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Nov 30 2021 04:16 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

JERIMY L. KIRSCHNER, ESQ.  
Nevada Bar No. 12012  
JERIMY KIRSCHNER & ASSOCIATES, PLLC  
5550 Painted Mirage Rd., Suite 320  
Las Vegas, NV 89149  
Telephone: (702) 563-4444  
Fax: (702) 563-4445  
Attorney for Kyla Duckworth  
[jerimy@jkirschnerlaw.com](mailto:jerimy@jkirschnerlaw.com)

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

In the Matter of the  
THE DUCKWORTH FAMILY TRUST

Case No.: P-20-103183-T  
Dept: 26

NOTICE OF APPEAL

Dated March 12, 2015

(CLERK'S ACTION REQUIRED)

**NOTICE OF APPEAL**

Please take notice that Kyla Duckworth ("Petitioner") hereby appeals to the Supreme Court of Nevada from:

1. Order Adopting The Report and Recommendation Entered August 11, 2021 For Hearing Held July 9, 2021 (Finding Kyla Duckworth To Be a Caregiver Pursuant to NRS 155.097) And Denying Kyla Duckworth's Objection to the Report and Recommendation, attached hereto as Exhibit 1.

DATED this 19<sup>th</sup> day of November, 2021

JERIMY KIRSCHNER & ASSOCIATES, PLLC  
/s/Jerimy L. Kirschner  
JERIMY L. KIRSCHNER, ESQ.  
Nevada Bar No. 12012  
5550 Painted Mirage Rd., Suite 320  
Las Vegas, NV 89149

**CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of Jerimy Kirschner & Associates, PLLC, and on November 19<sup>th</sup>, 2021 I caused a copy of the foregoing NOTICE OF APPEAL to be served through the electronic court filing system, email, or USPS upon the following persons/entities:

**DAWSON AND LORDHAL PLLC**

Attn: Elizabeth Brickfield  
8925 West Post Road, Suite 210  
Las Vegas, Nevada 89148  
Email: [EBrickfield@dlnevadalaw.com](mailto:EBrickfield@dlnevadalaw.com), [Mdouglas@dlnevadalaw.com](mailto:Mdouglas@dlnevadalaw.com),  
[KFriedrich@dlnevadalaw.com](mailto:KFriedrich@dlnevadalaw.com)  
*Attorney for Trustee Cary Duckworth*

**JOLLEY URGAL WOODBURY & HOLTHUS**

Attn: R. Gardner Jolley  
330 S Rampart Blvd #380  
Las Vegas, NV 89145  
Email: [rgj@acjolleyurga.onmicrosoft.com](mailto:rgj@acjolleyurga.onmicrosoft.com), [nt@juwlaw.com](mailto:nt@juwlaw.com)  
*Attorney for Trustee Cary Duckworth*

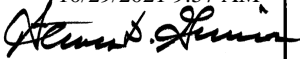
**HAYES WAKAYAMA**

Attn: Liane Wakayama  
4735 S Durango Dr #105  
Las Vegas, NV 89147  
Email: [lkw@hwlawnv.com](mailto:lkw@hwlawnv.com), [julia@hwlawnv.com](mailto:julia@hwlawnv.com)  
*Attorney for Counter-Petitioner Tara Duckworth*

/s/Lindsay Clay

An Employee of JERIMY KIRSCHNER & ASSOCIATES, PLLC

# EXHIBIT 1

  
CLERK OF THE COURT

1 **ORDG**

2 R. Gardner Jolley, Esq. (NSB #266)  
3 JOLLEY URG A WOODBURY & HOLTHUS  
4 50 S. Stephanie Street, Suite 202  
5 Henderson, NV 89012  
6 [nt@juwlaw.com](mailto:nt@juwlaw.com)  
7 Telephone: (702) 699-7500  
8 Facsimile: (702) 699-7555

9 and

10 **DAWSON & LORDAHL PLLC**  
11 Elizabeth Brickfield, Esq. (NSB #6236)  
12 Melissa R. Romano, Esq. (NSB #9545)  
13 8363 West Post Road, Suite 210  
14 Las Vegas, Nevada 89148  
15 Telephone: (702) 476-6440  
16 Facsimile: (702) 476-6442  
17 [ebrickfield@dlnevadalaw.com](mailto:ebrickfield@dlnevadalaw.com)  
18 [mdouglas@dlnevadalaw.com](mailto:mdouglas@dlnevadalaw.com)  
19 *Counsel for Cary Duckworth, Trustee*

20 **DISTRICT COURT**  
21 **CLARK COUNTY, NEVADA**

22 In the Matter of:

23 THE DUCKWORTH FAMILY TRUST,

24 Dated March 12, 2015.

Case No: P-20-103183-T

Dept. No: 26/PC-1

Hearing Date: September 30, 2021

Hearing Time: 9:30 a.m.

25 **ORDER ADOPTING THE REPORT AND RECOMMENDATION ENTERED AUGUST 11,**  
26 **2021 FOR HEARING HELD JULY 9, 2021(FINDING KYLA DUCKWORTH TO BE A**  
27 **CAREGIVER PURSUANT TO NRS 155.097) AND DENYING KYLA DUCKWORTH'S**  
28 **OBJECTION TO THE REPORTAND RECOMMENDATION**

29 A hearing was held on Petitioner Kyla Duckworth's *Objection to Report and Recommendation*  
30 entered August 11, 2011 from a hearing held before the Probate Commissioner on July 9, 2021 on Trustee  
31 *Cary Duckworth's Supplement to Cary Duckworth's Petition for Approval of First Accounting and*  
32 *Judicial Determination That Kyla Duckworth is a Caregiver Pursuant to NRS 155.097* and Trustee Cary  
33 Duckworth's *Opposition to the Objection to the Report and Recommendation Finding That Kyla*

1 *Duckworth is a Caregiver Pursuant to NRS 155.097.* Present at the hearing were Jerimy Kirschner, Esq.  
2 of Jerimy Kirschner & Associates, attorney of record for Kyla Duckworth, together with Kyla Duckworth;  
3 Liane K. Wakayama, Esq, of Wakayama Hayes, attorney of record for Tara Kassity, together with \Tara  
4 Kassity; and Elizabeth Brickfield, Esq., of Dawson & Lordahl, PLLC, and R. Gardner Jolley, Esq. of  
5 Jolley Urga Woodbury & Holthus, counsel of record for Cary Duckworth, Trustee, together with Cary  
6 Duckworth.  
7

8 After hearing the argument of counsel and considering the papers and pleadings, the Court made  
9 the following findings and orders.  
10

11 THE COURT FINDS THAT, as a matter of fact and as a matter of law, there was sufficient  
12 evidence before the Probate Commissioner to make the determination that Kyla Duckworth was a  
13 remunerated caregiver for purposes of NRS 155.097 without the need for an evidentiary hearing;  
14

15 THE COURT FURTHER FINDS that Kyla Duckworth admitted in her deposition that George and  
16 Maureen Duckworth were paying her living expenses because Kyla was there taking care of them and that  
17 there is no question of the sufficiency of the material facts when such an admission is made by the person  
18 against whom the Court is being asked to make such an inference;  
19

20 THE COURT FURTHER FINDS that Kyla was delivering health and social services to Maureen  
21 and George Duckworth, managing their lives when they were at a point where they needed professional  
22 caregiving; and  
23

24 THE COURT FURTHER FINDS that there was sufficient evidence before the Court that he could  
25 make a determination that Kyla was a remunerated caregiver without the need for an evidentiary hearing.  
26 There is no question of the sufficiency of material facts, when, as here, Kyla admitted that she was a  
27 caregiver and that her parents were paying her living expenses because Kyla was taking care of them  
28 regardless of whether other professional caregivers were also hired by her parents.

1 GOOD CAUSE being found,

2 IT IS HEREBY ORDERED that the Report and Recommendation entered August 11, 2021, a copy  
3 of which is attached as Exhibit A, is adopted by the Court in its entirety as the order of the Court.  
4

5 Dated this 29th day of October, 2021

6 


7 BD9 329 DD76 3875

Gloria Sturman

District Court Judge

8 Submitted by:

Approved as to form and content

9 

10 R. Gardnet Jolley, Esq. NSB #266  
11 **JOLLEY URGAL WOODBURY & HOLTHUS**  
12 50 S. Stephanie Street, Suite 202  
Henderson, NV 89012  
13 Nt@juwlaw.com  
Telephone: (702) 699-7500  
14 Facsimile: (702) 699-7555

15 and

16  
17 **DAWSON & LORDAHL PLLC**  
Elizabeth Brickfield, Esq. NSB #6236  
18 Melissa R. Romano, Esq. NSB #9545  
19 8925 West Post Road, Suite 210  
Las Vegas, Nevada 89148  
20 Telephone: (702) 476-6440  
21 Facsimile: (702) 476-6442  
Ebrickfield@dlnevadalaw.com  
22 Mdouglas@dlnevadalaw.com  
23 Counsel for Cary Duckworth, Trustee  
24  
25  
26  
27  
28

By: \_\_\_\_\_

Jerimy L. Kirschner, Esq. NSB #12012  
**JERIMY KIRSCHNER & ASSOCIATES,**  
**PPLC**  
5550 Painted Mirage Rd., Suite 320  
Las Vegas, NV 89149  
Telephone: (702) 563-4444  
Jerimy@jkirschnerlaw.com  
Attorney for Kyla Duckworth

By: /s/ Liane K. Wakayama, Esq.

Liane K. Wakayama, Esq. NSB #11313  
**HAYES | WAKAYAMA**  
4735 S. Durango Drive, Suite 105  
Las Vegas, NV 89147  
Attorney for Tara E. Kassity

## Karen Friedrich

---

**From:** Liane K Wakayama <lkw@hwlawnv.com>  
**Sent:** Thursday, October 14, 2021 2:02 PM  
**To:** Karen Friedrich; Nancy Taylor; Gardner Jolley; jerimy@jkirschnerlaw.com; Lindsay Clay; Julia Rodionova; Paige Ostlie; Javie-Anne Bauer  
**Cc:** Elizabeth Brickfield; Melissa Douglas  
**Subject:** RE: Duckworth Family Trust Proposed Orders

You have permission to affix my e-signature.

Thanks,  
Liane

---

**From:** Karen Friedrich <KFriedrich@dlnevadalaw.com>  
**Sent:** Thursday, October 14, 2021 1:59 PM  
**To:** Nancy Taylor <nt@juwlaw.com>; Gardner Jolley <RGJ@juwlaw.com>; jerimy@jkirschnerlaw.com; Lindsay Clay <Lindsay@jkirschnerlaw.com>; Liane K Wakayama <lkw@hwlawnv.com>; Julia Rodionova <julia@hwlawnv.com>  
**Cc:** Elizabeth Brickfield <EBrickfield@dlnevadalaw.com>; Melissa Douglas <Mdouglas@dlnevadalaw.com>  
**Subject:** Duckworth Family Trust Proposed Orders

Good afternoon,

Per Ms. Brickfield, I have attached the proposed orders for your review. If you agree, please send your authorization to add your electronic signature. If you have requested changes please reply to this email.

