

1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2 IN THE MATTER OF THE ESTATE OF
3 DEMETRIOS A. DALACAS, DECEASED.

No.: 83702

4 RYAN MCCLARAN,

5 Appellant,

6 vs.

7 ESTATE OF DEMETRIOS A. DALACAS;
8 AND JASEN E. CASSADY,

9 Respondents.

Dist. Court Case No.: P103708
Electronically Filed
Dec 27 2021 11:26 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

10 **MOTION FOR CLARIFICATION**

11 COMES NOW Respondent, JASEN E. CASSADY, by and through his counsel of
12 record, BLACKROCK LEGAL, LLC, and hereby submits his *Motion for Clarification*.

13 **RELEVANT FACTS & PROCEDURAL HISTORY**

14 This appeal involves a dispute over whether the District Court abused its
15 discretion when it appointed Jasen Cassady as Special Administrator of the Estate of
16 Demetrios A. Dalacas. The appellant, Ryan McClaran, a creditor of the estate, had
17 advocated for the appointment of AJ Sharpe. After rounds of briefing in front of the
18 Probate Commissioner and Probate Judge, the District Court issued an Order adopting
19 the recommendations of the Probate Commissioner and appointing Mr. Cassady.
20 the recommendations of the Probate Commissioner and appointing Mr. Cassady.

21 Mr. McClaran appealed. Mr. McClaran filed his *Appellant McClaran's Motion*
22 *for Determination of Standing to Appeal* with this Court on November 19, 2021
23 (hereafter "Determination Motion"). "Therefore, in an abundance of caution, McClaran
24 filed a Notice of Appeal within 30 days of the District Court's issuance of the order
25 appointing the Special Administrator and the letters. However, it remains unclear to
26 appointing the Special Administrator and the letters. However, it remains unclear to
27 appointing the Special Administrator and the letters. However, it remains unclear to
28 appointing the Special Administrator and the letters. However, it remains unclear to

1 him and his counsel whether an appeal is allowed.”¹ Important for the purposes of this
2 motion, the Determination Motion references only **one** order on appeal.

3 This Court issued an Order on December 17, 2021 which held that the Order
4 appointing Mr. Cassady is not appealable pursuant to NRS 140.020(3)(b), but that a
5 second order is appealable:
6

7 This appeal arises from a dispute as to who should be appointed the
8 administrator of the estate of Demetrios A. Dalacas for purposes of ongoing
9 litigation against the estate. Appellant is a creditor of the subject estate and
10 claimed a statutory right under NRS 139.040 to select the administrator. The
11 district court also entertained a nomination by the estates insurance company
12 and ultimately **entered a formal order** appointing the insurance company's
13 nominee, Jasen Cassady, as special administrator pursuant to NRS 140.020 on
14 **September 21, 2021**. A **separate order** issuing "Letters of Special
15 Administration" in favor of Cassady was entered on **September 27, 2021**.²
16 The purpose of this Motion is to seek clarification as to what orders this Court is
17 referencing. The December 17 Order, quoted above, refers to two orders, one September
18 21, 2021(hereafter “September 21 Order”) and another on September 27, 2021 (hereafter
19 “September 27 Order”). Attached hereto as **Exhibit “1”** is the Register of Actions from
20 the District Court. The only document entered into the register on September 21, 2021
21 is the *Order Affirming Probate Commissioner's Report and Recommendation,*
22 *Appointing Jasen Cassady as Special Administrator* (DocID #51) which is the
23 September 21 Order. The September 21 Order, attached hereto as **Exhibit “2”**,
24 affirmed the recommendations of the Probate Commissioner and appointed Jasen
25 Cassady as Special Administrator.

26 As directed by the District Court, the Clerk of the Court issued *Letters of Special*
27 *Administration* (DocID #58, hereafter “Special Letters”) to Jasen Cassady on September
28 27, 2021 (attached hereto as **Exhibit “3”**). However, a review of the Register of Actions

¹ Determination Motion, at pg. 5 ¶ 1.

² Order, December 17, 2021, at ¶ 1. Emphasis added.

1 shows that **no order was issued on September 27, 2021** or any date after
2 September 21. The only document on the Register of Actions for September 27, 2021 is
3 the Special Letters.

4 **LEGAL ARGUMENT**

5
6 The Special Letters cannot be the September 27 Order that the Court referred to
7 in it's December 17 Order because the Special Letters aren't an order. Rather, as
8 discussed below, the Special Letters are a document issued by the Clerk of the Court
9 pursuant to the September 21 Order, quoted above. For this reason, Mr. Cassady seeks
10 clarification of the Court.

11 12 **1. The Special Letters Cannot be an Order Because the Clerk of the Court Has No Authority to Appoint a Special Administrator**

13 The Special Letters cannot be the September 27 Order because under Nevada
14 probate law, the Court appoints a Special Administrator, not the Clerk of the Court.
15 The Clerk merely issues the letters. The Clerk of the Court has no authority to appoint
16 an administrator and thus letters issued by the Clerk cannot be appealed.

