications re compensation for Kimberly as caregiver.	Under NRS 159.344(6)(b), no award is to be made for time that is block- billed (each task must be itemized with a time).	Not block billed, one item.	\$0.00
10/7/2019	LM	200	0.4	\$ 80.00	Review of email from Geraldine Tomich requesting copy of the petition for guardianship (.2); emailed a copy to Ms. Tomich (.2).	Under NRS 159.344(5)(g)(2)) paralegal rate is excessive--the most should be \$150; & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services--these tasks are not legally substantive tasks.	Not secretarial work. Adjust for rate only as courtesy.	\$ 20.00

10/8/2019	LM	200	0.3	\$ 60.00	Attempt to cal Cindy Sauchak of the Las Vegas Metropolitan Police Department (.1); email Ms. Sauchak regarding setting up a telephone conference with JPM (.1); telephone call with Metro's abuse and neglect (.1)	Under NRS 159.344(5)(g)(2) paralegal rate is excessive--the most should be \$150; & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services--these tasks are not legally substantive tasks.	\$ 60.00	Detective was with elder abuse team. Asked paralegal to explain situation and try to expedite phone conference. Obvious work for a paralegal familiar with the case, not a secretary with no case/issue familiarity or sophistication. Adjust for rate only as courtesy.	\$ 15.00
10/8/2019	JPM	450	0.3	\$ 135.00	Communications with clients and Kimberly's counsel discussing issues and trying to arrange face to face settlement meeting.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed (each task must be itemized with a time).	\$ 135.00	Obviously not block billing.	\$0.00
10/8/2019	LM	200	0.7	\$ 140.00	Telephone call with Detective Ludwig at Metro's abuse and neglect unit regarding setting up conference call.	Under NRS 159.344(5)(g)(2) paralegal rate is excessive--the most should be \$150; Under NRS 159.344(5)(i), time for task is excessive and unreasonable; & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services--this task is	\$ 140.00	Adjust for rate only. Paralegal work because she knows case and issues. Directed her to bring detective up to speed as much as possible and arrange meeting.	\$ 35.00

						not a legally substantive task.			
10/9/2019	JPM	450	2.8	\$ 1,260.00	Continue preparing for settlement conference. Travel to and participate in settlement conference at Kimberly's attorney's office.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed (each task must be itemized with a time).	\$ 1,260.00	Time is all related and not block billed. Billing is reasonable, just and necessary.	\$ 0.00
Total proposed reduction for invoice no. 12720							\$ 9,960.00	Total Petitioner's proposed amount to be paid	\$195.00

Invoice No. 12748

Date	Tmkr	Rate	Time	Amount	Description	Objection	Proposed Reduction (\$)	Petitioner's Response	Petitioner's fee proposal
10/10/2019	LM	200	0.6	\$120.00	Drafted notice of intent for Scott Simmons to appear by telephone at the hearing on October 15th (.5); telephone call and leave message for Scott to confirm the telephone number we can reach him at next week (.1)	Under NRS 159.344(5)(g)(2) paralegal rate is excessive--the most should be \$150; Under NRS 159.344(5)(i), time for task is excessive and unreasonable--the notice of intent to appear by telephone is a standard document/form is available; & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services--these tasks are not a legally substantive tasks.	\$120.00	Not block billed, not unreasonable, not excessive and not secretarial. Scott has been key player. Need someone familiar with case/issues to coordinate with him should he answer to get his feedback. Adjust for rate only as courtesy.	\$30.00
10/11/2019	LM	200	0.5	\$100.00	Review of emails received from client to compel opposing party to provide information and documentation on finances and personal information such as passport and medical records (.2); review guardianship statutes regarding petition for instruction (.3).	Under NRS 159.344(5)(g)(2) paralegal rate is excessive--the most should be \$150.	\$25.00	Adjust for rate only as courtesy.	\$25.00

10/11/2019	LCP	300	4.2	\$1,260.00	Draft Reply to Opposition	Under NRS 159.344(5)(i) time for task is excessive and unreasonable--LCP spent a total of 12.4 hours working on this Reply, and JPM spent an additional 2.2 on the same pleading. The filed pleading is 18 pages of writing plus exhibits, for a total of 56 pages. A chunk of the reply includes repetitive arguments from the Ex Parte Petition filed on 9-19-2019. The Reply should not have taken an excessive amount of time. If this Court will consider allowing this, it should only be the 2.2 hours for JPM (I did not include those entries as problematic).	\$ 1,260.00	Not excessive given opposition and difficulty from at times three opposing parties. Courtesy discount.	\$260.00
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					Under NRS 159.344(5)(i) time for task is excessive and unreasonable--LCP spent a total of 12.4 hours working on this Reply, and JPM spent an additional 2.2 on the same pleading. The filed pleading is 18 pages of writing plus exhibits, for a total of 56 pages. A chunk of the reply includes repetitive arguments from the Ex Parte Petition filed on 9-19-2019. The Reply should not have taken an excessive amount of time. If this Court will consider allowing this, it should only be the 2.2 hours for JPM (I did not include those entries as problematic).		Not excessive given opposition and difficulty from at times three opposing parties.	
10/11/2019	LCP	300	0.5	\$ 150.00	Draft Reply to Opposition	\$ 150.00	Courtesy rate adjustment. Paralegal reviewed, important pleading. Not same as LCP's work/pleading.	\$ 0.00
10/11/2019	LM	200	0.8	\$ 160.00	Prepare response to counter petition for guardianship	\$ 160.00		\$40.00

10/11/2019	LM	200	0.6	\$ 120.00	filing response before Tuesday's hearing and preparing a notice of move (.2); prepared a notice of move; efiled and eserved same with the court (.4).	Under NRS 159.344(5)(g)(2) paralegal rate is excessive--the most should be \$150; & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services--these tasks are not legally substantive tasks; & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed-latter entry.	\$ 120.00	Paralegal involvement is important. Higher skill level ensures accuracy. Adjust for rate only as courtesy.	\$30.00
10/11/2019	LCP	300	1.7	\$ 510.00	Work on Reply to Opposition	Under NRS 159.344(5)(i) time for task is excessive and unreasonable--LCP spent a total of 12.4 hours working on this Reply, and JPM spent an additional 2.2 on the same pleading. The filed pleading is 18 pages of writing plus exhibits, for a total of 56 pages. A chunk of the reply includes repetitive arguments from the Ex Parte Petition filed on 9-19-2019. The Reply should not have taken an excessive amount of time. If this Court will consider allowing this, it should only be the 2.2 hours for JPM (I did not include those entries as problematic).	\$ 510.00	Not excessive given complexity of this case due to intransigence of other parties.	\$0.00