Kind regards,

---

DAWSON & LORDAHL IS MOVING  
As of November 1, 2021, our new address is:  
**9130 West Post Road, Suite 200**  
**Las Vegas, NV 89148**




**DAWSON • LORDAHL**  
TRUST, ESTATE & BUSINESS ATTORNEYS  
Karen Friedrich,  
Legal Assistant  
(p) 702.476.0701  
(f) 702.476.6442

[www.DLNevadaLaw.com](http://www.DLNevadaLaw.com)  
Trust, Estate & Business Attorneys  
8925 West Post Road, Suite 210  
Las Vegas, Nevada 89148  
A Professional Limited Liability Company

Exhibit "A"

Exhibit "A"





1 NEO  
2 R. Gardner Jolley, Esq. NSB #266  
3 JOLLEY URG A WOODBURY & HOLTHUS  
4 50 S. Stephanie Street, Suite 202  
5 Henderson, Nevada 89012  
6 Nt@juwlaw.com  
7 Telephone: (702) 699-7500  
8 Facsimile: (702) 699-7555

6 and

7 Elizabeth Brickfield, Esq. NSB #6236  
8 Melissa R. Douglas, Esq. NSB #9545  
9 DAWSON & LORDAHL PLLC  
10 8925 West Post Road, Suite 210  
11 Las Vegas, Nevada 89148  
12 Telephone: (702) 476-6440  
13 Facsimile: (702) 476-6442  
14 Ebrickfield@dlnevadalew.com  
15 Mdouglas@dlnevadalew.com

13 *Attorneys for Cary Duckworth,*  
14 *Trustee*

16 **EIGHTH JUDICIAL DISTRICT COURT**

17 **CLARK COUNTY, NEVADA**

18 In the Matter of:

19 THE DUCKWORTH FAMILY TRUST,

20 Dated March 12, 2015.

Case No.: P-20-103183-T  
Dept. No.: 26/PC-1

21 **NOTICE OF ENTRY OF REPORT AND RECOMMENDATIONS**

22  
23 PLEASE TAKE NOTICE that a *Report and Recommendations* was entered by this Court

24 //

25  
26 //  
27  
28

1 on August 11, 2021. A true and correct copy of the Report and Recommendations is attached  
2 hereto.

3 Dated this 12<sup>th</sup> day of August 2021.

4 JOLLEY URGAL WOODBURY &  
5 HOLTHUS

6 /s/ Elizabeth Brickfield

7 R. Gardner Jolley, Esq. NSB #266  
8 JOLLEY URGAL WOODBURY &  
9 HOLTHUS

50 S. Stephanie Street, Suite 202  
Henderson, Nevada 89012

10 Nt@juwlaw.com

Telephone: (702) 699-7500

11 Facsimile: (702) 699-7555

12 and

13 Elizabeth Brickfield, Esq. NSB #6236

14 Melissa R. Douglas, Esq. NSB #9545

DAWSON & LORDAHL PLLC

15 8925 West Post Road, Suite 210

Las Vegas, Nevada 89148

16 Telephone: (702) 476-6440

17 Facsimile: (702) 476-6442

Ebrickfield@dlnevadalaw.com

18 Mdouglas@dlnevadalaw.com

19 *Attorneys for Cary Duckworth,*  
20 *Trustee*

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on the 12<sup>th</sup> day of August 2021, I served a copy of the foregoing *Notice*  
3 *of Entry of Report and Recommendations* to be served through the Court's electronic filing system  
4 or by depositing the same in the United States mail in Las Vegas, Nevada, first class postage  
5 prepaid, addressed to the following parties:

6 Jerimy L. Kirschner, Esq.  
7 550 Painted Mirage Rd., Suite 320  
8 Las Vegas, Nevada 89149  
9 jerimy@jkirschnerlaw.com  
10 *Attorney for Kyla Duckworth*

Liane K. Wakayama, Esq.  
4735 S. Durango Dr. #105  
Las Vegas, Nevada 89147  
lkw@hwlawnv.com  
*Counsel for Tara Kassity*

11 R. Gardner Jolley, Esq. NSB #266  
12 JOLLEY URGAL WOODBURY & HOLTHUS  
13 50 S. Stephanie Street, Suite 202  
14 Henderson, Nevada 89012  
15 rgj@acjolleyurga.onmicrosoft.com  
16 *Attorney for Cary Duckworth, Trustee*

17 /s/ Karen Friedrich  
18 An Employee of Dawson & Lordahl PLLC  
19  
20  
21  
22  
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28

*Steven D. Grierson*

**RAR  
JOLLEY URG A WOODBURY & HOLTHUS**

**R. Gardner Jolley, Esq. NSB #266**  
50 S. Stephanie Street, Suite 202  
Henderson, Nevada 89012  
[Nt@juwlaw.com](mailto:Nt@juwlaw.com)  
Telephone: (702) 699-7500  
Facsimile: (702) 699-7555

-and -

**DAWSON & LORDAHL PLLC**  
Elizabeth Brickfield, Esq. NSB 6236  
Melissa L. Douglas, Esq. NSB 8545  
8925 West Post Road, Suite 210  
Las Vegas, NV 89146  
Telephone: (702) 476-6440  
Facsimile: (702) 476-6442  
[Ebrickfield@dlnevadalaw.com](mailto:Ebrickfield@dlnevadalaw.com)  
[Mdouglas@dlnevadalaw.com](mailto:Mdouglas@dlnevadalaw.com)  
*Attorneys for Cary Duckworth,*  
*Trustee*

**EIGHTH JUDICIAL DISTRICT COURT**

**CLARK COUNTY, NEVADA**

In the Matter of the Estate of

**THE DUCKWORTH FAMILY TRUST,**

Dated March 12, 2015.

Case No: P-20-103183-T  
Department No: 26

Hearing Date: July 9, 2021  
Hearing Time: 9:30 a.m.

**REPORT AND RECOMMENDATIONS -- JULY 9, 2021 HEARING**

<b>Attorneys for Petitioner:</b>	Kyla Duckworth – Jeremy Kirschner, Esq. of the law firm Jeremy Kirschner & Associates, PLLC Kyla Duckworth was also present
<b>Attorneys for Respondent:</b>	Cary Duckworth, Trustee – R. Gardner Jolley, Esq. of the law firm Jolley Urga Woodbury & Holthus and Elizabeth Brickfield, Esq. of Dawson & Lordahl, PLLC Cary Duckworth was also present
<b>Attorney for Beneficiary:</b>	Tara Kassity - Liane K. Wakayama, Esq. of the law firm of Hayes Wakayama Tara Kassity was also present

This matter came on for hearing on the 9<sup>th</sup> day of July, 2021. The Probate Commissioner having reviewed *Trustee Cary Duckworth's Supplement to Cary Duckworth's Petition for Approval*



1 of First Accounting and Judicial Determination That Kyla Duckworth is a Caregiver Pursuant to  
2 NRS 155.097, Kyla Duckworth's Response to Trustee Cary Duckworth's Supplement to Cary  
3 Duckworth's Petition for Approval of First Accounting and Judicial Determination That Kyla  
4 Duckworth is a Caregiver Pursuant to NRS 155.097; Tara Kassity's Joinder to Trustee Cary  
5 Duckworth's Supplement to Cary Duckworth's Petition for Approval of First Accounting and  
6 Judicial Determination That Kyla Duckworth is a Caregiver Pursuant to NRS 155.097 and Limited  
7 Rresponse to Kyla Duckworth's Response and Trustee Cary Duckworth's Trustee of The Duckworth  
8 Family Trust, Response/Reply to the Response of Kyla Duckworth to the Supplement the Petition to  
9 Approve the First Accounting and for a Judicial Determination Pursuant to NRS 155.097. After  
10 considering the oral argument of counsel and good cause appearing, the Probate Commissioner  
11 Reports And Recommends as follows:  
12

13  
14  
15 **I.**

16 **FINDINGS**

17  
18 1. At the January 22, 2021 hearing on these matters, the Probate Commissioner  
19 determined Kyla Duckworth met two of the three statutory requirements to be a caregiver to George  
20 Duckworth and Maureen Duckworth as defined by NRS 155.0935 subject to the determination of  
21 whether Kyla Duckworth received remuneration as a caregiver.

22 2. Based on the papers and exhibits placed before the Court, including portions of the  
23 deposition testimony of Kyla Duckworth and Marilyn Legg, the Probate Commissioner finds that  
24 Kyla Duckworth is a caregiver pursuant to NRS 155.0935 and that she was remunerated for her  
25 services as such.

26 3. To the extent that the findings of fact are conclusions of law, they are stated as such  
27 and vice versa.  
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**II.**

**CONCLUSIONS OF LAW**

1. The Probate Commissioner concludes as a matter of law that Kyla Duckworth is a caregiver pursuant to NRS 155.0935.

2. Because Kyla Duckworth is a caregiver, pursuant to NRS 155.097, she bears the burden of proving that the donative transfers to her are not the product of fraud, duress or undue influence.

3. NRS 155.097 was enacted in 2011, intended to codify the common law of Nevada but amended in 2015. It is a question of law in this case whether the shifting of the burden of proof applies to the lifetime transfers received by Kyla Duckworth on or before September 30, 2015.

4. To the extent that the findings of fact are conclusions of law, they are stated as such and vice versa.

**III.**

**RECOMMENDATIONS**

**IT IS HEREBY RECOMMENDED** that Kyla Duckworth is a caregiver pursuant to NRS 155.0935.

**IT IS FURTHER RECOMMENDED** that Kyla Duckworth as a caregiver, pursuant to NRS 155.097, bears the burden of proving that the donative transfers to her are not the product of fraud, duress or undue influence.

**IT IS FURTHER RECOMMENDED** that the District Court determine whether the shifting of the burden of proof applies to the lifetime transfers received by Kyla Duckworth on or before September 30, 2015, that is whether NRS 155.097 as enacted prior to the 2015 amendment is applicable.





**Karen Friedrich**

---

**From:** Liane K Wakayama <lkw@hwlawnv.com>  
**Sent:** Wednesday, July 21, 2021 11:43 AM  
**To:** Elizabeth Brickfield; Jerimy Kirschner; Nancy Taylor  
**Cc:** Julia Rodionova  
**Subject:** RE: Duckworth Family Trust

You have permission to affix my e-signature.