17
18 "The court shall appoint a special administrator to collect and take charge of the
19 estate of the decedent..."³ Thus, it is the Court that appoints a Special Administrator.
20 Upon the appointment by the Court, the Clerk issues letters. NRS 140.020(2) directs
21 that "[u]pon the filing of the order, and after the person appointed has given bond if
22 fixed by the court, **the clerk shall issue special letters of administration**, with a
23 copy of the order attached." Emphasis added.

24
25 That is what has happened in this matter. The September 21 Order appointed
26 Mr. Cassady. "IT IS FURTHER ORDERED, ADJUDGED AND DECREED that JASEN
27

28 ³ NRS 140.010.

1 CASSADY, is appointed as Special Administrator of the Estate of DEMETRIOUS
2 DALACAS to act on behalf of the Estate in pending litigation where the Decedent or the
3 Estate is named as a party, **and that Letters of Special Administration be issued**
4 **to him** upon him taking the oath required by law.”⁴

5
6 The Clerk of the Court then acted on the instructions in the September 21 Order
7 and issued the Special Letters. “On the 21st of September 2021, the Court entered an
8 Order appointing Jasen Cassady as Special Administrator of the estate of the above-
9 named Decedent.” “The Special Administrator having duly qualified may act and has
10 the authority and duties of a Special Administrator as provided under NRS 140.040.”⁵

11
12 In the process of appointing a Special Administrator, there is only one order
13 entered—by the Court. The Clerk of the Court then acts on the order and issues the
14 letters. Accordingly, the Special Letters cannot be the September 27 Order this Court
15 references in the December 17 Order.

16 **2. The Special Letters Cannot be an Order Because Issuance of Letters Is**
17 **a Ministerial Act.**

18 NRS 3.250-305 enumerates the powers of the Clerk of the Court in District Court.
19 Those enumerated powers do not include any discretion as to issuing orders appointing
20 special administrators.

21
22 As noted immediately above, the Court issues an order appointing an
23 administrator and the Clerk of the Court obeys and follows the direction of that order.⁶
24 Thus, when the Clerk of the Court issues letters, it is merely a ministerial act and not an
25

26 ⁴ September 21 Order, at pg. 3:6-12. Emphasis added.

27 ⁵ Letters of Special Administration, **Exhibit “3”**.

28 ⁶ See NRS 140.030(2) and NRS 140.010.

1 order of the Court. “A ministerial act is an act performed by an individual in a
2 prescribed legal manner in accordance with the law, without regard to, or the exercise
3 of, the judgment of the individual.”⁷ As such, there cannot be abuse of discretion or
4 clear error for this Court to review as the Clerk of the Court is merely acting at the
5 direction of the District Court judge who signs the order.
6

7 **3. The Special Letters Cannot be the September 27 Order Because the**
8 **Notice of Appeal Only References the September 21 Order**

9 NRAP 4(a)(1) provides that, “...a notice of appeal must be filed after entry of a
10 written judgment or order, and no later than 30 days after the date that written notice of
11 entry of the judgment or order appealed from is served.”

12 The Notice of Appeal (**Exhibit “4”**) only identifies one order on appeal—the
13 September 21 Order: “Notice is hereby given that Creditor, RYAN MCCLARAN, hereby
14 appeals to the Supreme Court of Nevada from the Order Affirming Report and
15 Recommendation Appointing Jasen Cassady as Special Administrator entered in this
16 case on September 21, 2021 with Notice of Entry being filed September 22, 2021 and the
17 Letters of Special Administration filed on September 27, 2021.”
18

19 Although the Notice of Entry is referenced in the Notice of Appeal, it is not
20 subject of an appeal itself, nor are the Letters.
21

22 **4. A September 21 Order which is appealable, and a September 27 Order**
23 **which is not, creates the possibility of a contradictory outcome.**
24

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26 ⁷In re Montierth, 354 P. 3d 648, 653 (Nev. 2015) quoting Pittman v. Lower Court
27 Counseling, 110 Nev. 359, 364, 871 P.2d 953, 956 (1994) (alteration in original) (citation
28 omitted) (quoting Travelers Hotel, Ltd. v. City of Reno, 103 Nev. 343, 345-46, 741 P.2d
1353, 1354 (1987)), overruled on other grounds by Nunez v. City of N. Las Vegas, 116
Nev. 535, 1 P.3d 959 (2000).

1 The Special Letters cannot be the September 27 Order referenced by this Court's
2 December 17 Order because if they were, it would potentially result in a contradictory
3 outcome. The December 17 Order held that the September 21 Order is not appealable
4 pursuant to NRS 140.020(3), but that the September 27 Order is not.
5

6 This September 21 Order appointed Mr. Cassady. This Court has ruled, correctly,
7 that the September 21 Order is not appealable as it lacks jurisdiction. The Special Letters
8 cannot be the September 27 Order because they only act on the September 21 Order.
9 More specifically, the only act the Special Letters take is the ministerial act appointment
10 of Mr. Cassady as Special Administrator as directed by the non-appealable September 21
11 Order. This Court has already ruled that the appointment of Mr. Cassady as Special
12 Administrator is not appealable pursuant to NRS 140.020(3). Thus, even if the Special
13 Letters were an appealable order—which they are not—there is no issue referenced
14 within the Special Letters for this Court to review or decide.
15

16 CONCLUSION

17 Mr. Cassady seeks clarification from this Court as to it's December 17 order.
18 Specifically, what is the second order, dated September 27, 2021 that is referenced?
19 How can there be a second order on appeal where the Notice of Appeal references only
20 one order? The Special Letters cannot be the September 27 Order because the Clerk of
21 the Court does not have authority to issue orders appointing special administrators.
22

23
24 DATED: December 27, 2021.
25

26 **BLACKROCK LEGAL, LLC**

27 /s/ Thomas R. Grover, Esq.
28 MICHAEL A. OLSEN, ESQ.