10/12/2019	JPM	450	3.5	\$ 1,575.00	Review numerous pleadings and communications and draft/edit/revise response pleading. Communications with client and team re the same.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed (each task must be itemized with a time); & Under NRS 159.344 (6)(a)(no compensation for internal business activity)	\$ 1,575.00	Tasks relate to same pleading. Courtesy adjustment reduction to \$787.50.	\$787.50
10/13/2019	LCP	300	2.6	\$ 780.00	Work on Reply to Opposition	Under NRS 159.344(5)(i) time for task is excessive and unreasonable--LCP spent a total of 12.4 hours working on this Reply, and JPM spent an additional 2.2 on the same pleading. The filed pleading is 18 pages of writing plus exhibits, for a total of 56 pages. A chunk of the reply includes repetitive arguments from the Ex Parte Petition filed on 9-19-2019. The Reply should not have taken an excessive amount of time. If this Court will consider allowing this, it should only be the 2.2 hours for JPM (I did not include those entries as problematic).	\$ 780.00	Not excessive given complexity of this case due to intransigence of other parties.	\$ 0.00

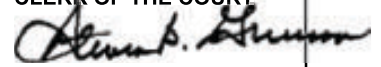
10/13/2019	JPM	450	0.2	\$	90.00	Review some emails and direct team on draft of response.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed (each task must be itemized with a time); & Under NRS 159.344 (6)(a)(no compensation for internal business activity)	\$	90.00	Not block billed. Frequently had multiple emails re same item. Not required to disclose thoughts. Items relate to case not internal firm business.	\$0.00
10/14/2019	LCP	300	1.5	\$	450.00	Work on Reply to Opposition	Under NRS 159.344(5)(i) time for task is excessive and unreasonable--LCP spent a total of 12.4 hours working on this Reply, and JPM spent an additional 2.2 on the same pleading. The filed pleading is 18 pages of writing plus exhibits, for a total of 56 pages. A chunk of the reply includes repetitive arguments from the Ex Parte Petition filed on 9-19-2019. The Reply should not have taken an excessive amount of time. If this Court will consider allowing this, it should only be the 2.2 hours for JPM (I did not include those entries as problematic).	\$	450.00	Not excessive given complexity of this case due to intransigence of other parties.	\$0.00

10/14/2019	LCP	300	0.9	\$ 270.00	Gather and assemble documents that will be attached as exhibits to Reply.	Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services (regardless of who the biller is)--tasks that are not legally substantive.	\$ 270.00	This is not secretarial or clerical task. Billing is reasonable, just and necessary. Requires lawyer reasoning to consider which facts and does to include.	\$ 0.00
10/14/2019	LM	200	0.3	\$ 60.00	Telephone call with Robyn Friedman and Donna to sign the respective verification pages to reply	Under NRS 159.344(5)(g)(2) paralegal rate is excessive--the most should be \$150; & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services--these tasks are not legally substantive tasks.	\$ 60.00	This is not a secretarial or clerical task. Billing is reasonable, just and necessary. Paralegal can best answer client questions. Adjust for rate only as courtesy.	\$15.00
10/14/2019	LM	200	1.7	\$ 340.00	draft order granting petition for appointment of general guardian	Under NRS 159.344(5)(g)(2) paralegal rate is excessive--the most should be \$150; & Under NRS 159.344(5)(i), time for task is excessive and unreasonable, and not cost-efficient. This is work done prematurely. A general guardianship was never granted to these parties and thus this order could never have been filed.	\$ 340.00	Adjust rate. Being prepared with order is not premature. But for Kimberly's reluctant and forced cooperation, general in favor of Robyn and Donna would have been granted. This was being prepared.	\$85.00

10/14/2019	JPM	450	2.5	\$ 1,125.00	Draft/edit/revise supplement and prepare arguments for hearing tomorrow.	Under NRS 159.344(5)(i), first task related to the supplement (which was really just a verification page and certificate of service) should have been delegated to a lower biller/paralegal; & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed (each task must be itemized with a time).	\$ 1,125.00	Supplemental arguments relate to the hearing and preparation therefore. These are not disparate block billed items but part of the same item – presentation of arguments at the hearing.	\$0.00
10/15/2019	LM	200	0.4	\$ 80.00	Receipt of email from Geri Tonich regarding scheduling at 2:00 p.m. meeting with JPM (.2); respond to same and calendar (.2).	Under NRS 159.344(5)(g)(2) paralegal rate is excessive-the most should be \$150; & Under NRS 159.344(5)(i), time for task is excessive and unreasonable; & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services--these tasks are not legally substantive tasks.	\$ 80.00	Courtesy adjustment to rate. Would take more time to redirect these items to secretary. Better use of time and better result working these items through paralegal familiar with case. This benefits June Jones.	\$20.00

10/15/2019	LM	200	0.4	\$	80.00	Telephone call with Sharon Coates regarding latest version of the care plan ... (.2); receipt and review of Rule 6 the initial guardianship care plan rule (.2)	Under NRS 159.344(5)(g)(2) paralegal rate is excessive-the most should be \$150; & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services--the telephone call is not a legally substantive task.	\$	50.00	This is completely legally substantive. Incorporating latest rules and thinking from guardianship commission. Adjust rate as courtesy.	\$	20.00	
10/15/2019	LM	200	0.6	\$	120.00	Prepared supplement to reply to oppositions to include executed verification of clients (.4); efiled and mailed same (.2).	Under NRS 159.344(5)(g)(2) paralegal rate is excessive-the most should be \$150; & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services--these tasks- preparing documents to file, efilng, and mailing are not a legally substantive tasks.	\$	120.00	Legitimate paralegal work to ensure continuity and accuracy. Adjust rate as courtesy.		\$	30.00
10/15/2019	JPM	450	5.2	\$	2,340.00	Prepare for hearing. Participate in hearing including client conferences and negotiations.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed (each task must be itemized separately, with a time).	\$	2,340.00	These are not disparate items but part of the same item – the hearing. The focus is negotiating and getting the result. Not stopping to scribble notes throughout the		\$	0.00

							morning to document moment by moment the actual time spent walking in and out of the courtroom, writing down an argument. These tasks are contiguous and part of the same item that day.	
10/18/2019	LM	200	0.2	\$ 40.00	Review court file for order regarding hearing; calendared evidentiary hearing and return investigator's report.	Under NRS 159.344(5)(g)(2), paralegal rate is excessive--the most should be \$150; & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services--these are not legally substantive tasks.	Legitimate paralegal work to ensure continuity and accuracy. Adjust rate as courtesy.	\$ 10.00
					Total proposed reduction for invoice no. 12748	\$9,715.00	Total Petitioner's proposed amount to be paid	\$1,352.50



**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

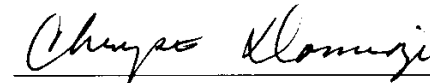
Case No.: G-19-052263-A
Department B

NOTICE OF ENTRY OF ORDER

TO ALL INTERESTED PARTIES:

PLEASE TAKE NOTICE that an Order was entered in the above-entitled matter on March 13, 2020, a true and correct copy of which is attached hereto.