Thanks,  
Liane

---

**From:** Elizabeth Brickfield <EBrickfield@dlnevadalaw.com>  
**Sent:** Wednesday, July 21, 2021 9:22 AM  
**To:** Jerimy Kirschner <jerimy@jkirschnerlaw.com>; Nancy Taylor <nt@juwlaw.com>; Liane K Wakayama <lkw@hwlawnv.com>  
**Subject:** Duckworth Family Trust

Counsel: Here are the proposed Reports and Recommendations for your review and electronic signature. Elizabeth Brickfield



**DAWSON • LORD & DAHL**  
ATTORNEYS AT LAW  
Elizabeth Brickfield, Esq.,  
Member  
(p) 702.476.1119  
(f) 702.476.6442

[www.DLNevadaLaw.com](http://www.DLNevadaLaw.com)  
Trust, Estate, and Business Attorneys  
8925 West Post Road, Suite 210  
Las Vegas, Nevada 89148  
A Professional Limited Liability Company



**Karen Friedrich**

---

**From:** Jeremy Kirschner <jerimy@jkirschnerlaw.com>  
**Sent:** Friday, August 6, 2021 6:40 AM  
**To:** Elizabeth Brickfield  
**Cc:** Nancy Taylor; Liane K Wakayama  
**Subject:** Re: FW: Duckworth Family Trust

I agree that they both reflect the decision of the Court. You may attach my electronic signature.

On Thu, Aug 5, 2021 at 10:25 AM Elizabeth Brickfield <EBrickfield@dlnevadalaw.com> wrote:

Mr. Kirschner: I am following up with you on the proposed Reports and Recommendations which I have not received your response. I intend to submit them to Probate no later than the morning of Monday August 9, 2021. Elizabeth Brickfield



**DAWSON & LORDAHL**  
TRUST, ESTATE & BUSINESS ATTORNEYS

Elizabeth Brickfield, Esq.,

Member  
(p) 702.476.1119  
(f) 702.476.6442

[www.DLNevadaLaw.com](http://www.DLNevadaLaw.com)

Trust, Estate & Business Attorneys

8925 West Post Road, Suite 210

Las Vegas, Nevada 89148  
A Professional Limited Liability Company

---

**From:** Elizabeth Brickfield  
**Sent:** Wednesday, July 21, 2021 9:22 AM  
**To:** Jeremy Kirschner <jerimy@jkirschnerlaw.com>; Nancy Taylor <nt@luwlaw.com>; Liane K Wakayama <lkw@hwlawnv.com>  
**Subject:** Duckworth Family Trust

Counsel: Here are the proposed Reports and Recommendations for your review and electronic signature. Elizabeth Brickfield



**DAWSON • LORD DAHL**  
TRUST, ESTATE & BUSINESS ATTORNEYS

**Elizabeth Brickfield, Esq.,**

**Member**

**(p) 702.476.1119**

**(f) 702.476.6442**

**[www.DLNevadaLaw.com](http://www.DLNevadaLaw.com)**

**Trust, Estate, and Business Attorneys**

**8925 West Post Road, Suite 210**

**Las Vegas, Nevada 89148**

**A Professional Limited Liability Company**

**Jerimy Kirschner, Esq.**

**Managing Partner**

**Jerimy Kirschner & Associates PLLC**

## **WASHINGTON**

**1750 112th Avenue NE, Suite B-215**

**Bellevue, WA 98004**

**Phone: (206) 623-4444**

**Fax (206) 538-2008**

**2302 S. Union Ave. Suite C-30**

**Tacoma, WA 98405**

**Phone: (253) 240-4444**

**Fax (206) 538-2008**

## **NEVADA**

**5550 Painted Mirage Rd., Suite 320**

**Las Vegas, NV 89149**

**Phone: (702) 563-4444**

**Fax (702) 563-4445**

**Notice:** This fax or email is from a law firm, Jerimy Kirschner & Associates ("JKA"), and is intended solely for the use and review of the individual(s) to whom it is addressed. If you have received this fax or email in error, please notify the sender immediately. In addition, please destroy the fax and/or delete the email from your computer. Please do not copy or disclose it to anyone else as it may contain important private information.

If you are not an existing client of JKA, it is not the intent of this fax or email to make you a client unless it contains a specific written statement to that effect and do not disclose anything to JKA in reply that you expect it to hold in confidence.

If you are counsel in litigation with JKA, either associated or opposing, and would like to participate in facsimile service of future pleadings, please contact us at (702)563-4444 or (253)240-4444 to arrange for a reciprocal facsimile agreement.

1 **CSERV**

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 In the Matter of the Trust of: CASE NO: P-20-103183-T  
7 The Duckworth Family Trust DEPT. NO. Department 26  
8

9 **AUTOMATED CERTIFICATE OF SERVICE**

10 This automated certificate of service was generated by the Eighth Judicial District  
11 Court. The foregoing Order Granting 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: 10/29/2021

14 R. Gardner Jolley	rgj@juwlaw.com
15 Jerimy Kirschner	jerimy@jkirschnerlaw.com
16 Front Office	office@jkirschnerlaw.com
17 Dale Hayes, Jr.	dhayes@hwlawnv.com
18 Carrie Hurtik	churtik@hurtiklaw.com
19 Melissa Romano	mdouglas@dlnevadalaw.com
20 Cary Duckworth	caryduckworth@icloud.com
21 Cecelia Chambers	cchambers@gerrard-cox.com
22 Elizabeth Brickfield	ebrickfield@dlnevadalaw.com
23 Karen Friedrich	kfriedrich@dlnevadalaw.com
24 Liane Wakayama	lkw@hwlawnv.com
25 Jonathon Patterson	jpatterson@hurtiklaw.com

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Nancy Taylor	nt@juwlaw.com
Kenneth Burns	kburns@nvbusinesslaw.com
Tara Kassity	tkassity@surewest.net
Jeremy Holmes	jholmes@hwlawnv.com
Paula Lamprea	plamprea@dlnevadalaw.com
Kendal Weisenmiller	kweisenmiller@dlnevadalaw.com
Luke Smith, Esq.	lsmith@gerrard-cox.com
Abigail Rodriguez	arodriguez@hurtiklaw.com

**CASE SUMMARY****CASE NO. P-20-103183-T****In the Matter of the Trust of:  
The Duckworth Family Trust**§  
§  
§  
§  
§  
§Location: **Department 26**  
Judicial Officer: **Sturman, Gloria**  
Filed on: **06/10/2020**  
Cross-Reference Case Number: **P103183**  
Supreme Court No.: **82314****CASE INFORMATION**Case Type: **Probate -  
Trust/Conservatorships**Case Flags: **Appealed to Supreme Court****DATE****CASE ASSIGNMENT****Current Case Assignment**Case Number P-20-103183-T  
Court Department 26  
Date Assigned 06/10/2020  
Judicial Officer Sturman, Gloria**PARTY INFORMATION**

<b>Petitioner</b>	<b>Duckworth, Kyla</b>	<i>Lead Attorneys</i> <b>Kirschner, Jeremy L</b> <i>Retained</i> 702-563-4444(W)
<b>Trustee</b>	<b>Duckworth, Cary</b>	<b>Brickfield, Elizabeth</b> <i>Retained</i> 702-476-6440(W)
<b>Trust</b>	<b>The Duckworth Family Trust</b>	
<b>Beneficiary</b>	<b>Kassity, Tara E.</b>	<b>Wakayama, Liane K.</b> <i>Retained</i> 702-656-0808(W)
<b>Other</b>	<b>Varney, Diane</b>	<b>Cox, Andrew M</b> <i>Retained</i> 7028949391(W)
<b>Respondent</b>	<b>Hurtik, Carrie Elizabeth</b>	<b>Hurtik, Carrie E.</b> <i>Retained</i> 702-966-5200(W)

**DATE****EVENTS & ORDERS OF THE COURT****INDEX****EVENTS**

06/10/2020



Petition

Filed by: Petitioner Duckworth, Kyla

*[1] Petition for Construction of Trust Term; Petition to Compel Proper Accounting and to Compel Turnover of Trust Documents*

06/11/2020



Initial Appearance Fee Disclosure

Filed By: Petitioner Duckworth, Kyla

*[2] Initial Appearance Fee Disclosure*







06/11/2020



Notice of Hearing

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	Filed By: Petitioner Duckworth, Kyla <i>[3] Notice of Hearing</i>
06/12/2020	 Clerk's Notice of Hearing <i>[4] Notice of Hearing</i>
06/17/2020	 Substitution of Attorney <i>[5] Substitution of Attorneys</i>
07/09/2020	 Filing Fee Remittance Filed By: Petitioner Duckworth, Kyla <i>[6] Filing Fee Remittance</i>
07/30/2020	 Opposition <i>[7] Opposition to Petition for Construction of Trust Term; Petition to Compel Proper Accounting and to Compel Turnover of Trust Documents</i>
07/30/2020	 Initial Appearance Fee Disclosure <i>[8] Initial Appearance Fee Disclosure</i>
08/04/2020	 Filing Fee Remittance <i>[9] Filing Fee Remittance</i>
08/05/2020	 Supplement Filed by: Trustee Duckworth, Cary <i>[10] Attached as Exhibit G as a Supplement to the Exhibits to the Opposition Filed July 30, 2020 is the Assignment of Personal Property of George M. and Maureen D. Duckworth to the Trustees of the Duckworth Family Trust Dated March 12, 2015 and any Amendments Thereto</i>
08/05/2020	 Notice Filed By: Trustee Duckworth, Cary <i>[11] Notice of Filing Joinder of Tara Kassity to the Opposition of Cary Duckworth as Trustee of the Duckworth Family Trust to the Petition for Construction of Trust Term; Petition to Compel Proper Accounting and to Compel Turnover of Trust Documents</i>
08/06/2020	 Response <i>[12] Response to Opposition to Petition for Declaration regarding Construction of Trust Term; Petition to Compel Proper Accounting and To Compel Turnover of Trust Documents</i>
08/07/2020	 Response Filed by: Petitioner Duckworth, Kyla <i>[13] Amended Response to Opposition to Petition for Declaration regarding Construction of Trust Term; Petition to Compel Proper Accounting and To Compel Turnover of Trust Documents</i>
08/21/2020	 Countermotion Filed By: Petitioner Duckworth, Kyla <i>[14] Supplement to Petition to Compel Proper Accounting and to Compel Turnover of Trust Documents; and Response to Counter-Petition</i>
08/25/2020	 Supplement Filed by: Petitioner Duckworth, Kyla <i>[15] Amended Supplement to Petition to Compel Proper Accounting and to Compel Turnover of Trust Documents; and Response to Counter-Petition</i>