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Attorneys for Respondent Jasen E. Cassady



EXHIBIT “1”

REGISTER OF ACTIONS**CASE NO. P-20-103708-E****In the Matter of: Demetrios Dalacas, Deceased**§
§
§
§
§
§
§Case Type: **Probate - Special Administration**Date Filed: **07/29/2020**Location: **Department 5**Cross-Reference Case Number: **P103708**Supreme Court No.: **83702****RELATED CASE INFORMATION****Related Cases**

P-20-104354-E (Consolidated)

PARTY INFORMATION

Claimant	Tousoulis, John	Lead Attorneys Kevin R. Hansen <i>Retained</i> 702-478-7777(W)
Decedent	Dalacas, Demetrios A.	DOD: 05/16/2020
Other	Lipson Neilson P.C.	Joseph P Garin <i>Retained</i> 702-382-1500(W)
Other	McClaran, Ryan	Adam J. Breeden <i>Retained</i> 702-819-7770(W)
Petitioner	Lee, Lisa M.	Dennis M Prince <i>Retained</i> 702-534-7600(W)
Special Administrator	Cassady, Jasen	Thomas R Grover <i>Retained</i> 702-855-5658(W)

EVENTS & ORDERS OF THE COURT

OTHER EVENTS AND HEARINGS	
07/29/2020	Petition for Special Letters of Administration Doc ID# 1 [1] <i>Petition for Special Letters of Administration</i>
07/29/2020	Redacted Version Doc ID# 6 [6] <i>Redacted per Order 9/11/2020 Petition for Special Letters of Administration</i>
08/12/2020	Creditors Claim Doc ID# 2 [2] <i>Claim against estate</i>
09/09/2020	Supplemental Doc ID# 3 [3] <i>Supplement to Petition for Special Letters of Administration</i>
09/09/2020	Ex Parte Petition Doc ID# 4 [4] <i>Ex Parte Petition to Redact Restricted Personal Information</i>
09/11/2020	Order Doc ID# 5 [5] <i>Order to Redact Restricted Personal Information</i>
10/16/2020	Order Appointing Special Administrator Doc ID# 7 [7] <i>Order Appointing Special Administrator</i>
11/02/2020	Creditors Claim Doc ID# 8 [8] <i>Claim against estate</i>
11/23/2020	Letters of Administration Electronically Issued/Filed Doc ID# 9 [9] <i>Letters of Special Administration</i>
01/04/2021	Case Reassigned to Department 5 <i>Judicial Reassignment to Judge Veronica M. Barisich</i>
02/10/2021	Motion to Consolidate Doc ID# 10 [10] <i>Motion to Consolidate P-20-104354-E with Earliest Filed Matter and to Withdraw</i>
02/10/2021	Notice of Hearing Doc ID# 11 [11] <i>Notice of Hearing of Motion to Consolidate P-20-104354-E with Earliest Filed Matter and to Withdraw</i>
02/10/2021	Clerk's Notice of Hearing Doc ID# 12 [12] <i>Clerk's Notice of Hearing</i>