Dated this 16th day of March, 2020.


Chryste Domingo
Judicial Executive Assistant to the
HONORABLE LINDA MARQUIS

CERTIFICATE OF SERVICE

I hereby certify that on the above file stamped date:

☒ E-Served pursuant to NEFCR 9 on March 16, 2020, or placed in the folder(s) located in the Clerk's Office of, the following attorneys:

John P. Michaelson, Esquire

Maria L. Parra-Sandoval, Esquire

Jeffrey P. Luszeck, Esquire

Ty E. Kehoe, Esquire

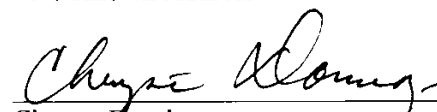
☒ I mailed, via first-class mail, postage fully prepaid, the foregoing NOTICE OF ENTRY OF ORDER to:

Robyn Friedman
2824 High Sail Court
Las Vegas NV 89117

Kimberly Jones
9060 W Cheyenne Avenue
Las Vegas NV 89129

Donna Simmons
1441 N Redgum Unit G
Anaheim CA 92806

Rodney Gerald Yeoman
No Known Address


Chryste Domingo
Judicial Executive Assistant to the
HONORABLE LINDA MARQUIS

LINDA MARQUIS
DISTRICT JUDGE
FAMILY DIVISION,
DEPT. B
LAS VEGAS, NV
89101-2406



1 **ORDR**

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

5
6 In the Matter of the
7 Guardianship of:

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

8
9 Kathleen June Jones,
10 Protected Person(s)

11 **ORDER ON PETITION FOR PAYMENT OF GUARDIAN'S**
12 **ATTORNEY'S FEES AND COSTS**

13 This matter having come before the Court on Kimberly Jones'
14 Petition for Payment of Guardian's Attorney Fees and Costs. The Court,
15 having considered the papers and pleadings on file herein, hereby makes
16 the following findings and orders.
17

18
19 Pursuant to NRS 159.344, any person, including, a guardian or
20 proposed guardian, who retains an attorney for the purposes of
21 representing a party in a guardianship proceeding is personally liable for
22 any attorney's fees and costs incurred as a result of such representation.
23 A person who is personally liable for attorney's fees and costs may
24 petition this Court for payment of attorney's fees and costs from the
25
26
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28

1 estate of the Protected Person, while also prohibiting payments from the
2 Protected Person's estate "unless and until [this Court] authorizes
3 payment pursuant to [NRS 159.344]."

4
5 In addition, pursuant to NRS 159.344(3), when a person who
6 intends to petition the court for payment of attorney's fees and costs
7 from the guardianship estate first appears in the guardianship
8 proceeding, the person must file written notice of his or her intent to
9 seek payment of attorney's fees and costs from the guardianship estate.
10

11 The written notice of intent requires the following:
12

- 13
14 a.) Must provide a general explanation of the compensation
15 arrangement and how compensation will be computed;
16
17 b.) Must include the hourly billing rates of all timekeepers,
18 including, without limitation, attorneys, law clerks and
19 paralegals;
20
21 c.) Must provide a general explanation of the reasons why the
22 services of the attorney are necessary to further the best
23 interests of the protected person ;
24
25 d.) Must be served by the person on all persons entitled to notice
26 pursuant to NRS 159.034 and 159.047; and
27
28

1 e.) Is subject to approval by the Court after a hearing.

2 **THE COURT FINDS** that Petitioner, Kimberly Jones, by and
3
4 through her counsel of record, Jeffrey P. Luszeck, Esq., and Ross E.
5 Evans, Esq., first appeared in this case on October 2, 2019 when she
6
7 filed her Opposition and Counter-Petition. This Opposition and
8
9 Counter-Petition did not include written notice of Kimberly Jones'
10 intent to seek payment of fees from the guardianship estate.

11 **THE COURT FURTHER FINDS**, pursuant to NRS 159.344(1)
12
13 Kimberly Jones was personally liable for any attorney's fees and costs
14
15 incurred as a result of her retention of the law firm Solomon, Dwiggins
& Freer, Ltd. to represent her in this guardianship proceeding.

16 **THE COURT FURTHER FINDS** that on January 15, 2020,
17
18 Kimberly Jones' filed her Notice of Intent to Seek Payment of
19
20 Attorneys' Fees and Costs from Guardianship Estate.

21 **IT IS HEREBY ORDERED** that Kimberly Jones' Petition for
22
23 Payment of Guardian's Attorney Fees and Costs shall be granted only as
24
25 to fees and costs incurred from January 15, 2020 and forward, subject to
26
27 any objections filed by Maria Parra-Sandoval, Esq. Kimberly Jones'
28

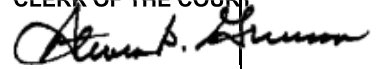
1 shall file billing for any fees and costs incurred from January 15, 2020
2 and forward.
3

4 **IT IS FURTHER ORDERED** that the Guardian is personally
5 liable for her own attorney's fees before January 15, 2020.
6

7 **IT IS SO ORDERED.**

8 Dated this 13th day of March, 2020.

9 
10 **DISTRICT COURT JUDGE**
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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 the Guardianship of the Person
and Estate of:

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

KATHLEEN JUNE JONES,
Adult Protected Person.

**KATHLEEN JUNE JONES' PARTIAL OBJECTION TO EX PARTE PETITION FOR
ORDER FOR HEARING ON SHORTENED TIME; PETITION FOR PAYMENT OF
GUARDIAN'S ATTORNEY FEES AND COSTS; AND PETITION TO WITHDRAW
AS COUNSEL FOR GUARDIAN**

Kathleen June Jones ("June"), the protected person herein, by and through her counsel,
Maria L. Parra-Sandoval, Esq., hereby objects to the Ex Parte Petition for Order for Hearing on
Shortened Time; Petition for Payment of Guardian's Attorney Fees and Costs; and Petition to
Withdraw as Counsel for Guardian, 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.