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09/01/2020	 Reply Filed by: Trustee Duckworth, Cary <i>[16] Reply of Cary Duckworth as Trustee of the Duckworth Family Trust Dated March 12, 2015 to the Supplement of Kyla Duckworth</i>
10/05/2020	 Notice of Appearance Party: Beneficiary Kassity, Tara E. <i>[17] Notice of Appearance of Counsel</i>
10/06/2020	 Report and Recommendations <i>[18] Report and Recommendation</i>
10/08/2020	 Association of Counsel Filed By: Trustee Duckworth, Cary <i>[19] Notice of Association of Counsel</i>
10/08/2020	 Estimate of Transcript <i>[27] SEPTEMBER 11, 2020</i>
10/13/2020	 Objection <i>[20] Cary Duckworth, Trustee's Objection to Kayla Duckworth's Seven Day Notice of Intent to Serve Thirteen Subpoenas Duces Tecum</i>
10/13/2020	 Joinder Filed By: Beneficiary Kassity, Tara E. <i>[21] Tara E. Kassity's Joinder to Cary Duckworth, Trustee's Objection to Kayla Duckworth's Seven Day Notice of Intent to Serve Thirteen Subpoenas Duces Tecum</i>
10/13/2020	 Exhibits <i>[22] Appendix of Exhibits to Trustee Cary Duckworth's Motion for a Protective Order Pursuant to NRCP 45(a)(4)(B) and NRCP 26 (b)(1)(c) and for Attorney Fees and Costs</i>
10/13/2020	 Motion <i>[23] Trustee Cary Duckworth's Motion for a Protective Order Pursuant to NRCP 45(a)(4)(B) and NRCP 26(b)(1)(c) and for Attorney Fees</i>
10/14/2020	 Clerk's Notice of Hearing <i>[24] Clerk's Notice of Hearing</i>
10/14/2020	 Exhibits <i>[25] Amended Appendix of Exhibits to Trustee Cary Duckworth's Motion for A Protective Order Pursuant to NRCP 45(a)(4)(B) and NRCP 26(b)(1)(c) and for Attorney Fees and Costs</i>
10/14/2020	 Estimate of Transcript <i>[28] SEPTEMBER 11, 2020</i>
10/15/2020	 Demand <i>[26] Demand for Production of Documents, Receive Statements and Information from Kyla Duckworth</i>
10/16/2020	 Objection to Discovery Commissioners Report and Recommend <i>[29] Objection to Report and recommendation</i>
10/19/2020	








# CASE SUMMARY

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










	 Notice of Hearing Filed By: Petitioner Duckworth, Kyla <i>[30] Notice of Hearing</i>
10/20/2020	 Transcript of Proceedings <i>[31] SEPTEMBER 11, 2020</i>
10/20/2020	 Final Billing of Transcript Filed by: Trust The Duckworth Family Trust <i>[239] SEPTEMBER 11, 2020</i>
10/22/2020	 Notice of Hearing <i>[32] Notice of Hearing</i>
10/23/2020	 Declaration Filed By: Petitioner Duckworth, Kyla <i>[33] Declaration of Kyla Duckworth</i>
10/23/2020	 Response Filed by: Petitioner Duckworth, Kyla <i>[34] (1) Response Cary Duckworth. Trustee's Objection to Kyla Duckworth's Seven Day Notice of Intent to Serve Thirteen Subpoenas Duces Tecum and Counter-Petition to Issue Subpoenas Pursuant to Order 20-17; and (2) Objection Trustee Cary Duckworth's Motion for a Protective Order Pursuant to NRCP 45(a)(4)(B) and NRCP 26(b) and for Attorney Fees and Costs</i>
10/26/2020	 Opposition Filed By: Trustee Duckworth, Cary <i>[35] Opposition of Cary Duckworth as Trustee of the Duckworth Family Trust, dated March 12, 2015 ("Trust") to Kyla Duckworth's Objection to Report and Recommendation</i>
10/26/2020	 Response Filed by: Petitioner Duckworth, Kyla <i>[36] Amended (1) Response Cary Duckworth, Trustee's Objection to Kyla Duckworth's Seven Day Notice of Intent to Serve Thirteen Subpoenas Duces Tecum and Counter-Petition to Issue Subpoenas Pursuant to Order 20-17; and (2) Objection Trustee Cary Duckworth's Motion for a Protective Order Pursuant to NRCP 45(a) (4) (B) and NRCP 26(b) and for Attorney Fees and Costs</i>
10/28/2020	 Joinder Filed By: Beneficiary Kassity, Tara E. <i>[37] Tara E. Kassity's Joinder to Trustee Cary Duckworth's Motion for a Protective Order Pursuant to NRCP 45(a)(4)(B) and NRCP 26(b)(1)(c) and for Attorney Fees and Costs</i>
11/11/2020	 Notice Filed By: Trustee Duckworth, Cary <i>[38] Trustee Cary Duckworth's Updated Accounting for the Period of January 23, 2019, Through January 22, 2020; Appraisals for Tangible Personal Property</i>
11/17/2020	 Notice of Hearing <i>[39] Scheduling Hearing on Objection to PCRR</i>
11/25/2020	 Notice of Hearing <i>[40] Instructions for Bluejeans Videoconference</i>

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11/25/2020	 Response <i>[41] Response to Kyla Duckworth's Amended (1) Response to Cary Duckworth's Seven Day Notice of Intent to Serve Thirteen Subpoenas Duces Tecum and Counter-Petition to Issue Subpoenas Pursuant to Order 20-17; and (2) Objection Trustee Cary Duckworth's Motion for A protective Order Pursuant to NRCP 45(a)(4)(B) and NRCP 26(b) and for Attorney Fees and Costs</i>
12/01/2020	 Petition <i>[42] Petition for Approval of First Accounting and Judicial Determinations that (i) Kyla Duckworth is a Caregiver Pursuant to NRS 155.097 and (ii) George Duckworth's Special Directives in His First Amendment to the Trust Were and Exercise of Testamentary Powers of Appointment</i>
12/01/2020	 Notice of Hearing <i>[43] Notice of Hearing</i>
12/02/2020	 Clerk's Notice of Hearing <i>[44] Notice of Hearing</i>
12/02/2020	 Certificate of Service <i>[45] Certificate of Service</i>
12/04/2020	 Joinder Filed By: Beneficiary Kassity, Tara E. <i>[46] Tara E. Kassity's Joinder to Cary Duckworth's Petition for Approval of First Accounting and Judicial Determinations that (i) Kyla Duckworth is a Caregiver Pursuant to NRS 155.097 and (ii) George Duckworth's Special Directives in His First Amendment to the Trust Were An Exercise of Testamentary Powers of Appointment</i>
12/09/2020	 Order <i>[47] Order Denying Objection to Probate Commissioner's Report and Recommendations</i>
12/15/2020	 Notice of Entry of Order <i>[48] Notice of Entry of Order Denying Objection to Probate commissioner's report and Recommendations</i>
12/16/2020	 Response Filed by: Petitioner Duckworth, Kyla <i>[49] Response to Cary Duckworth (1) Petition for Approval of First Accounting; (2) Judicial Determinations that Kyla Duckworth is a Caregiver Pursuant to NRS 155.097 and (3) George Duckworth's Special Directives in His First Amendment to the Trust Were an Exercise of Testament Powers of Appointment</i>
12/16/2020	 Estimate of Transcript <i>[51] December 4, 2020</i>
12/18/2020	 Transcript of Proceedings <i>[50] DECEMBER 4, 2020</i>
12/31/2020	 Notice of Appeal Filed By: Petitioner Duckworth, Kyla <i>[52] Notice of Appeal</i>
01/04/2021	 Notice to Creditors <i>[53] Notice to Creditors (90 Days)</i>

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01/04/2021	 Notice to Creditors <i>[54] Notice to Creditors (90 Days)</i>
01/05/2021	 Affidavit of Service <i>[55] Affidavit of Service</i>
01/05/2021	 Affidavit of Service <i>[56] Affidavit of Service</i>
01/05/2021	 Affidavit of Service <i>[57] Affidavit of Service</i>
01/05/2021	 Affidavit of Service <i>[58] Affidavit of Service</i>
01/11/2021	 Case Appeal Statement Filed By: Petitioner Duckworth, Kyla <i>[59] Case Appeal Statement</i>
01/11/2021	 Affidavit of Service <i>[60] Affidavit of Service</i>
01/11/2021	 Affidavit of Service <i>[61] Affidavit of Service</i>
01/11/2021	 Affidavit of Service <i>[62] Affidavit of Service</i>
01/11/2021	 Affidavit of Service <i>[63] Affidavit of Service</i>
01/11/2021	 Affidavit of Service <i>[64] Affidavit of Service</i>
01/11/2021	 Affidavit of Service <i>[65] Affidavit of Service</i>
01/11/2021	 Affidavit of Service <i>[66] Affidavit of Service</i>
01/11/2021	 Affidavit of Service <i>[67] Affidavit of Service</i>
01/11/2021	 Affidavit of Service <i>[68] Affidavit of Service</i>
01/13/2021	 Report and Recommendations <i>[69] Report and Recommendations</i>
01/14/2021	 Order <i>[70] Scheduling Order</i>

**CASE SUMMARY**  
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01/14/2021	 Notice of Entry Filed By: Trustee Duckworth, Cary <i>[71] Notice of Entry of Scheduling Order</i>
01/14/2021	 Notice of Entry Filed By: Trustee Duckworth, Cary <i>[72] Notice of Entry of Report and Recommendations</i>
01/15/2021	 Errata <i>[73] Errata to the Notice of Entry of Scheduling Order</i>
01/15/2021	 Errata <i>[74] Errata to the Notice of Entry of Report and Recommendations</i>
01/15/2021	 Reply <i>[75] Reply to Response to Cary Duckworth (1) Petition for Approval of First Accounting... (2) Judicial Determinations that Kyla Duckworth is a Caregiver Pursuant toe NRS 155.097 and (3) George Duckworth's Special Directives in His First Amendment to the Trust Were an Exercise of Testamentary Powers of Appointment</i>
01/18/2021	 Affidavit of Service Filed By: Petitioner Duckworth, Kyla <i>[76] Affidavit of Service</i>
01/18/2021	 Affidavit of Service Filed By: Petitioner Duckworth, Kyla <i>[77] Affidavit of Service</i>
01/18/2021	 Affidavit of Service Filed By: Petitioner Duckworth, Kyla <i>[78] Affidavit of Service</i>
01/18/2021	 Affidavit of Service Filed By: Petitioner Duckworth, Kyla <i>[79] Affidavit of Service</i>
01/18/2021	 Affidavit of Service <i>[80] Affidavit of Service</i>
01/18/2021	 Affidavit of Service Filed By: Petitioner Duckworth, Kyla <i>[81] Affidavit of Service</i>
01/18/2021	 Affidavit of Service Filed By: Petitioner Duckworth, Kyla <i>[82] Affidavit of Service</i>
01/18/2021	 Affidavit of Service Filed By: Petitioner Duckworth, Kyla <i>[83] Affidavit of Service</i>
01/18/2021	 Affidavit of Service Filed By: Petitioner Duckworth, Kyla