02/12/2021	Affidavit of Mailing Doc ID# 13 [13] Affidavit of Mailing
03/05/2021	Response Doc ID# 14 [14] Creditor Ryan McClaran's Response to Motion to Consolidate and Motion to Withdraw as Special Administrator by Robert McMaster and Countermotion for Appointment of New Special Administrator
03/05/2021	Response Doc ID# 15 [15] Special Administrator Lisa M. Lee's Response to Special Administrator Robert O. McMaster's Motion to Consolidate P-20-104354-E with the Earliest Filed Matter and to Withdraw and Countermotion for Withdrawal of Lisa M. Lee as Special Administrator of the Estate of Demetrios A. Dalacas
03/18/2021	Request Doc ID# 16 [16] Request for Special Notice and Objection to Motion to Consolidate and Objection to the Appointment of Lisa M. Lee as Special Administrator
03/24/2021	Response Doc ID# 17 [17] Creditor Ryan McClaran's Reply and Supplemental Response to Pending Motions and Countermotion for Appointment of New Special Administrator
03/29/2021	Response Doc ID# 18 [18] Response and Objection to McClaran S Request for Appointment of Sharp and Renewed Request for Experienced Administrator
03/31/2021	Supplement Doc ID# 19 [19] SUPPLEMENT TO RESPONSE AND OBJECTION TO MCLARAN S REQUEST FOR APPOINTMENT OF SHARP AND RENEWED REQUEST FOR EXPERIENCED ADMINISTRATOR
04/01/2021	Creditors Claim Doc ID# 20 [20] Creditor's Claim - John & Denise Tousoulis \$1,209,234.00
04/01/2021	Motion to Strike Doc ID# 21 [21] Creditor Ryan McClaran's Motion to Strike Filings of Law Firm Lipson Neilson, PC
04/01/2021	Clerk's Notice of Hearing Doc ID# 22 [22] Notice of Hearing
04/02/2021	Motion to Consolidate (9:45 AM) (Judicial Officer Tanko, Sean) Motion to Consolidate P-20-104354-E with Earliest Filed Matter and to Withdraw Parties Present Minutes 04/02/2021 Reset by Court to 04/02/2021 Result: Granted
04/08/2021	Estimate of Transcript Doc ID# 23 [23] APRIL 2, 2021
04/12/2021	Objection Doc ID# 24 [24] Objection to Ryan McClaran's Motion to Strike Filings of Law Firm of Lipson Nielson, PC With Respect to Appointment of a Special Administrator
04/15/2021	Transcript of Proceedings Doc ID# 25 [25] April 2, 2021
04/15/2021	Final Billing of Transcript Doc ID# 29 [29] APRIL 2, 2021
04/16/2021	Order Doc ID# 26 [26] order granting motion to consolidate and to withdraw
04/22/2021	Creditors Claim Doc ID# 27 [27] Wells Fargo Bank NA - \$7063.70
04/23/2021	Reply Doc ID# 28 [28] Creditor Ryan McClaran's Reply in Support of His Motion to Strike Filings of Law Firm Lipson Nielson, PC
05/25/2021	Report and Recommendations Doc ID# 30 [30] Probate Commissioner's Report and Recommendations
05/27/2021	Notice of Hearing Doc ID# 31 [31] Notice of Hearing
05/27/2021	Order Doc ID# 32 [32] Order granting countermotion for withdraw of Lisa M. Lee as special administrator of the estate
05/27/2021	Clerk's Notice of Hearing Doc ID# 33 [33] Notice of Hearing
06/01/2021	Notice of Entry of Order Doc ID# 34 [34] Notice of Entry of Order Granting Countermotion for Withdrawal of Lisa M. Lee as Special Administrator of the Estate of Demetrios A. Dalacas
06/04/2021	Objection Doc ID# 35 [35] Creditor Ryan McClaran's Objection to Probate Commissioner's Report and Recommendation and Motion for Evidentiary Hearing
06/04/2021	Notice of Hearing Doc ID# 36 [36] Notice of Hearing of Motion for Evidentiary Hearing
06/04/2021	Clerk's Notice of Hearing Doc ID# 37 [37] Notice of Hearing
06/07/2021	Certificate of Mailing Doc ID# 38 [38] Certificate of Mailing
06/07/2021	Certificate of Mailing Doc ID# 39 [39] Certificate of Mailing
06/08/2021	Clerk's Notice of Hearing Doc ID# 40 [40] Notice of Hearing
06/08/2021	Certificate of Mailing Doc ID# 41 [41] Certificate of Mailing
06/18/2021	CANCELED Petition - HM (9:45 AM) (Magistrate Yamashita, Wesley) Vacated
06/22/2021	Opposition Doc ID# 42 [42] Opposition to Creditor Ryan McClaran s Objection to Probate Commissioner s Report and Recommendation and Motion for Evidentiary Hearing
06/24/2021	Notice of Change of Hearing Doc ID# 43 [43] Notice of Change of Hearing
07/09/2021	Reply Doc ID# 44 [44] Creditor Ryan McClaran's Reply in Support of Objection to Probate Commissioner's Report and Recommendation and Motion for Evidentiary Hearing
07/09/2021	Certificate of Mailing Doc ID# 45 [45] Certificate of Mailing