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///

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **A. Guardian seeks to re-litigate costs despite the March 13, 2020 Order that**
3 **Guardian may only recover for attorney's fees and costs incurred from January**
4 **15, 2020 and forward.**

5 Guardian seeks \$1,819.65 for costs incurred from *September 30, 2019 to the present*. Of
6 the \$1,819.65, Guardian has already submitted to this Court \$1,684.85 for approval in her prior
7 Petition for Payment of Guardian's Attorney's Fees and Costs filed January 15, 2019.¹
8 Undersigned counsel specifically objected to \$1,366.50 of these costs/expenses.² On March 13,
9 2020, this Court denied Guardian's entire request and held Guardian personally liable for any
10 attorney fees and costs incurred prior to January 15, 2020.³ Thus, Guardian is personally liable
11 for \$21,346.50 in requested attorneys' fees and \$1,684.85 in requested costs for a total of
12 \$23,031.35.⁴ Guardian now hopes that by re-labeling or re-categorizing these costs as
13 "expenses" under NRS 159.183, that this Court will somehow allow these costs. Guardian is
14 wrong. Guardian's attorney in the first Petition for Payment of Guardian's Attorney's Fees and
15 Costs specifically cited to NRS 159.183⁵ and this Court has already ruled on this issue.
16

17 Guardian's current Petition is simply an attempt to re-litigate the Court's March 13, 2020
18 Order. The Petition presents the same issues without any new facts that would change the
19 outcome from the first attempt. This Court correctly applied the law and denied Guardian's
20 attorney fees and costs based on NRS 159.344(3). The Court found that Guardian, through her
21 attorneys, first appeared in this case on October 2, 2019 when she filed her Opposition and
22 Counter-Petition. This document did not include a written notice of intent to seek payment of
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24
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26 ¹ See Petition for Payment of Guardian's Attorneys' Fees and Costs, Exhibit 2, filed January 15, 2020.

27 ² See Protected Person's Objection to Petition for Payment of Guardian's Attorneys' Fees and Costs, pg. 10,
28 paragraph no. 7, filed February 11, 2020.

³ See Order on Petition for Payment of Guardian's Attorney's Fees and Costs, filed March 13, 2020.

⁴ See Petition for Payment of Guardian's Attorneys' Fees and Costs, Exhibit 1 and Exhibit 2, filed February 11,
2020.

⁵ See Petition for Payment of Guardian's Attorneys' Fees and Costs, pg. 4, filed February 11, 2020.

1 fees from the guardianship estate. This Court held that Guardian is personally liable for her own
2 attorney's fees before January 15, 2020, the date her written notice of intent was filed. The Order
3 states: "...Kimberly Jones shall file billing for any fees and costs incurred from January 15, 2020
4 and forward." Therefore, the only amount Guardian should be reimbursed for as reasonable
5 costs/expenses is the difference between \$1,819.65 and \$1,684.85, or **\$134.80**. This is the
6 amount of costs/expenses incurred post January 15, 2020. Thus, a request for fees of \$134.80 is
7 appropriate and consistent with the Court's March 13, 2020 Order; any additional fees or costs
8 incurred prior January 15, 2020 must be borne by Guardian.
9

10
11 **B. June should not have to pay the entire \$5,509.00 in legal fees incurred after**
12 **January 15, 2020 because virtually none of the work performed benefited her or**
13 **her estate.**

14 Pursuant to NRS 159.344(5)(b), in determining whether attorney's fees are just,
15 reasonable and necessary, the court may consider: "Whether the services conferred any actual
16 benefit upon the ward or attempted to advance the best interests of the ward."⁶ In the present
17 case, the majority of the fees incurred post-January 15th were the result of the Guardian defending
18 her request for \$23,031.35 in attorney fees and costs. Specifically, in this current request for fees
19 Guardian's attorneys are asking for the fees incurred for drafting a Reply⁷ to June's Objection to
20 Petition for Payment of Guardian's Attorneys' Fees and Costs, attendance at the February 13,
21 2020 Hearing at which Guardian did not prevail, and the Supplement⁸ filed subsequent to that
22 loss, requesting the Court to reconsider the issue. None of this work benefited June nor did it
23 seek to advance her interests. June should not have to pay for this.
24
25
26

27 ⁶ See NRS 159.344 (5)(b)

28 ⁷ See Omnibus Reply to the Response and Objection to the Petition for Payment of Guardian's Attorney Fees and Costs, filed February 12, 2020.

⁸ See Supplemental Brief to Petition for Payment of Guardian's Attorney Fees and Costs; Or, Alternatively, Motion to Reconsider, filed February 21, 2020.

Pursuant to NRS 159.344(9): If two or more parties in a guardianship proceeding file competing petitions for the appointment of a guardian or otherwise litigate any contested issue in the guardianship proceeding, only the prevailing party may petition the court for payment of attorney's fees and costs from the guardianship estate pursuant to this section. Based on the facts, Guardian did not prevail on her request for \$23,031.35 in attorney's fees and costs and should not be reimbursed from the guardianship estate for litigating a contested issue that she clearly lost.

June should not have to pay for legal fees incurred defending a request for fees and costs when the Guardian did not prevail in that request. Thus, as the Court appropriately held, Guardian is liable for all of her attorney's fees and *costs* incurred prior to January 15, 2020.

Additionally, as to the current Petition seeking fees and costs incurred subsequent to January 15, 2020, Guardian should only be reimbursed **\$1,400.00** in attorney fees from the guardianship estate. Guardian is personally liable for the rest. See below for specific objections.

Date	Tmkr	Rate (\$)	Time	Amount	Description	Objection	Proposed Reduction
2/6/2020	REE	350	2	\$700.00	Begin drafting Reply to Objection to Petition for Fees.	NRS 159.344(5)(b)-no benefit to June and did not advance June's interests; & under NRS 159.344(9), Guardian did not prevail in defending fees with this Reply.	\$700.00
2/7/2020	JPL	210	0.2	\$42.00	Begin to evaluate response to petition for fees.	NRS 159.344(5)(b)-no benefit to June and did not advance June's interests; & under NRS 159.344(9), Guardian did not prevail in defending fees with this Reply.	\$42.00
2/7/2020	REE	350	0.8	\$280.00	Continue to draft reply brief (.7); Conference with Jeffrey P. Luszeck regarding Reply (.1)	NRS 159.344(5)(b)-no benefit to June and did not advance June's interests; & under NRS 159.344(9), Guardian did not prevail in defending fees with this Reply;	\$280.00