**CASE SUMMARY**  
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	<i>[84] Affidavit of Service</i>
01/19/2021	 Affidavit of Publication <i>[85] Affidavit of Publication</i>
01/19/2021	 Affidavit of Publication <i>[86] AFFIDAVIT OF PUBLICATION</i>
01/19/2021	 Affidavit of Publication <i>[87] Affidavit of Publication</i>
01/19/2021	 Errata Filed By: Trust The Duckworth Family Trust <i>[88] Second Errata to the Notice of Entry of Report and Recommendations</i>
01/20/2021	 Motion Filed By: Petitioner Duckworth, Kyla <i>[89] Motion to Extend Discovery and Trial [First Request]</i>
01/22/2021	 Clerk's Notice of Hearing <i>[90] Notice of Hearing</i>
01/22/2021	 Affidavit of Service Filed By: Petitioner Duckworth, Kyla <i>[91] Affidavit of Service</i>
01/22/2021	 Affidavit of Service Filed By: Petitioner Duckworth, Kyla <i>[92] Affidavit of Service</i>
01/27/2021	 Estimate of Transcript <i>[102] JANUARY 22, 2021</i>
01/28/2021	 Affidavit of Service <i>[93] Affidavit of Service</i>
01/29/2021	 Objection to Discovery Commissioners Report and Recommend <i>[94] Objection to Commissioner's Report and Recommendation</i>
02/01/2021	 Notice of Hearing <i>[95] Notice Scheduling Hearing on Objection to Probate Commissioner's Report and Recommendation</i>
02/04/2021	 Motion for Protective Order Filed By: Petitioner Duckworth, Kyla <i>[96] Objecion to Trustee Cary Duckworth's Notice of Intent to Subpoena Short &amp; Associates, Ltd. and Motion for a Protective Order Pursuant to NRCP 45(a)(4)(B) and NRCP 26(b) and for Attorney Fees and Csts</i>
02/04/2021	 Clerk's Notice of Hearing <i>[97] Notice of Hearing</i>
02/05/2021	 Stipulation and Order

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
	<p>Filed by: Beneficiary Kassity, Tara E.  <i>[98] Stipulation and Order to Continue Discovery and Evidentiary Hearing (First Request)</i></p>
02/09/2021	<p> Supplemental            Filed by: Petitioner Duckworth, Kyla  <i>[99] .Supplemental Declaration of Jerimy Kirschner In Support of Motion for Protective Order</i></p>
02/09/2021	<p> Transcript of Proceedings  <i>[100] January 22, 2021</i></p>
02/09/2021	<p> Certification  <i>[101] Certification of Transcripts Notification of Completion January 22, 2021</i></p>
02/16/2021	<p> Opposition and Countermotion            Filed By: Trustee Duckworth, Cary  <i>[103] Opposition of Cary Duckworth as Trustee of the Duckworth Family Trust, Dated March 12, 2015 ("Trust") to Kyla Duckworth's Objection to Report and Recommendation Dated January 13, 2021: Counter Petition for Sanctions</i></p>
02/17/2021	<p> Notice of Change of Address            Filed By: Trustee Duckworth, Cary  <i>[104] Notice of Change of Address</i></p>
02/17/2021	<p> Affidavit of Service  <i>[105] Affidavit of Service</i></p>
02/17/2021	<p> Affidavit of Service  <i>[106] Affidavit of Service</i></p>
02/17/2021	<p> Affidavit of Service  <i>[107] Affidavit of Service</i></p>
02/23/2021	<p> Report and Recommendations  <i>[108] Report and Recommendations</i></p>
02/24/2021	<p> Notice of Entry  <i>[109] Notice of Entry of Report and Recommendations</i></p>
02/26/2021	<p> Notice of Hearing  <i>[110] Instructions for Bluejeans Videoconference</i></p>
02/26/2021	<p> Reply to Opposition            Filed by: Petitioner Duckworth, Kyla  <i>[111] Reply to Opposition of Cary Duckworth to Kyla Duckworth's Objection to Report and Recommendation</i></p>
03/02/2021	<p> Motion to Compel            Filed By: Petitioner Duckworth, Kyla  <i>[112] Motion for Contempt and Motion to Compel Production against Attorney Carrie Hurtik</i></p>
03/10/2021	<p> Objection  <i>[113] Objection to Report and Recommendations Entered February 24, 2012; Request for Judicial Determination</i></p>

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03/10/2021	 Notice of Hearing <i>[114] Notice of Hearing</i>
03/11/2021	 Clerk's Notice of Hearing <i>[115] Notice of Hearing</i>
03/11/2021	 Clerk of the Courts Notice of Change of Hearing <i>[116] Notice of Change of Hearing</i>
03/11/2021	 Supplement Filed by: Trustee Duckworth, Cary <i>[117] Objection to Report and Recommendation Entered February 24, 2021; Request for Judicial Determination</i>
03/17/2021	 Clerk's Notice of Hearing <i>[118] Notice of Hearing</i>
03/19/2021	 Notice of Hearing <i>[119] Instructions for Bluejeans Videoconference</i>
03/22/2021	 Opposition <i>[120] Opposition to Motion for Contempt and Motion to Compel Production Against Attorney Carrie E. Hurtik</i>
03/22/2021	 Initial Appearance Fee Disclosure Filed By: Respondent Hurtik, Carrie Elizabeth <i>[121] Initial Appearance Fee Disclosure</i>
03/24/2021	 Objection <i>[122] Response to Kyla Duckworth's Objection to Cary Duckworth's Notice of Intent to Subpoena Short &amp; Associates, Ltd., and Motion for a Protective Order Pursuant to NRCP 45 (a)(4)(B) and NRCP 26(b) and for Attorney Fees and Costs</i>
03/24/2021	 Response Filed by: Petitioner Duckworth, Kyla <i>[123] Response to Objection to Report and Recommendation Entered February 24, 2021; Request For Judicial Determination</i>
03/25/2021	 Reply to Opposition Filed by: Petitioner Duckworth, Kyla <i>[124] Reply to Carrie Hurtik's Opposition to Motion for Contempt and Motion to Compel Production Against Attorney Carrie Hurtik</i>
03/25/2021	 Clerk's Notice of Hearing <i>[125] Notice of Hearing</i>
03/26/2021	 Affidavit of Service <i>[126] Affidavit of Service</i>
03/29/2021	 Estimate of Transcript <i>[143] MARCH 26, 2021</i>










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03/31/2021	 Transcript of Proceedings [251] MARCH 26, 2021
04/01/2021	 Motion for Order to Show Cause Filed By: Petitioner Duckworth, Kyla [127] Motion for Order to Show Cause
04/01/2021	 Certification [140] MARCH 26, 2021
04/01/2021	 Transcript of Proceedings [141] MARCH 26, 2021
04/01/2021	 Final Billing of Transcript Filed by: Attorney Brickfield, Elizabeth [142] MARCH 26, 2021
04/02/2021	 Opposition Filed By: Trust The Duckworth Family Trust [128] Opposition to Motion for Order to Show Cause.
04/06/2021	 Response [129] The Trustee's Response to Kyla Duckworth's Response to Objection to Report and Recommendation Entered February 24, 2021; Request for Judicial Determination
04/07/2021	 Order to Show Cause [130] To: Carrie Hurtik, Esq.
04/07/2021	 Notice of Entry Filed By: Petitioner Duckworth, Kyla [131] Notice of Entry of Order
04/07/2021	 Notice of Hearing [132] Instructions for Bluejeans Videoconference
04/14/2021	 Notice of Hearing [133] Instructions for Bluejeans Videoconference
04/15/2021	 Joinder [134] Joinder to Opposition to Motion for Contempt and Motion to Compel Production against Carrie Hurtik
04/19/2021	 Recorders Transcript of Hearing Party: Trustee Duckworth, Cary [135] Recorder's Transcript of Pending Objections, Thursday, April 8, 2021
04/20/2021	 Reply Filed by: Petitioner Duckworth, Kyla [136] Reply to Cary Duckworth's Joinder to Carrie Hurtik's Opposition to Motion to Compel Production Against Attorney Carrie Hurtik
04/21/2021	 Order Filed By: Petitioner Duckworth, Kyla
















**CASE SUMMARY**  
**CASE NO. P-20-103183-T**

	<i>[137] Order</i>
04/21/2021	 Notice of Entry of Order Filed By: Petitioner Duckworth, Kyla <i>[138] Notice of Entry of Order</i>
04/22/2021	 Accounting <i>[139] Trustee Cary Duckworth's Accounting for the Period of January 23, 2020 Through January 22, 2021</i>
05/05/2021	 Report and Recommendations <i>[144] Report and Recommendations</i>
05/06/2021	 Notice of Entry Filed By: Trustee Duckworth, Cary <i>[145] Notice of Entry of Report and Recommendations</i>
05/07/2021	 Motion Filed By: Trustee Duckworth, Cary <i>[146] Cary Duckworth's Motion to Extend The Deadline to Complete Discovery (Second Request)</i>
05/07/2021	 Clerk's Notice of Nonconforming Document <i>[147] Clerk's Notice of Nonconforming Document</i>
05/10/2021	 Clerk's Notice of Nonconforming Document and Curative Action <i>[148] Clerk's Notice of Curative Action</i>
05/10/2021	 Clerk's Notice of Hearing <i>[149] Notice of Hearing</i>
05/10/2021	 Ex Parte Application Party: Trustee Duckworth, Cary <i>[150] Ex-Parte Application for Order Shortening Time</i>
05/11/2021	 Motion <i>[151] Motion for Leave to Amend Pleadings</i>
05/13/2021	 Notice of Change of Hearing <i>[152] Notice of Change of Hearing</i>
05/13/2021	 Objection Filed By: Petitioner Duckworth, Kyla <i>[153] Objection to Trustee Cary Duckworth's Motion to Extend the Deadline to Complete Discovery (Second Request)</i>
05/14/2021	 Order Shortening Time Filed By: Petitioner Duckworth, Kyla <i>[154] Order Shortening Time</i>
05/14/2021	 Notice of Entry of Order Filed By: Trustee Duckworth, Cary <i>[155] Notice of Entry of Order Shortening Time</i>

# CASE SUMMARY














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05/18/2021	 Clerk's Notice of Hearing <i>[156] Clerk's Notice of Hearing</i>
05/19/2021	 Opposition to Motion Filed By: Petitioner Duckworth, Kyla <i>[157] Objection to Motion for Leave to Amend Pleading</i>
05/19/2021	 Response <i>[158] Response in Support of Cary Duckworth's Motion to Extend the Deadline to Complete Discovery (Second Request)</i>
06/02/2021	 Order Filed By: Trustee Duckworth, Cary <i>[159] Order Granting Cary Duckworth's Motion to Extend the Deadline to Complete Discovery (Second Request)</i>
06/02/2021	 Motion Filed By: Trust The Duckworth Family Trust <i>[160] Trustee Cary Duckworth's Motion for a Protective Order Pursuant to NRCP 45(a)(4)(B) and NRCP 26(b)(1)(c) and for Attorney Fees and Costs</i>
06/02/2021	 Clerk's Notice of Hearing <i>[161] Notice of Hearing</i>
06/03/2021	 Notice of Entry of Order Filed By: Trustee Duckworth, Cary <i>[162] Notice of Entry of Order</i>
06/07/2021	 Notice of Hearing Filed By: Trustee Duckworth, Cary <i>[163] Notice of Hearing</i>
06/09/2021	 Supplement Filed by: Trustee Duckworth, Cary <i>[164] Trustee Cary Duckworth's Supplement to Cary Duckworth's Petition for Approval of First Accounting and Judicial Determination that Kyla Duckworth is a Caregiver Pursuant to NRS 155.097</i>
06/09/2021	 Notice of Hearing Filed By: Trustee Duckworth, Cary <i>[165] Notice of Hearing</i>
06/10/2021	 Clerk's Notice of Hearing <i>[166] Notice of Hearing</i>
06/10/2021	 Notice of Hearing Filed By: Trustee Duckworth, Cary <i>[167] Notice of Hearing on Trustee Cary Duckworth's Supplement to Cary Duckworth's Petition for Approval of First Accounting and Judicial Determination that Kyla Duckworth is a Caregiver Pursuant to NRS 155.097</i>
06/10/2021	 Application Filed By: Trustee Duckworth, Cary <i>[168] Application for Order Shortening Time for Trustee Cary Duckworth's Supplement to</i>