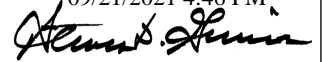
07/20/2021	Notice of Hearing Doc ID# 46 [46] Instructions for BlueJeans VideoConferencing
07/22/2021	Objection to Referee's Report & Recommendation (11:00 AM) (Judicial Officer Barisich, Veronica M.) Creditor Ryan McClaran's Objection to Probate Commissioner's Report and Recommendation and Motion for Evidentiary Hearing Parties Present Minutes 07/21/2021 Reset by Court to 07/22/2021 Result: Over Ruled
07/29/2021	Notice Doc ID# 47 [47] Jasen Cassady's Notice of Filing Email in Response to Creditor Ryan McClaran's Motion to Strike Filings of Law Firm Lipson Neilson, P.C.
07/29/2021	Supplement Doc ID# 48 [48] First Supplement to Opposition to Creditor Ryan McClaran's Objection to Probate Commissioner's Report and Recommendation and Motion for Evidentiary Hearing
07/29/2021	Supplement Doc ID# 49 [49] First Supplement to Opposition to Creditor Ryan McClaran's Objection to Probate Commissioner's Report and Recommendation and Motion for Evidentiary Hearing (Includes Complete Exhibit "1")
07/29/2021	Certificate of Service Doc ID# 50 [50] Certificate of Service
07/30/2021	Petition - HM (9:45 AM) (Magistrate Yamashita, Wesley) Creditor Ryan McClaran's Motion to Strike Filings of Law Firm Lipson Neilson, PC Parties Present Minutes 05/28/2021 Reset by Court to 07/30/2021 07/30/2021 Reset by Court to 07/30/2021 Result: Denied
08/24/2021	Minute Order (3:00 AM) (Judicial Officer Barisich, Veronica M.) Creditor Ryan McClaran's Objection to Probate Commissioner's Report and Recommendation and Motion for Evidentiary Hearing Minutes Result: Minute Order - No Hearing Held
09/03/2021	Petition - HM (3:00 AM) (Magistrate Yamashita, Wesley) Notice of Hearing of Motion for Evidentiary Hearing Minutes 08/06/2021 Reset by Court to 09/03/2021 Result: Off Calendar
09/21/2021	Order Doc ID# 51 [51] Order Affirming Probate Commissioner's Report and Recommendation, Appointing Jasen Cassady as Special Administrator
09/22/2021	Notice of Entry of Order Doc ID# 52 [52] Notice of Entry of Order
09/22/2021	Certificate of Service Doc ID# 53 [53] Certificate of Service
09/27/2021	Letters of Administration Electronically Issued/Filed Doc ID# 58 [58] Letters of Special Administration
09/28/2021	Motion for Relief Doc ID# 54 [54] Creditor Ryan McClaran's Motion for Various Forms of Relief
09/28/2021	Exhibits Doc ID# 55 [55] Creditor Ryan McClaran's Exhibits in Support of His Motion for Various Forms of Relief
09/28/2021	Notice of Hearing Doc ID# 56 [56] Notice of Hearing of Motion for Various Relief
09/28/2021	Clerk's Notice of Hearing Doc ID# 57 [57] Notice of Hearing
09/28/2021	Certificate of Service Doc ID# 59 [59] Certificate of Service
09/29/2021	Certificate of Mailing Doc ID# 60 [60] Certificate of Mailing
09/30/2021	Recorders Transcript of Hearing Doc ID# 61 [61] Recorders Transcript of Hearing Re: 07.22.21 - Creditor Ryan McClaran's Objection to Probate Commissioner's Report and Recommendation and Motion for Evidentiary Hearing
10/04/2021	Certificate of Service Doc ID# 62 [62] Certificate of Service
10/13/2021	Objection Doc ID# 63 [63] Objection to Creditor Ryan McClaran's Motion for Various Forms of Relief and Counter-Petition for Attorney's Fees and Counter-Petition to Find Creditor Ryan McClaran a Vexatious Litigant and Counter-Petition to Declare Estate Insolvent and Counter-Petition to Approve Retainer Agreement
10/13/2021	Certificate of Service Doc ID# 64 [64] Certificate of Service
10/20/2021	Reply Doc ID# 65 [65] Creditor Ryan McClaran's Reply in Support of Motion for Various Forms of Relief
10/20/2021	Certificate of Mailing Doc ID# 66 [66] Certificate of Mailing
10/21/2021	Notice of Appeal Doc ID# 67 [67] Notice of Appeal
10/21/2021	Case Appeal Statement Doc ID# 68 [68] Case Appeal Statement
10/21/2021	Certificate of Mailing Doc ID# 69 [69] Certificate of Mailing
11/01/2021	Report and Recommendations Doc ID# 70 [70] Report and Recommendation
11/02/2021	Notice of Entry Doc ID# 71 [71] Notice of Entry of Report and Recommendation

11/03/2021 [Certificate of Service](#) **Doc ID# 72**
 [72] Certificate of Service
 12/17/2021 **Motion - HM** (9:45 AM) (Judicial Officer Becker, Nancy; Magistrate Yamashita, Wesley)
 Creditor Ryan McClaran's Motion for Various Forms of Relief
 12/17/2021 Reset by Court to 12/17/2021

FINANCIAL INFORMATION

	Decedent Dalacas, Demetrios A.		
	Total Financial Assessment		10.50
	Total Payments and Credits		10.50
	Balance Due as of 12/27/2021		0.00
02/10/2021	Transaction Assessment		3.50
02/10/2021	Efile Payment	Receipt # 2021-08081-CCCLK	(3.50)
02/10/2021	Transaction Assessment		3.50
02/10/2021	Efile Payment	Receipt # 2021-08113-CCCLK	(3.50)
02/12/2021	Transaction Assessment		3.50
02/12/2021	Efile Payment	Receipt # 2021-08778-CCCLK	(3.50)
	Other McClaran, Ryan		
	Total Financial Assessment		24.00
	Total Payments and Credits		24.00
	Balance Due as of 12/27/2021		0.00
10/21/2021	Transaction Assessment		24.00
10/21/2021	Efile Payment	Receipt # 2021-65290-CCCLK	(24.00)
		McClaran, Ryan	

EXHIBIT “2”


CLERK OF THE COURT

LIPSON NEILSON P.C.
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Attorneys for Defendants

DISTRICT COURT
CLARK COUNTY, NEVADA

In the Matter of the Estate of
DEMETRIOS DALACAS,

Deceased,

CASE NO. P-20-103708-E
DEPT NO.
PROBATE

In the Matter of the Estate of
DEMETRIOS DALACAS,

Deceased.