						and on latter- Under NRS 159.344 (6)(a)(internal business activity)	
2/10/2020	REE	350	0.8	\$280.00	Revise and finalize Reply brief and exhibits	NRS 159.344(5)(b)-no benefit to June and did not advance June's interests; & under NRS 159.344(9), Guardian did not prevail in defending fees with this Reply.	\$280.00
2/11/2020	JPL	210	0.4	\$84.00	Evaluate response to fees filed by counsel for the protected person. Confer with Ross E. Evans regarding same. Evaluate correspondence to and from client.	NRS 159.344(5)(b) & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed.	\$84.00
2/11/2020	REE	350	2	\$700.00	Draft substantial revisions to Reply brief to include response to Legal Aid attorney's arguments (2.0);	NRS 159.344(5)(b)-no benefit to June and did not advance June's interests; & under NRS 159.344(9), Guardian did not prevail in defending fees with this Reply.	\$700.00
2/12/2020	JPL	210	0.4	\$84.00	Evaluate pleadings in preparation of hearing.	NRS 159.344(5)(b)-no benefit to June and did not advance June's interests; & under NRS 159.344(9), Guardian did not prevail in defending fees at the 2/13/2020 hearing.	\$84.00
2/12/2020	REE	350	0.6	\$210.00	Conference with Jeffrey P. Luszeck regarding Reply brief (.1); Draft revisions to Reply brief (.5);	NRS 159.344(5)(b)-no benefit to June and did not advance June's interests; & under NRS 159.344(9), Guardian did not prevail in defending fees with this Reply.	\$210.00
2/13/2020	JPL	210	0.3	\$63.00	Confer with Ross E. Evans regarding hearing. Telephone conference with _____	NRS 159.344(5)(b)-no benefit to June and did not advance June's interests; & under NRS 159.344(9), Guardian did not prevail in defending fees at the 2/13/2020	\$63.00

						hearing. & Under NRS 159.344 (6)(a)(internal business activity).	
2/13/2020	REE	350	3.5	\$1,225.00	Attend hearing on Petition for attorney fees (2.5); Conference with Jeffrey P. Luszeck and Alan D. Freer regarding hearing and preparation of supplement (.1); Draft supplement regarding fee petition (.9)	NRS 159.344(5)(b)-no benefit to June and did not advance June's interests; & under NRS 159.344(9), Guardian did not prevail in defending fees at the 2/13/2020 hearing nor with the Supplement & Under NRS 159.344 (6)(a)(internal business activity).	\$1,225.00
2/14/2020	JPL	210	0.2	\$42.00	Confer with Ross E. Evans regarding supplement.	NRS 159.344(5)(b)-no benefit to June and did not advance June's interests; & under NRS 159.344(9), Guardian did not prevail in defending fees at the 2/13/2020 hearing <i>nor</i> with this Supplement & Under NRS 159.344 (6)(a)(internal business activity).	\$42.00
2/14/2020	REE	350	0.3	\$105.00	Revise supplemental brief regarding fee petition.	NRS 159.344(5)(b)-no benefit to June and did not advance June's interests; & under NRS 159.344(9), Guardian did not prevail in defending fees at the 2/13/2020 hearing <i>nor</i> with the Reply and <i>nor</i> with this Supplement	\$105.00
2/19/2020	REE	350	0.3	\$105.00	Conference with Jeffrey P. Luszeck regarding supplement and petition for fees.	NRS 159.344(5)(b)-no benefit to June and did not advance June's interests; & Under NRS 159.344(9), Guardian did not prevail in defending fees at the 2/13/2020 hearing <i>nor</i> with this Supplement & Under NRS 159.344 (6)(a)(internal business activity).	\$105.00

2/21/2020	JPL	210	0.4	\$84.00	Supplement supplemental briefing to petition for attorneys' fees and costs.	NRS 159.344(5)(b)-no benefit to June and did not advance June's interests; & under NRS 159.344(9), Guardian did not prevail in defending fees at the 2/13/2020 hearing <i>nor</i> with the Reply <i>nor</i> with this Supplement.	\$84.00
2/21/2020	REE	350	0.3	\$105.00	Revise and file supplement to fee petition.	NRS 159.344(5)(b)-no benefit to June and did not advance June's interests; & under NRS 159.344(9), Guardian did not prevail in defending fees at the 2/13/2020 hearing <i>nor</i> with the Reply <i>nor</i> with this Supplement.	\$105.00

Total proposed reduction: \$4,109.00

Conclusion

Based upon the foregoing, June partially objects to Guardian's Ex Parte Petition for Order for Hearing on Shortened time; Petition for Payment of Guardian's Attorney Fees and Costs; and Petition to Withdraw as Counsel for Guardian, and asks the Court to deny the requested attorney's fees and costs based on NRS 159.344(5)(b) and NRS 159.344(9). June requests the Court to grant only \$1,400 in legal fees plus \$134.80 in costs from the guardianship estate for those fees and costs incurred after January 15, 2020. The Guardian should be held personally liable for the rest of her attorneys' fees and costs. Finally, because there are no liquid assets available, it is respectfully requested that these fees and costs be deferred until either June passes or the estate obtains appropriate assets to pay them.

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DATED this 1st day of April, 2020.

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

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 1st day of April 2020, I deposited in the United States Mail at Las Vegas, Nevada, a copy of the foregoing document entitled **KATHLEEN JUNE JONES' OBJECTION TO EX PARTE PETITION FOR ORDER FOR HEARING ON SHORTENED TIME; PETITION FOR PAYMENT OF GUARDIAN'S ATTORNEY FEES AND COSTS; AND PETITION TO WITHDRAW AS COUNSEL FOR GUARDIAN** in a sealed envelope, mailed regular U.S. mail, upon which first class postage was fully prepaid, addressed to the following:

Teri Butler
586 N. Magdalena Street
Dewey, AZ 86327

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

Jen Adamo
14 Edgewater Drive
Magnolia, DE 19962

Courtney Simmons
765 Kimbark Avenue
San Bernardino, CA 92407

Scott Simmons
1054 S. Verde Street
Anaheim, CA 92805

Ampersand Man
2824 High Sail Court
Las Vegas, NV 89117

Kimberly Jones
6277 Kraft Avenue
Las Vegas, NV 89130

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

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
Attorneys for Robyn Friedman and Donna Simmons

Lora Caindec-Poland
lora@michaelsonlaw.com

Ty Kehoe, Esq.
TyKehoeLaw@gmail.com
Attorney for Rodney Gerald Yeoman

Cheryl Becnel
ebecnel@maclaw.com

Geraldine Tomich
Gtomich@maclaw.com

LaChasity Carroll
lcarroll@nvcourts.nv.gov

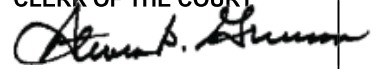
Matthew Piccolo, Esq.
matt@piccololawoffices.com
Attorney for Rodney Gerald Yeoman

David C. Johnson
dcj@johnsonlegal.com

Sonia Jones
sjones@nvcourts.nv.gov

Kate McCloskey
NVGCO@nvcourts.nv.gov

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



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

GHANDI DEETER BLACKHAM
Laura A. Deeter, Esq.
Nevada Bar No. 10562
725 S. 8th Street, Suite 100
Las Vegas, Nevada 89101
Telephone: (702) 878-1115
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Matthew C. Piccolo, Esq.
Nevada Bar No. 14331
PICCOLO LAW OFFICES
8565 S Eastern Ave Ste 150
Las Vegas, NV 89123
Tel: (702) 749-3699
Fax: (702) 944-6630
matt@piccololawoffices.com

Attorneys for Rodney Gerald Yeoman

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

KATHLEEN JUNE JONES,
Protected Person.