# CASE SUMMARY

CASE NO. P-20-103183-T

*Cary Duckworth' a Petition for Approval of First Accountig and Judicial Determination that Kyla Duckworth is a Caregiver Pursuant to NRS 155.097*

06/11/2021	 Motion to Compel Filed By: Trust The Duckworth Family Trust <i>[169] Motion to Compel the Completion of Kyla Duckworth's Deposition, Motion to Compel Discovery Responses for Sanctions, and for Attorney's Fees and Costs</i>
06/11/2021	 Certificate of Service <i>[170] Certificate of Service</i>
06/11/2021	 Notice of Hearing Filed By: Trustee Duckworth, Cary <i>[171] Notice of Hearing</i>
06/11/2021	 Clerk's Notice of Hearing <i>[172] Notice of Hearing</i>
06/15/2021	 Application Filed By: Trustee Duckworth, Cary <i>[173] Application for Order Shortening Time for Motion to Compel the Completion of Kyla Duckworth's Deposition, Motion to Compel Discovery Responses for Sanctions, and for Attorneys' Fees and Costs</i>
06/18/2021	 Order Shortening Time <i>[174] Order Shortening Time</i>
06/18/2021	 Order Shortening Time <i>[175] Order Shortening Time</i>
06/18/2021	 Notice of Entry of Order <i>[176] Notice of Entry of Order</i>
06/18/2021	 Notice of Entry of Order <i>[177] Notice of Entry of Order</i>
06/20/2021	 Response Filed by: Petitioner Duckworth, Kyla <i>[178] Response Trustee Cary Duckworth s Motion For A Protective Order Pursuant To NRCP 45(A)(4)(B) And NRCP 26(B)(1) (C) And For Attorney Fees And Costs</i>
06/21/2021	 Motion to Compel Filed By: Petitioner Duckworth, Kyla <i>[179] (6/22/21 Withdrawn) Motion to Compel Discovery or in the Alternative Motion in Limine to Limit Evidence of Kenneth A. Burns, Esq.</i>
06/22/2021	 Notice of Withdrawal of Motion Filed By: Petitioner Duckworth, Kyla <i>[180] NOTICE OF WITHDRAWAL OF PETTIONERS MOTION TO COMPEL DISCOVERY OR IN THE ALTERNATIVE MOTION IN LIMINE TO LIMIT EVIDENCE OF KENNETH A. BURNS, ESQ.</i>
06/22/2021	 Acceptance of Service <i>[181] Acceptance of Service</i>

# CASE SUMMARY

CASE NO. P-20-103183-T

06/23/2021	 Request Filed by: Other Varney, Diane <i>[182] Request for Special Notice</i>
06/23/2021	 Response Filed by: Petitioner Duckworth, Kyla <i>[183] Response To Trustee Cary Duckworth's Motion To Compel The Completion Of Kyla Duckworth's Deposition, Motion To Compel Discovery Responses For Sanctions, And For Attorneys Fees And Costs</i>
07/02/2021	 Reply <i>[184] Reply to Objection to Motion for Leave to Amend Pleadings</i>
07/03/2021	 Opposition Filed By: Petitioner Duckworth, Kyla <i>[185] Response To Trustee Cary Duckworth s Supplement With Exhibits Pt 2</i>
07/06/2021	 Response Filed by: Petitioner Duckworth, Kyla <i>[186] Response to Trustee Cary Duckworth's Supplement to Cary Duckworth's Petition for Approval of First Accounting and Judicial Determination That Kyla Duckworth is a Caregiver Pursuant to NRS 155.097</i>
07/06/2021	 Joinder Filed By: Beneficiary Kassity, Tara E. <i>[187] Tara E. Kassity's Joinder to Trustee Cary Duckworth's Supplement to Cary Duckworth's Petition for Approval of First Accounting and Judicial Determinations that Kyla Duckworth is a Caregiver Pursuant to NRS 155.07 and Limited Response to Kyla Duckworth's Response</i>
07/07/2021	 Response <i>[188] Cary Duckworth's, Trustee of the Duckworth Family Trust, Response/Reply to the Response of Kyla Duckworth to the Supplement to the Petition to Approve the First Accounting and for a Judicial Determination Pursuant to NRS 155.097</i>
07/08/2021	 Order Filed By: Trustee Duckworth, Cary <i>[189] Order Regarding Trustee, Cary Duckworth's Obkection to the Report and Reccomendation of the Probate Commisisoner Dated Febuary 24, 2021</i>
07/09/2021	 Notice of Entry of Order <i>[190] Notice of Entry of Order</i>
07/13/2021	 Estimate of Transcript <i>[191] JULY 09, 2021</i>
07/16/2021	 Motion for Protective Order Filed By: Petitioner Duckworth, Kyla <i>[192] Motion for Protective Order</i>
07/16/2021	 Clerk's Notice of Hearing <i>[193] Notice of Hearing</i>
07/19/2021	 Order Granting Filed By: Trustee Duckworth, Cary <i>[194] Order Granting Motion to Compel the Completion of Kyla Duckworth's Deposition,</i>

# CASE SUMMARY

CASE NO. P-20-103183-T

*Motion to Compel Discovery Responses for Discovery Sanctions, and for Attorney's Fees and Costs*

07/20/2021



Motion to Bifurcate

Filed By: Petitioner Duckworth, Kyla

*[195] Petitioner's Motion for Bifurcation*

07/20/2021



Clerk's Notice of Hearing

*[196] Notice of Hearing*

07/21/2021



Notice of Entry of Order

Filed By: Trustee Duckworth, Cary

*[197] Notice of Entry of Order*

07/21/2021



Reply

Filed by: Trustee Duckworth, Cary

*[198] Reply to Kyla Duckworth's Response to Trustee Cary Duckworth's Motion for a Protective Order Pursuant to NRCP 45(A)(4)(B) and for NRCP 26(B)(1)(C) and for Attorney Fees and Costs*

07/21/2021



Errata

Filed By: Trustee Duckworth, Cary

*[199] Errata to the Reply to Kyla Duckworth's Response to Trustee Cary Duckworth's Motion for a Protective Order Pursuant to NRCP 45 (A)(4)(B) and NRCP 26(B)(1)(C) and for Attorney Fees and Costs*

07/22/2021



Transcript of Proceedings

*[200] JULY 09, 2021*

07/22/2021



Estimate of Transcript

*[201] JULY 16, 2021*

07/22/2021

Final Billing of Transcript

Filed by: Trust The Duckworth Family Trust

*[217] JULY 09, 2021*

07/22/2021



Final Billing of Transcript

Filed by: Attorney Jolley, R. Gardner; Trustee Duckworth, Cary

*[218] JULY 09, 2021*

07/22/2021



Certificate

*[220] Certification of Transcript Notification of Completion - July 9, 2021*

07/23/2021



Motion in Limine

Filed By: Petitioner Duckworth, Kyla

*[202] Motion in Limine*

07/23/2021



Motion

Filed By: Petitioner Duckworth, Kyla

*[203] Motion for (1) Determination of Presumptive Invalidity of The First Amendment and Second Amendment to The Duckworth Family Trust Dated March 12, 2015; (2) To Suspend Cary Duckworth as Trustee; and (3) To Freeze Trust Accounts*

07/23/2021

















Motion

*[204] Motion in Limine to Preclude Marilyn Legg as a Witness or, in the Alternative, to*

**CASE SUMMARY**  
**CASE NO. P-20-103183-T**

*Compel Disclosure of Documents and Completion of Deposition, and for Attorneys' Fees and Costs*

07/23/2021	 Appendix <i>[205] Petitioner's Appendix to Motion for Presumption</i>
07/23/2021	 Appendix <i>[206] Appendix 1 of 3</i>
07/23/2021	 Appendix Filed By: Petitioner Duckworth, Kyla <i>[207] Appendix 2 or 3</i>
07/23/2021	 Appendix Filed By: Petitioner Duckworth, Kyla <i>[208] Appendix 3 or 3</i>
07/26/2021	 Clerk's Notice of Hearing <i>[209] Notice of Hearing</i>
07/26/2021	 Clerk's Notice of Hearing <i>[210] Notice of Hearing</i>
07/26/2021	 Clerk's Notice of Hearing <i>[211] Notice of Hearing</i>
07/26/2021	 Certificate of Service <i>[212] Certificate of Service</i>
07/26/2021	 Joinder to Motion in Limine Filed By: Beneficiary Kassity, Tara E. <i>[213] Tara E. Kassity's Joinder to Trustee Cary Duckworth's Motion in Limine to Preclude Marilyn Legg as a Witness or, in the Alternative, to Compel Disclosure of Documents and Completion of Deposition, and for Attorneys' Fees and Costs</i>
07/26/2021	 Errata Filed By: Petitioner Duckworth, Kyla <i>[214] ERRATA TO MOTION FOR (1) DETERMINATION OF PRESUMPTIVE INVALIDITY OF THE FIRST AMENDMENT AND SECOND AMENDMENT TO THE DUCKWORTH FAMILY TRUST DATED MARCH 12, 2015; (2) TO SUSPEND CARY DUCKWORTH AS TRUSTEE; AND (3) TO FREEZE TRUST ACCOUNTS</i>
07/29/2021	 Transcript of Proceedings <i>[215] JULY 16, 2021</i>
07/29/2021	 Final Billing of Transcript Filed by: Trust The Duckworth Family Trust <i>[216] JULY 16, 2021</i>
07/29/2021	 Certificate <i>[222] Certification of Transcripts Notification of Completion - July 16, 2021</i>
07/30/2021	 Stipulation and Order Filed by: Trust The Duckworth Family Trust

**CASE SUMMARY**

**CASE NO. P-20-103183-T**

*[219] Stipulation and Order to Continue Hearing*

08/05/2021



Supplement

Filed by: Petitioner Duckworth, Kyla

*[221] SUPPLEMENT TO MOTION FOR (1) DETERMINATION OF PRESUMPTIVE INVALIDITY OF THE FIRST AMENDMENT AND SECOND AMENDMENT TO THE DUCKWORTH FAMILY TRUST DATED MARCH 12, 2015; (2) TO SUSPEND CARY DUCKWORTH AS TRUSTEE; AND (3) TO FREEZE TRUST ACCOUNTS*