CASE NO. P-20-103708-E
DEPT NO.
PROBATE

**ORDER AFFIRMING REPORT AND
RECOMMENDATION, APPOINTING
JASEN CASSADY AS SPECIAL
ADMINISTRATOR**

Creditor Ryan McClaran's (hereafter "Creditor" or "McClaran") *Objection to Probate Commissioner's Report and Recommendation and Motion for Evidentiary Hearing* Doc ID #35 (hereafter "Objection") came before the Court on July 22, 2021, and following the review of the papers and pleadings on file, and considering oral argument by counsel at the time of hearing, the Court issued a Minute Order, now reduced to a formal order, which hereby finds and orders as follows:

THE COURT FINDS AND CONCLUDES that although the parties disagree as to the applicable standard of review of the objection the Probate Commissioner's *Report and Recommendation* Doc ID #30 (hereafter "RAR"), dated May 25, 2021, the case law under Venetian Casino, suggests that the correct standard is de novo review for questions of law and abuse of

discretion for question of fact. Thus, the report and recommendations must be reviewed for clear error or arbitrary or capricious abuse of discretion. Qualification of an administrator is a question of fact. Here, the court is unable to discern a clear error or arbitrary or capricious abuse of discretion. Thus, there is no factual basis to sustain the Objection. *Venetian Casino Resort, LLC v. Eighth Jud. District Ct.*, 41 P.3d 327, 332 (2002).

THE COURT FURTHER FINDS AND CONCLUDES that parties agree to the relevant statute: NRS139.010 and 130.040. There is no dispute that under NRS 139.040(1)(h) and (j), McClaran, a purported creditor, enjoys a priority in appointment over Lipson Neilson. However, the Probate Commissioner, in the RAR, made a ruling clearly finding of conflict of interest by attorney Sharp, who as nominated by McClaran, under NRS 139.010. Thus, under NRS 139.010(3), Sharp is not qualified to serve as the administrator and the priority for right to appointment need not even be discussed.

THE COURT FURTHER FINDS AND CONCLUDES that *Dickerson v. Eighth Judicial Dist. Court*, 82 Nev. 234, 238, 414 P.2d 946, 949 (1966) is inapplicable here. It is noted that Dickerson was issued in 1966 and NRS 130.010 was amended multiple times since then. Most notably, in 2001, this statute was amended to specifically include conflict of interest as basis to find that a person is qualified to serve as an administrator. Thus, Dickerson was overruled by Statute. Furthermore, applying Dickerson to this case would negate the power of the court to appoint a special administrator under NRS 140.020.

THE COURT FURTHER FINDS AND CONCLUDES that there is insufficient argument that attorney Cassady is not qualified to act as the special administrator or that he has a conflict of interest. Thus, under NRS 139.050, his nomination to serve as the administrator should be granted.

Therefore, based upon the foregoing, and good cause appearing,

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1 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that the Objection to Probate
2 Commissioners Report and Recommendations shall be **OVERRULED**.

3 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the Probate
4 Commissioner's *Report and Recommendation* Doc ID #30 dated May 25, 2021 is **AFFIRMED**
5 **AND ADOPTED**.

6 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that JASEN
7 CASSADY, is appointed as Special Administrator of the Estate of DEMETRIOUS DALACAS to
8 act on behalf of the Estate in pending litigation where the Decedent or the Estate is named as a
9 party, and that Letters of Special Administration be issued to him upon him taking the oath
10 required by law.

11 **IT IS FURTHER ORDERED** that the Court waives the requirement of posting bond
12 by the Special Administrator provided that any proceeds from the liquidation of any estate
13 assets are deposited in the BLACKROCK LEGAL CLIENT TRUST ACCOUNT.
14

15 **IT IS FURTHER ORDERED** that Petitioner be granted all of the powers of a Special
16 Administrator contained in NRS Chapter 140.
17

18 **IT IS SO ORDERED.**

19 DATED this ____ day of September, 2021.

Dated this 21st day of September, 2021



DISTRICT COURT JUDGE

BA9 373 3E59 9D2A
Veronica M. Barisich
District Court Judge

Respectfully submitted by:

LIPSON NEILSON, LLP

/s/ Janeen V. Isaacson

JANEEN ISAACSON, ESQ.

Nevada Bar No. 6419
9900 Covington Cross, Suite 120
Las Vegas, Nevada 89144
Phone: (702) 382-1500

Attorneys for Defendants

Approved as to form and content:

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Attorneys for Plaintiff

Approved as to form and content:

BLACKROCK LEGAL

/s/ Thomas R. Grover

Michael A. Olson, Esq.

Nevada Bar No. 6076

Thomas R. Grover, Esq,

Nevada Bar No 12387

10155 W. Twain Ave., Suite 100

Las Vegas, Nevada 89147

Phone: (702) 855-5658

Attorneys for Jasen Cassady

Renee Rittenhouse

From: Thomas Grover <tom@blackrocklawyers.com>
Sent: Tuesday, September 7, 2021 5:50 PM
To: Renee Rittenhouse; DC5inbox@clarkcountycourts.us
Cc: Janeen Isaacson; 'Adam Breeden'; Kristy Johnson
Subject: RE: P-20-103708-C (In the Matter of the Estate of Demetrios Dalacas)

Follow Up Flag: Follow up
Due By: Tuesday, September 14, 2021 9:00 AM
Flag Status: Flagged

Categories: Email String

I approve of this order as to form and content. I represent Jasen Cassady who will be confirmed as Special Administrator.