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

Date: April 3, 2020
Time: 9:00 a.m.

SUPPLEMENT TO OPPOSITION TO MOTION FOR PROTECTIVE ORDER

<input type="checkbox"/> TEMPORARY GUARDIANSHIP <input type="checkbox"/> Person <input type="checkbox"/> Estate <input type="checkbox"/> Special Guardianship <input type="checkbox"/> Person and Estate	<input checked="" type="checkbox"/> GENERAL GUARDIANSHIP <input type="checkbox"/> Person <input type="checkbox"/> Estate <input type="checkbox"/> Special Guardianship <input checked="" type="checkbox"/> Person and Estate
<input type="checkbox"/> SPECIAL GUARDIANSHIP <input type="checkbox"/> Person <input type="checkbox"/> Estate <input type="checkbox"/> Special Guardianship <input type="checkbox"/> Person and Estate	<input type="checkbox"/> NOTICES / SAFEGUARDS <input type="checkbox"/> Blocked Account Required <input type="checkbox"/> Bond Required <input type="checkbox"/> Public Guardian's Bond

1 Rodney Gerald Yeoman ("Gerry"), husband of the Protected Person Kathleen June Jones,
2 by and through his counsel Ty E. Kehoe, Esq., Laura A. Deeter, Esq., and Matthew C. Piccolo,
3 Esq., submits this Supplement to Opposition to Motion for Protective Order.

4 The Opposition indicated: "The court reporter's transcripts of non-appearance are being
5 prepared and will be supplemented at a later date." Attached hereto as **Exhibit D** is the non-
6 appearance transcript for Donna Simmons. Attached hereto as **Exhibit E** is the non-appearance
7 transcript for Robyn Friedman. Attached hereto as **Exhibit F** is the non-appearance transcript
8 for Kimberly Jones.

10 Dated this 2nd day of April, 2020.

KEHOE & ASSOCIATES

11 /s/ Ty E. Kehoe

12 Ty E. Kehoe, Esq.

13 **CERTIFICATE OF SERVICE**

14 I CERTIFY on the 2nd day of April, 2020, I served a true copy of the Supplement to
15 Opposition To Motion For Protective Order via electronic service through the court's efile system
16 to the following, or via US First Class Mail postage pre-paid to the addresses listed:

17 Jeffrey P. Luszeck, Esq.
18 jluszeck@sdfnlaw.com
19 Ross E. Evans, Esq.
revans@sdfnlaw.com

John P. Michaelson, Esq.
john@michaelsonlaw.com
Jeffrey R. Sylvester, Esq.
jeff@SylvesterPolednak.com

20 Counsel for Kimberly Jones

Counsel for Robyn Friedman and Donna
Simmons

21 All other parties on the court's system

22 Maria L. Parra-Sandoval, Esq.
23 Legal Aid Center of Southern Nevada, Inc.
24 mparra@lacs.org

Geraldine Tomich, Esq.
gtomich@maclaw.com
James A. Beckstrom, Esq.
jbeckstrom@maclaw.com

25 Counsel for June Jones

Counsel for Kimberly Jones

27 /s/ Ty E. Kehoe

28 Ty E. Kehoe

DISTRICT COURT
CLARK COUNTY, NEVADA

In the Matter of the)
Guardianship of the)
Person and Estate of:)
) No. G-19-052263-A
KATHLEEN JUNE JONES,) Dept. No. B
)
Protected Person.)
-----)

SCHEDULED DEPOSITION OF DONNA SIMMONS
CERTIFICATE OF NONAPPEARANCE

Taken on Friday, February 7, 2020
By a Certified Court Reporter
At 10:20 a.m.
At Kehoe & Associates
871 Coronado Center Drive
Suite 200
Henderson, Nevada

Reported By: Cindy Huebner, CCR 806

APPEARANCES :

For Rodney Gerald Yeoman:

TY E. KEHOE, ESQ.
 Kehoe & Associates
 871 Coronado Drive
 Suite 200
 Henderson, NV 89052
 TyKehoeLaw@gmail.com

INDEX OF EXHIBITS

NO.	DESCRIPTION	PAGE
Exhibit A.	Notice of Deposition of Donna Simmons	3

* * * * *

MR. KEHOE: We will go on the record and mark Exhibit A, which is the Notice of Deposition of Donna Simmons in the guardianship matter of Kathleen June Jones, Clark County, District Court Case Number G-19-052263-A.

This deposition was scheduled for today, February 7th at 10:00 a.m. It is now approximately 10:20 a.m., and no one has appeared.

The notice of deposition was properly served through the court's e-serve system. Opposing counsel was definitely aware of it, raised some objections, but has not yet obtained any order permitting them to not appear today, and we did not consent to take the deposition off calendar and so we are doing this transcript of nonappearance.

(Deposition Exhibit A marked.)

(Proceedings concluded at
10:22 a.m.)

CERTIFICATE
OF
CERTIFIED SHORTHAND REPORTER

* * * * *

I, the undersigned Certified
Shorthand Reporter in and for the State of
Nevada, do hereby certify:

That the foregoing proceedings were taken
before me at the time and place therein set
forth, that the proceedings were recorded
stenographically by me and were thereafter
transcribed under my direction; that the
foregoing is a true record of the testimony and
of all objections made at the time of the
proceedings.

I further certify that I am a disinterested
person and am in no way interested in the
outcome of said action or connected with or
related to any of the parties in said action or
to their respective counsel.

The dismantling, unsealing or unbinding of
the original transcript will render the
reporter's certificate null and void.

In witness whereof, I have subscribed my
name on this date, March 1, 2020.