08/09/2021



Estimate of Transcript

*[229] July 23, 2021*

08/11/2021



Report and Recommendations

*[223] Report and Recommendations*

08/11/2021



Report and Recommendations

*[224] Report and Recommendations - July 9, 2021 Hearing*

08/12/2021



Notice of Entry

*[225] Notice of Entry of Report and Recommendations*

08/12/2021



Notice of Entry

*[226] Notice of Entry of Report and Recommendations*

08/13/2021



Transcript of Proceedings

*[227] July 23, 2021*

08/13/2021

Final Billing of Transcript

Filed by: Trust The Duckworth Family Trust

*[250] JULY 23, 2021*

08/16/2021



Estimate of Transcript

*[230] August 13, 2021*

08/20/2021



Transcript of Proceedings

*[228] August 13, 2021*

08/20/2021



Final Billing of Transcript

Filed by: Trust The Duckworth Family Trust

*[235] AUGUST 13, 2021*

08/24/2021



Objection to Discovery Commissioners Report and Recommend

Filed By: Petitioner Duckworth, Kyla

*[231] OBJECTION TO REPORT AND RECOMMENDATION*

08/24/2021



Appendix

Filed By: Petitioner Duckworth, Kyla

*[232] EXHIBIT A - PART ONE, to OBJECTION TO REPORT AND RECOMMENDATION*

08/24/2021



Appendix

Filed By: Petitioner Duckworth, Kyla

*[233] EXHIBIT A - PART TWO, TO OBJECTION TO REPORT AND RECOMMENDATION*

08/24/2021

# CASE SUMMARY

CASE NO. P-20-103183-T

	 Appendix Filed By: Petitioner Duckworth, Kyla <i>[234] EXHIBITS B-D TO OBJECTION TO REPORT AND RECOMMENDATION</i>
08/24/2021	 Objection to Discovery Commissioners Report and Recommend Filed By: Petitioner Duckworth, Kyla <i>[236] Objection to Report and Recommendation</i>
08/25/2021	 Notice of Hearing - Appointment of Special Administrator <i>[237] Objection to PC's Report and Recommendation</i>
08/25/2021	 Objection <i>[238] Objection to Kyla Duckworth's Motion for Bifurcation</i>
08/30/2021	 Objection Filed By: Trustee Duckworth, Cary <i>[240] Objection to Kyla Duckworth's Motion for Protective Order</i>
08/31/2021	 Opposition Filed By: Trustee Duckworth, Cary <i>[241] Opposition to Kyla Duckworth's Motion in Limine</i>
09/07/2021	 Opposition <i>[242] Opposition to Objection to RAR of July 16, 2021 Which Granted Trustee Cary Duckworth's Motion to Amend the Pleadings</i>
09/07/2021	 Exhibits <i>[243] Appendix of Exhibits to Opposition to Objection to RAR of July 16, 2021 Which Granted Trustee Cary Duckworth's Motion to Amend the Pleadings</i>
09/07/2021	 Opposition Filed By: Trustee Duckworth, Cary <i>[244] Opposition to Objection to the Report and Recommendation from the July 9, 2021 Hearing Finding that Kyla Duckworth is a Caregiver Pursuant to NRS 155.097</i>
09/08/2021	 Exhibits <i>[245] Appendix of Exhibit to Opposition to Objection to the Report and Recommendation from the July 9, 2021 Hearing Finding that Kyla Duckworth is a Caregiver Pursuant to NRS 155.097</i>
09/15/2021	 Objection Filed By: Trustee Duckworth, Cary <i>[246] Objection/Opposition to Kyla Duckworth's Motion for (1) Determination of Presumptive Validity of the First and Second Amendment to the Duckworth Family Trust Dated March 12, 2015; (2) To Suspend Cary Duckworth as Trustee; and (3) to Freeze Trust Accounts</i>
09/15/2021	 Exhibits <i>[247] Appendix of Exhibits to Objection/Opposition to Kyla Duckworth's Motion for (1) determination of Presumptive Validity of the First and Second Amendment to the Duckworth Family Trust Dated March 12, 2015; (2) To Suspend Cary Duckworth as Trustee; and (3) to Freeze Trust Accounts</i>
09/15/2021	 Objection Filed By: Petitioner Duckworth, Kyla <i>[248] Objection Cary Duckworth's Motion In Limine</i>



# CASE SUMMARY

CASE NO. P-20-103183-T

09/16/2021



Objection

Filed By: Beneficiary Kassity, Tara E.

*[249] Tara E. Kassity's Objection to Kyla Duckworth's Motion for Protective Order and Joinder to Cary Duckworth's Objection to Kyla Duckworth's Motion for Protective Order*

09/20/2021



Supplement

Filed by: Trustee Duckworth, Cary

*[252] Supplement to Trustee Cary Duckworth's Motion in Limine To Preclude Marilyn Legg As A Witness Or, In The Alternative, To Compel Disclosure Of Documents And Completion Of Deposition, And For Attorneys Fees And Costs*

09/20/2021



Estimate of Transcript

*[253] SEPTEMBER 17, 2021*

09/21/2021



Supplement

*[254] Trustee Cary Duckworth's Supplement to Objection to Kyla Duckworth's Motion for Protective Order*

09/21/2021



Supplement

Filed by: Beneficiary Kassity, Tara E.

*[255] Supplement to Tara E. Kassity's Objection to Kyla Duckworth's Motion for Protective Order and Joinder to Cary Duckworth's Objection to Kyla Duckworth's Motion for Protective Order*

09/21/2021



Reply to Opposition

Filed by: Petitioner Duckworth, Kyla

*[256] REPLY TO CARY DUCKWORTH S SUPPLEMENT TO OBJECTION TO KYLA DUCKWORTH S MOTION FOR PROTECTIVE ORDER*

09/27/2021



Notice of Hearing

*[257] Instructions for Bluejeans Videoconference*

09/28/2021



Estimate of Transcript

*[258] SEPTEMBER 24, 2021*

09/30/2021



Recorders Transcript of Hearing

Party: Trustee Duckworth, Cary

*[259] Recorder's Transcript of Pending Objections, Thursday, December 3, 2020*

10/04/2021



Transcript of Proceedings

*[260] SEPTEMBER 17, 2021*

10/04/2021



Transcript of Proceedings

*[261] september 24, 2021*

10/04/2021



Final Billing of Transcript

Filed by: Attorney Brickfield, Elizabeth

*[262] SEPTEMBER 24, 2021*

10/04/2021



Final Billing of Transcript

Filed by: Attorney Brickfield, Elizabeth















*[264] SEPTEMBER 17, 2021*

# CASE SUMMARY

CASE NO. P-20-103183-T








10/05/2021	Final Billing of Transcript Filed by: Attorney Brickfield, Elizabeth <i>[263] SEPTEMBER 17, 2021</i>
10/06/2021	 Errata <i>[265] SEPTEMBER 24, 2021</i>
10/11/2021	 Recorders Transcript of Hearing Party: Trustee Duckworth, Cary <i>[266] Recorder's Transcript of Pending Objections, Thursday, September 30, 2021</i>
10/29/2021	 Order Granting Filed By: Trustee Duckworth, Cary <i>[267] Order Adopting the Report and Recommendation Entered August 11, 2021 for Hearing Held July 9, 2021 (Finding Kyla Duckworth to be a Caregiver Pursuant to NRS 155.097) and Denying Kyla Duckworth's Objection to the Report and Recommendation</i>
10/29/2021	 Order Granting Filed By: Trustee Duckworth, Cary <i>[268] Order Adopting the Report and Recommendation Entered August 11, 2021 for Hearing Held July 16, 2021 (Granting Trustee Gary Duckworth's Motion for Leave to Amend the Pleadings) and Denying, in Part, Kyle Duckworth's Objection to the Report and Recommendation</i>
11/01/2021	 Report and Recommendations <i>[269] Report and Recommendations - Motion to Preclude</i>
11/01/2021	 Report and Recommendations <i>[270] Report and Recommendations - Motion for Determination</i>
11/01/2021	 Report and Recommendations <i>[271] Report and Recommendation - Motion for Protective Order</i>
11/01/2021	 Report and Recommendations <i>[272] Report and Recommendations - Motion in Limine</i>
11/01/2021	 Report and Recommendations <i>[273] Report and Recommendations</i>
11/01/2021	 Report and Recommendations <i>[274] Report and Recommendations - Motion for Bifurcation</i>
11/01/2021	 Motion to Reconsider Filed By: Petitioner Duckworth, Kyla <i>[275] Petitioner's Motion for Reconsideration</i>
11/01/2021	 Notice of Entry of Order <i>[276] Notice of Entry of Order</i>
11/01/2021	 Notice of Entry of Order <i>[277] Notice of Entry of Order</i>
11/01/2021	 Notice of Entry <i>[278] Notice of Entry of Report and Recommendation</i>

**CASE SUMMARY**  
**CASE NO. P-20-103183-T**

11/01/2021	 Notice of Entry <i>[279] Notice of Entry of Report and Recommendations</i>
11/01/2021	 Notice of Entry <i>[280] Notice of Entry of Report and Recommendations</i>
11/01/2021	 Notice of Entry <i>[281] Notice of Entry of Report and Recommendation</i>
11/01/2021	 Notice of Entry <i>[282] Notice of Entry of Report and Recommendations</i>
11/01/2021	 Notice of Entry <i>[283] Notice of Entry of Report and Recommendations</i>
11/01/2021	 Supplement <i>[284] Supplement to Reply of Cary Duckworth as Trustee of the Duckworth Family Trust Dated March 12, 2015 to the Supplement of Kyla Duckworth and to Cary Duckworth as Trustee's Opposition to the Petition for Construction of Trust Term; Petition to Compel Proper Accounting and to Compel Turnover of Trust Documents; Counter-Petition for Kyla Duckworth to Account for the Assets of the Trust and to Compel the Return of Such Assets</i>
11/02/2021	 Clerk's Notice of Hearing Party: Petitioner Duckworth, Kyla <i>[285] Notice of Hearing</i>
11/08/2021	 Objection Filed By: Petitioner Duckworth, Kyla <i>[286] Objection to Report and Recommendation - Motion for Protective Order</i>
11/09/2021	 Certificate of Service Filed by: Petitioner Duckworth, Kyla <i>[287] Certificate of Service</i>
11/09/2021	 Notice of Change of Address Filed By: Trustee Duckworth, Cary <i>[288] Notice of Change of Firm Address</i>
11/10/2021	 Notice of Hearing <i>[289] Objection to PC's Report and Recommendation</i>
11/11/2021	 Objection Filed By: Petitioner Duckworth, Kyla <i>[290] Objection to Report and Recommendation Motion for Determination</i>
11/12/2021	 Certificate of Service Filed by: Petitioner Duckworth, Kyla <i>[291] Certificate of Service</i>
11/12/2021	 Notice of Hearing <i>[292] Objection to PC's Report and Recommendation</i>