Tom



Thomas R. Grover
10155 West Twain Suite 100
Las Vegas, NV 89147
T: 702.855.5658
F: 702.869.8243
C: 702.900.3003

This message and any file(s) or attachment(s) transmitted herewith are confidential, intended for the named recipient only, and may contain information that is a trade secret, proprietary, protected by attorney work product doctrine, subject to attorney-client privilege, or is otherwise protected against unauthorized use or disclosure. This message and any file(s) or attachment(s) transmitted herewith are based on a reasonable expectation of privacy consistent with ABA Formal Opinion No. 99-413. Any disclosure, distribution, copying, or use of this information by anyone other than the intended recipient, regardless of address or routing, is strictly prohibited. If you receive this message in error, please advise the sender by immediate reply and delete the original message. Thank you. BlackRock Legal, LLC – Attorneys at law

From: Renee Rittenhouse <RRittenhouse@lipsonneilson.com>
Sent: Tuesday, September 7, 2021 2:40 PM
To: DC5inbox@clarkcountycourts.us
Cc: Janeen Isaacson <JIsaacson@lipsonneilson.com>; Thomas Grover <tom@blackrocklawyers.com>; 'Adam Breeden' <adam@breedenandassociates.com>; Kristy Johnson <kristy@breedenandassociates.com>
Subject: P-20-103708-C (In the Matter of the Estate of Demetrios Dalacas)

Dear Dept. 5:

Please see attached Order Affirming Report & Recommendation Appointing Jasen Cassedy as Special Administrator for review by the Judge. It is our understanding that Mr. Breeden will be submitting a competing order.

Please do not hesitate to contact our office with any questions or concerns.

Thank you,

LAW OFFICES



Renee M. Rittenhouse

*Legal Assistant to Janeen V. Isaacson, Esq.
and Peter E. Dunkley, Esq.*

Lipson Neilson

9900 Covington Cross Drive, Suite 120

Las Vegas, NV 89144

(702) 382-1500

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E-Mail: rrittenhouse@lipsonneilson.com

Website: www.lipsonneilson.com

OFFICES IN NEVADA, MICHIGAN, ARIZONA & COLORADO

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 In the Matter of:

CASE NO: P-20-103708-E

7 Demetrios Dalacas, Deceased

DEPT. NO. Department 5

8
9 **AUTOMATED CERTIFICATE OF SERVICE**

10 This automated certificate of service was generated by the Eighth Judicial District
11 Court. The foregoing Order was served via the court's electronic eFile system to all
12 recipients registered for e-Service on the above entitled case as listed below:

13 Service Date: 9/21/2021

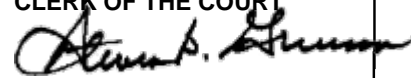
14 Adam Breeden	adam@breedenandassociates.com
15 Thomas Grover	tom@blackrocklawyers.com
16 Susana Nutt	snutt@lipsonneilson.com
17 Michael Olsen	mike@blackrocklawyers.com
18 Renee Rittenhouse	rrittenhouse@lipsonneilson.com
19 Kevin Hansen, Esq.	kevin@kevinrhansen.com
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21 Amanda Harmon	amandah@kevinrhansen.com
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23 Christine Manning	christine@blackrocklawyers.com
24 Julian Campbell	julian@blackrocklawyers.com
25 Janeen Isaacson	JIsaacson@lipsonneilson.com

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Nicole Littlejohn	nlittlejohn@thedplg.com

EXHIBIT “3”



LAEI
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Facsimile (702) 869-8243
mike@blackrocklawyers.com
tom@blackrocklawyers.com
Attorneys for Jasen Cassidy

DISTRICT COURT

CLARK COUNTY, NEVADA

In the Matter of the Estate of

DEMETRIOS A. DALACAS,

Deceased.

Case No. P-20-103708-E
Dept. No. 5

**LETTERS OF SPECIAL
ADMINISTRATION**

On the 21st of September 2021, the Court entered an Order appointing Jasen Cassidy as Special Administrator of the estate of the above-named Decedent. The Order includes:

A directive for no bond.

A directive that in the event the estate assets are liquidated those assets be placed in the Client Trust Account Blackrock Legal until further ordered by the Court.

The Special Administrator having duly qualified may act and has the authority and duties of a Special Administrator as provided under NRS 140.040.

In testimony of which, I have this date signed these Letters and affixed the Seal of the Court.

STEVEN D. GRIERSON, CLERK OF THE COURT

By: 

Deputy Clerk

Michelle McCarthy

9/28/2021

Date

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OATH

I, Jasen Cassady, whose mailing address is 10799 W Twain Ave, Las Vegas, NV 89135,
solemnly affirm that I will faithfully perform according to law duties of Special Co-
Administrator and that any matters stated in any petition or paper filed with the Court are true of
my own knowledge or, if any matters are stated on information or belief, I believe them to be
true.