Cindy Huebner
CCR No. 806

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

5 Matthew C. Piccolo, Esq.
6 Nevada Bar No. 14331
PICCOLO LAW OFFICES
7 8565 S Eastern Ave Ste 150
Las Vegas, NV 89123
8 Tel: (702) 749-3699
Fax: (702) 944-6630
9 matt@piccololawoffices.com

10 Attorneys for Rodney Gerald Yeoman

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

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

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

14 KATHLEEN JUNE JONES,

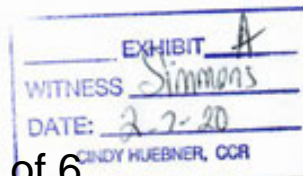
15 Protected Person.

16 **NOTICE OF DEPOSITION OF DONNA SIMMONS**

17
18 **TO: Donna Simmons by and through her attorney John P. Michaelson, Esq.;**
19 **TO: All Other Parties**

20 PLEASE TAKE NOTICE that pursuant to Rule 30 Nevada Rules of Civil Procedure,
21 commencing on **February 7, 2020 at 10:00 a.m.**, Ty E. Kehoe, Esq., of the law firm of Kehoe
22 & Associates, and Matthew C. Piccolo, Esq., of the law firm of Piccolo Law Offices, counsel
23 for Rodney Gerald Yeoman, will take the deposition of the above captioned individual at the
24 law office of **Kehoe & Associates, 871 Coronado Center Drive, Suite 200, Henderson, NV**
25 **89052**, upon oral examination, by a method authorized pursuant to Nevada Rules of Civil
26 Procedure, including possible videotaped deposition, before an officer authorized by law to
27 administer oaths.

28 KEHOE & ASSOCIATES
871 Coronado Center Drive, Suite 200
Henderson, Nevada 89052
(702) 837-1908



Page 1 of 2

1 You are invited to attend and cross-examine.

2 Dated this 24th day of January, 2020.

Submitted by:

3 KEHOE & ASSOCIATES

4 /s/ Ty E. Kehoe

5 Ty E. Kehoe, Esq.

6 **CERTIFICATE OF SERVICE**

7 I HEREBY CERTIFY that on the 24th day of January, 2020, I served a true and correct
8 copy of the NOTICE OF DEPOSITION OF DONNA SIMMONS via electronic service to the
9 following, or via US First Class Mail postage pre-paid to the addresses listed:
10

11 Jeffrey P. Luszeck, Esq.

Ross E. Evans, Esq.

12 jluszeck@sdfnlaw.com

revans@sdfnlaw.com

13 Counsel for Kimberly Jones

John P. Michaelson, Esq.

john@michaelsonlaw.com

Counsel for Robyn Friedman and Donna
Simmons

15 Maria L. Parra-Sandoval, Esq.

16 Legal Aid Center of Southern Nevada, Inc.

17 mparra@lacs.org

18 Counsel for June Jones

Geraldine Tomich, Esq.

gtomich@maclaw.com

James A. Beckstrom, Esq.

jbeckstrom@maclaw.com

Counsel for Kimberly Jones

19 /s/ Ty E. Kehoe

20 Ty E. Kehoe

APPEARANCES :

For Rodney Gerald Yeoman:

TY E. KEHOE, ESQ.
 Kehoe & Associates
 871 Coronado Drive
 Suite 200
 Henderson, NV 89052
 TyKehoeLaw@gmail.com

INDEX OF EXHIBITS

NO.	DESCRIPTION	PAGE
Exhibit A.	Notice of Deposition of Robyn Friedman	3

* * * * *

MR. KEHOE: It is February 11, 2020 at
10:21 a.m. at 871 Coronado Center Drive,
Suite 200, Henderson, Nevada 89052.

We have marked Exhibit A, which is the
Notice of Deposition of Robyn Friedman noticing
her deposition for this date, time, and location
for 10:00 a.m. It is now 10:22, and she has not
appeared nor made any other contact other than
previously stating through her counsel that she
did not believe she needed to attend and seeking
a protective order. However, such protective
order was never granted and this counsel never
vacated the deposition.

(Deposition Exhibit A marked.)

(Proceedings concluded at
10:22 a.m.)

CERTIFICATE
OF
CERTIFIED SHORTHAND REPORTER

* * * * *


I, the undersigned Certified
Shorthand Reporter in and for the State of
Nevada, do hereby certify:

That the foregoing proceedings were taken
before me at the time and place therein set
forth, that the proceedings were recorded
stenographically by me and were thereafter
transcribed under my direction; that the
foregoing is a true record of the testimony and
of all objections made at the time of the
proceedings.

I further certify that I am a disinterested
person and am in no way interested in the
outcome of said action or connected with or
related to any of the parties in said action or
to their respective counsel.

The dismantling, unsealing or unbinding of
the original transcript will render the
reporter's certificate null and void.

In witness whereof, I have subscribed my
name on this date, March 2, 2020.



Cindy Huebner
CCR No. 806

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

5 Matthew C. Piccolo, Esq.
6 Nevada Bar No. 14331
7 PICCOLO LAW OFFICES
8 8565 S Eastern Ave Ste 150
9 Las Vegas, NV 89123
10 Tel: (702) 749-3699
11 Fax: (702) 944-6630
12 matt@piccololawoffices.com

10 Attorneys for Rodney Gerald Yeoman

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

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

14 KATHLEEN JUNE JONES,
15 Protected Person.

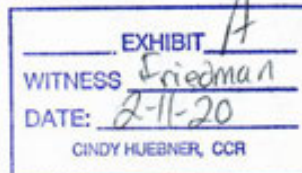
Case No: G-19-052263-A
Dept. No. B

16 **NOTICE OF DEPOSITION OF ROBYN FRIEDMAN**

17
18 **TO: Robyn Friedman by and through her attorney John P. Michaelson, Esq.;**
19 **TO: All Other Parties**

20 PLEASE TAKE NOTICE that pursuant to Rule 30 Nevada Rules of Civil Procedure,
21 commencing on **February 11, 2020 at 10:00 a.m.**, Ty E. Kehoe, Esq., of the law firm of Kehoe
22 & Associates, and Matthew C. Piccolo, Esq., of the law firm of Piccolo Law Offices, counsel
23 for Rodney Gerald Yeoman, will take the deposition of the above captioned individual at the
24 law office of **Kehoe & Associates, 871 Coronado Center Drive, Suite 200, Henderson, NV**
25 **89052**, upon oral examination, by a method authorized pursuant to Nevada Rules of Civil
26 Procedure, including possible videotaped deposition, before an officer authorized by law to
27 administer oaths.