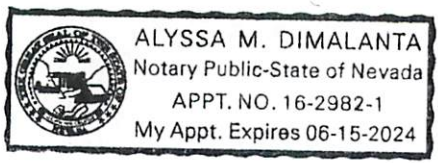


Jasen Cassady, Special Administrator

SIGNED AND SWORN to before me
this 27th day of September, 2021, by

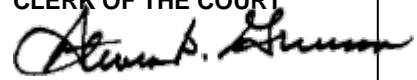


NOTARY PUBLIC



 **BLACKROCK**
LEGAL

EXHIBIT “4”



1 NOAS
2 ADAM J. BREEDEN, ESQ.
3 Nevada Bar No. 008768
4 BREEDEN & ASSOCIATES, PLLC
5 376 E. Warm Springs Road, Suite 120
6 Las Vegas, Nevada 89119
7 Phone: (702) 819-7770
8 Fax: (702) 819-7771
9 Adam@Breedendandassociates.com
10 Attorneys for Creditor Ryan McClaran

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EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

In the Matter of the Estate of:

DEMETRIOS A. DALACAS

Deceased.

CASE NO.: P-20-103708-E

DEPT NO.: 5

Consolidated With

In the Matter of the Estate of:

DEMETRIOS A. DALACAS

Deceased.

CASE NO.: P-20-104354-E

DEPT NO.: 5

NOTICE OF APPEAL

Notice is hereby given that Creditor, RYAN MCCLARAN, hereby appeals to the Supreme Court of Nevada from the *Order Affirming Report and Recommendation Appointing Jasen Cassady as Special Administrator* entered in this case on September 21, 2021 with Notice of Entry being filed September 22, 2021 and the *Letters of Special Administration* filed on September 27, 2021.

DATED this 21st day of October, 2021.

BREEDEN & ASSOCIATES, PLLC



ADAM J. BREEDEN, ESQ.

Nevada Bar No. 008768
376 E. Warm Springs Road, Suite 120
Las Vegas, Nevada 89119
Attorneys for Creditor Ryan McClaran

CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of October, 2021, I served a copy of the foregoing legal document entitled **NOTICE OF APPEAL** via the method indicated below:

X	<p>Pursuant to NRCP 5 and NEFCR 9, by electronically serving all counsel and e-mails registered to this matter on the Court's official service, Wiznet system.</p> <table><tr><td>Kevin T. Strong, Esq. PRINCE LAW GROUP 10801 W. Charleston Blvd, Ste. 560 Las Vegas, Nevada 89135 <i>For Creditor Sirianni</i></td><td>Janeen V. Isaacson, Esq. LIPSON NEILSON P.C. 9900 Covington Cross Drive, Ste. 120 Las Vegas, Nevada 89144 <i>For Herself and the Insurance Company</i></td></tr><tr><td>Thomas R. Grover, Esq. BLACKROCK LEGAL, LLC 10155 W. Twain Avenue, Suite 100 Las Vegas, Nevada 89147 <i>For Special Administrator Jasen Cassady</i></td><td>Kevin R. Hansen, Esq. LAW OFFICE OF KEVIN R. HANSEN 5440 W. Sahara Avenue, Suite 206 Las Vegas, Nevada 89146 <i>For Creditor John and Denise Tousoulis</i></td></tr></table>	Kevin T. Strong, Esq. PRINCE LAW GROUP 10801 W. Charleston Blvd, Ste. 560 Las Vegas, Nevada 89135 <i>For Creditor Sirianni</i>	Janeen V. Isaacson, Esq. LIPSON NEILSON P.C. 9900 Covington Cross Drive, Ste. 120 Las Vegas, Nevada 89144 <i>For Herself and the Insurance Company</i>	Thomas R. Grover, Esq. BLACKROCK LEGAL, LLC 10155 W. Twain Avenue, Suite 100 Las Vegas, Nevada 89147 <i>For Special Administrator Jasen Cassady</i>	Kevin R. Hansen, Esq. LAW OFFICE OF KEVIN R. HANSEN 5440 W. Sahara Avenue, Suite 206 Las Vegas, Nevada 89146 <i>For Creditor John and Denise Tousoulis</i>
Kevin T. Strong, Esq. PRINCE LAW GROUP 10801 W. Charleston Blvd, Ste. 560 Las Vegas, Nevada 89135 <i>For Creditor Sirianni</i>	Janeen V. Isaacson, Esq. LIPSON NEILSON P.C. 9900 Covington Cross Drive, Ste. 120 Las Vegas, Nevada 89144 <i>For Herself and the Insurance Company</i>				
Thomas R. Grover, Esq. BLACKROCK LEGAL, LLC 10155 W. Twain Avenue, Suite 100 Las Vegas, Nevada 89147 <i>For Special Administrator Jasen Cassady</i>	Kevin R. Hansen, Esq. LAW OFFICE OF KEVIN R. HANSEN 5440 W. Sahara Avenue, Suite 206 Las Vegas, Nevada 89146 <i>For Creditor John and Denise Tousoulis</i>				
X	<p>Pursuant to NRCP 5, by placing a copy in the US mail, postage pre-paid to the following counsel of record or parties in proper person:</p> <p>Elene Mylordos 14947 Fjord Street San Leandro, California 94578 <i>Interested Party</i></p> <p>Agnes R. MacIntyre WELLS FARGO BANK, N.A. PO Box 3696 MAC P6053-021 Portland, Oregon 97208 <i>Creditor & Interested Party</i></p>				
	Via receipt of copy (proof of service to follow)				

An Attorney or Employee of the following firm:

/s/ Kristy Johnson

BREEDEN & ASSOCIATES, PLLC