28 KEHOE & ASSOCIATES
871 Coronado Center Drive, Suite 200
Henderson, Nevada 89052
(702) 837-1908



Page 1 of 2

1 You are invited to attend and cross-examine.

2 Dated this 24th day of January, 2020.

Submitted by:

3 KEHOE & ASSOCIATES

4 /s/ Ty E. Kehoe

5 Ty E. Kehoe, Esq.

6 **CERTIFICATE OF SERVICE**

7 I HEREBY CERTIFY that on the 24th day of January, 2020, I served a true and correct
8 copy of the NOTICE OF DEPOSITION OF ROBYN FRIEDMAN via electronic service to the
9 following, or via US First Class Mail postage pre-paid to the addresses listed:
10

11 Jeffrey P. Luszeck, Esq.

Ross E. Evans, Esq.

12 jluszeck@sdfnlaw.com

revans@sdfnlaw.com

13 Counsel for Kimberly Jones

John P. Michaelson, Esq.

john@michaelsonlaw.com

Counsel for Robyn Friedman and Donna
Simmons

15 Maria L. Parra-Sandoval, Esq.

16 Legal Aid Center of Southern Nevada, Inc.

17 mparra@lacs.org

18 Counsel for June Jones

Geraldine Tomich, Esq.

gtomich@maclaw.com

James A. Beckstrom, Esq.

19 jbeckstrom@maclaw.com

Counsel for Kimberly Jones

20 /s/ Ty E. Kehoe

21 Ty E. Kehoe

APPEARANCES :

For Rodney Gerald Yeoman:

TY E. KEHOE, ESQ.
 Kehoe & Associates
 871 Coronado Drive
 Suite 200
 Henderson, NV 89052
 TyKehoeLaw@gmail.com

INDEX OF EXHIBITS

NO.	DESCRIPTION	PAGE
Exhibit A.	Notice of Deposition of Kimberly Jones	3

* * * * *

MR. KEHOE: It is February 12, 2020.

We are at the offices of Kehoe & Associates,
871 Coronado Center Drive, Suite 200, Henderson,
Nevada, 89052.

This is the date and time set for the
deposition of Kimberly Jones in the guardianship
matter of Kathleen June Jones, Case Number
G-19-052263-A.

The deposition was noticed for
10:00 a.m. It is now 10:22 a.m. Nobody has
appeared. Nobody has contacted us today about
the appearance or rescheduled the appearance.

There were disputes regarding the
appearance, but no protective order has been
entered and no agreement to modify the notice has
been reached. Therefore, we are doing this
transcript of nonappearance.

We have marked as Exhibit A the Notice
of Deposition of Kimberly Jones, which was
properly served through the court's electronic
service mechanism.

(Deposition Exhibit A marked.)

(Proceedings concluded at
10:23 a.m.)

CERTIFICATE
OF
CERTIFIED SHORTHAND REPORTER

* * * * *

I, the undersigned Certified
Shorthand Reporter in and for the State of
Nevada, do hereby certify:

That the foregoing proceedings were taken
before me at the time and place therein set
forth, that the proceedings were recorded
stenographically by me and were thereafter
transcribed under my direction; that the
foregoing is a true record of the testimony and
of all objections made at the time of the
proceedings.

I further certify that I am a disinterested
person and am in no way interested in the
outcome of said action or connected with or
related to any of the parties in said action or
to their respective counsel.

The dismantling, unsealing or unbinding of
the original transcript will render the
reporter's certificate null and void.

In witness whereof, I have subscribed my
name on this date, March 3, 2020.



Cindy Huebner
CCR No. 806

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

5 Matthew C. Piccolo, Esq.
6 Nevada Bar No. 14331
PICCOLO LAW OFFICES
7 8565 S Eastern Ave Ste 150
Las Vegas, NV 89123
8 Tel: (702) 749-3699
Fax: (702) 944-6630
9 matt@piccololawoffices.com

10 Attorneys for Rodney Gerald Yeoman

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

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

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

14 KATHLEEN JUNE JONES,

15 Protected Person.

16 **NOTICE OF DEPOSITION OF KIMBERLY JONES**

17
18 **TO: Kimberly Jones by and through her attorneys Jeffrey P. Luszeck, Esq. and James**
A. Beckstrom, Esq.;

19 **TO: All Other Parties**

20 PLEASE TAKE NOTICE that pursuant to Rule 30 Nevada Rules of Civil Procedure,
21 commencing on **February 12, 2020 at 10:00 a.m.**, Ty E. Kehoe, Esq., of the law firm of Kehoe
22 & Associates, and Matthew C. Piccolo, Esq., of the law firm of Piccolo Law Offices, counsel
23 for Rodney Gerald Yeoman, will take the deposition of the above captioned individual at the
24 law office of **Kehoe & Associates, 871 Coronado Center Drive, Suite 200, Henderson, NV**
25 **89052**, upon oral examination, by a method authorized pursuant to Nevada Rules of Civil
26 Procedure, including possible videotaped deposition, before an officer authorized by law to
27 administer oaths.
28

KEHOE & ASSOCIATES
871 Coronado Center Drive, Suite 200
Henderson, Nevada 89052
(702) 837-1908

EXHIBIT	A
WITNESS	Jones
DATE:	2-12-20
CINDY HUEBNER, CCR	

Page 1 of 2

EXHIBIT F Page 5 of 6

Case Number: G-19-052263-A

1 You are invited to attend and cross-examine.

2 Dated this 24th day of January, 2020.

Submitted by:

3 KEHOE & ASSOCIATES

4 /s/ Ty E. Kehoe

5 Ty E. Kehoe, Esq.

6 **CERTIFICATE OF SERVICE**

7 I HEREBY CERTIFY that on the 24th day of January, 2020, I served a true and correct
8 copy of the NOTICE OF DEPOSITION OF KIMBERLY JONES via electronic service to the
9 following, or via US First Class Mail postage pre-paid to the addresses listed:
10

11 Jeffrey P. Luszeck, Esq.

Ross E. Evans, Esq.

12 jluszeck@sdfnvlaw.com

revans@sdfnvlaw.com

13 Counsel for Kimberly Jones

John P. Michaelson, Esq.

john@michaelsonlaw.com

Counsel for Robyn Friedman and Donna
Simmons

15 Maria L. Parra-Sandoval, Esq.

16 Legal Aid Center of Southern Nevada, Inc.

17 mparra@lacs.org

18 Counsel for June Jones

Geraldine Tomich, Esq.

gtomich@maclaw.com

James A. Beckstrom, Esq.

jbeckstrom@maclaw.com

Counsel for Kimberly Jones

19 /s/ Ty E. Kehoe

20 Ty E. Kehoe