# CASE SUMMARY







CASE NO. P-20-103183-T

11/19/2021	 <b>Notice of Appeal</b> Filed By: Petitioner Duckworth, Kyla <i>[293] Notice of Appeal</i>
11/22/2021	 <b>Response</b> Filed by: Trustee Duckworth, Cary <i>[294] Response to Kyla Duckworth's Objection to the Report and Recommendation entered November 1, 2021 Denying Kyla Duckworth's Motion for Protective Order</i>
<b>HEARINGS</b>	
08/07/2020	 <b>Petition - HM</b> (10:00 AM) (Hearing Master: Yamashita, Wesley) <b>08/07/2020, 09/11/2020</b> <i>Petition for Construction of Trust Term; Petition to Compel Proper Accounting and to Compel Turnover of Trust Documents</i>
12/03/2020	 <b>Objection - Probate</b> (9:30 AM) (Judicial Officer: Sturman, Gloria) <i>PCRR</i>
12/04/2020	<b>Status Check - HM</b> (9:45 AM) (Hearing Master: Yamashita, Wesley)
12/04/2020	<b>Motion for Protective Order</b> (9:45 AM) (Hearing Master: Yamashita, Wesley) <i>Trustee Cary Duckworth's Motion for a Protective Order Pursuant to NRCP 45(a) (4) (B) and NRCP 26 (b) (1) (c) and for Attorney Fees and Costs</i>
12/04/2020	 <b>Joinder</b> (9:45 AM) (Hearing Master: Yamashita, Wesley) <i>Tara E. Kassity's Joinder to Trustee Cary Duckworth's Motion for a Protective Order Pursuant to NRCP 45(a)(4)(B) and NRCP 26(b)(1)(c) and for Attorney Fees and Costs</i>
12/04/2020	 <b>All Pending Motions - HM</b> (9:45 AM) (Hearing Master: Yamashita, Wesley)
01/22/2021	<b>Vacated - Previously Heard</b> (3:00 AM) (Hearing Master: Yamashita, Wesley)
01/22/2021	<b>Petition - HM</b> (9:45 AM) (Hearing Master: Yamashita, Wesley) <i>Petition for Approval of First Accounting and Judicial Determinations that (i) Kyla Duckworth is is a Caregiver Pursuant to NRS 155.097 and (ii) George Duckworth's Special Directives in His First Amendment to the Trust Were and Exercise of Testamentary Powers of Appointment</i>
01/22/2021	<b>Joinder</b> (9:45 AM) (Hearing Master: Yamashita, Wesley) <i>Tara E. Kassity's Joinder to Cary Duckworth's Petition for Approval of First Accounting and Judicial Determinations that (i) Kyla Duckworth is a Caregiver Pursuant to NRS 155.097 and (ii) George Duckworth s Special Directives in His First Amendment to the Trust Were An Exercise of Testamentary Powers of Appointment</i>
01/22/2021	 <b>All Pending Motions - HM</b> (9:45 AM) (Hearing Master: Yamashita, Wesley)
03/04/2021	 <b>Objection</b> (9:30 AM) (Judicial Officer: Sturman, Gloria) <i>Objection to PC's Report and Recommendation</i>
03/04/2021	<b>Opposition &amp; Countermotion</b> (9:30 AM) (Judicial Officer: Sturman, Gloria) <i>Opposition of Cary Duckworth as Trustee of the Duckworth Family Trust, Dated March 12, 2015 ("Trust") to Kyla Duckworth's Objection to Report and Recommendation Dated January 13, 2021: Counter Petition for Sanctions</i>
03/05/2021	<b>CANCELED Motion - HM</b> (3:00 AM) <i>Vacated - per Stipulation and Order Motion to Extend Discovery and Trial [First Request]</i>
03/25/2021	<b>Objection - Probate</b> (10:00 AM) (Judicial Officer: Sturman, Gloria)

# CASE SUMMARY

CASE NO. P-20-103183-T




Events: 03/10/2021 Notice of Hearing  
*Objection to Report and Recommendations Entered February 24, 2012; Request for Judicial Determination*

03/25/2021	 <b>All Pending Motions</b> (10:30 AM) (Judicial Officer: Sturman, Gloria)
03/26/2021	 <b>Motion - HM</b> (9:45 AM) (Hearing Master: Yamashita, Wesley) <i>Objection to Trustee Cary Duckworth's Notice of Intent to Subpoena Short &amp; Associates, Ltd. and Motion for a Protective Order Pursuant to NRCP 45(a)(4)(B) and NRCP 26(b) and for Attorney Fees and Costs</i>
04/08/2021	 <b>Objection - Probate</b> (10:30 AM) (Judicial Officer: Sturman, Gloria) <i>Objection to Report and Recommendations Entered February 24, 2012; Request for Judicial Determination/</i>
04/08/2021	<b>CANCELED Hearing</b> (10:30 AM) (Judicial Officer: Sturman, Gloria) <i>Vacated - On in Error</i> <i>Opposition of Cary Duckworth as Trustee of the Duckworth Family Trust, Dated March 12, 2015 ("Trust") to Kyla Duckworth's Objection to Report and Recommendation Dated January 13, 2021: Counter Petition for Sanctions</i>
04/14/2021	<b>CANCELED Evidentiary Hearing - HM</b> (9:00 AM) <i>Vacated - per Stipulation and Order</i>
04/21/2021	 <b>Motion for Contempt</b> (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Motion for Contempt and Motion to Compel Production against Attorney Carrie Hurtik</i>
04/21/2021	<b>CANCELED Opposition</b> (10:30 AM) (Judicial Officer: Sturman, Gloria) <i>Vacated - Set in Error</i> <i>Opposition to Motion for Contempt and Motion to Compel Production Against Attorney Carrie E Hurtik</i>
05/21/2021	 <b>Petition - HM</b> (9:45 AM) (Hearing Master: Yamashita, Wesley) <i>Cary Duckworth's Motion to Extend Deadline to Complete Discovery</i>
06/25/2021	 <b>Motion - HM</b> (9:45 AM) (Hearing Master: Yamashita, Wesley) <i>Motion to Compel the Completion of Kyla Duckworth's Deposition, Motion to Compel Discovery Responses for Sanctions, and for Attorney's Fees and Costs</i>
07/09/2021	<b>Petition - HM</b> (9:45 AM) (Hearing Master: Yamashita, Wesley) <i>Trustee Cary Duckworth's Supplement to Cary Duckworth's Petition for Approval of First Accounting and Judicial Determination that Kyla Duckworth is a Caregiver Pursuant to NRS 155.097</i>
07/09/2021	<b>Joinder</b> (9:45 AM) (Hearing Master: Yamashita, Wesley) Events: 07/06/2021 Joinder <i>Tara E. Kassity's Joinder to Trustee Cary Duckworth's Supplement to Cary Duckworth's Petition for Approval of First Accounting and Judicial Determinations that Kyla Duckworth is a Caregiver Pursuant to NRS 155.07 and Limited Response to Kyla Duckworth's Response</i>
07/09/2021	 <b>All Pending Motions</b> (9:45 AM) (Hearing Master: Yamashita, Wesley)
07/16/2021	 <b>Motion for Leave</b> (3:00 AM) (Hearing Master: Yamashita, Wesley) <i>Motion for Leave to Amend Pleadings</i>
07/23/2021	 <b>Calendar Call</b> (9:45 AM) (Hearing Master: Yamashita, Wesley)

EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**

**CASE NO. P-20-103183-T**

08/11/2021	<b>CANCELED Evidentiary Hearing - HM (9:00 AM)</b> <i>Vacated</i>
08/13/2021	 <b>Motion for Protective Order (9:45 AM)</b> (Hearing Master: Yamashita, Wesley) <i>Trustee Cary Duckworth's Motion for a Protective Order Pursuant to NRCP 45(a)(4)(B) and NRCP 26(b)(1)(c) and for Attorney Fees and Costs</i>
09/17/2021	 <b>Petition - HM (9:45 AM)</b> (Hearing Master: Yamashita, Wesley) <i>Motion for Protective Order</i>
09/24/2021	<b>Motion - HM (3:00 AM)</b> (Hearing Master: Yamashita, Wesley) <i>Petitioner's Motion for Bifurcation</i>
09/24/2021	<b>Petition - HM (3:00 AM)</b> (Hearing Master: Yamashita, Wesley) <i>Motion in Limine</i>
09/24/2021	<b>Motion (3:00 AM)</b> (Hearing Master: Yamashita, Wesley) <i>Motion for (1) Determination of Presumptive Invalidity of The First Amendment and Second Amendment to The Duckworth Family Trust Dated March 12, 2015; (2) To Suspend Cary Duckworth as Trustee; and (3) To Freeze Trust Accounts</i>
09/24/2021	<b>Petition - HM (3:00 AM)</b> (Hearing Master: Yamashita, Wesley) <i>[204] Motion in Limine to Preclude Marilyn Legg as a Witness or, in the Alternative, to Compel Disclosure of Documents and Completion of Deposition, and for Attorneys' Fees and Costs</i>
09/24/2021	<b>Joinder to Motion in Limine (3:00 AM)</b> (Hearing Master: Yamashita, Wesley) Events: 07/26/2021 Joinder to Motion in Limine <i>Tara E. Kassity's Joinder to Trustee Cary Duckworth's Motion in Limine to Preclude Marilyn Legg as a Witness or, in the Alternative, to Compel Disclosure of Documents and Completion of Deposition, and for Attorneys' Fees and Costs</i>
09/30/2021	<b>Objection (10:00 AM)</b> (Judicial Officer: Sturman, Gloria) <i>Objection to PCRR July 9, 2021 Re. Caretaker Status</i>
09/30/2021	<b>Objection (10:00 AM)</b> (Judicial Officer: Sturman, Gloria) <i>Objection to PCRR of July 16, 2021 Re Leave to Amend Pleadings</i>
09/30/2021	 <b>All Pending Motions (10:00 AM)</b> (Judicial Officer: Sturman, Gloria)
11/03/2021	<b>CANCELED Evidentiary Hearing (9:00 AM)</b> <i>Vacated</i>
11/10/2021	<b>CANCELED Evidentiary Hearing (9:00 AM)</b> <i>Vacated</i>
01/06/2022	<b>Objection (10:00 AM)</b> (Judicial Officer: Sturman, Gloria) <i>Objection to PCRR Re Motion for Protective Order</i>
01/06/2022	<b>Objection (10:00 AM)</b> (Judicial Officer: Sturman, Gloria) <i>Objection to PCRR - Motion for Determination</i>
02/04/2022	<b>Petition - HM (3:00 AM)</b> (Hearing Master: Yamashita, Wesley) <i>[275] Petitioner's Motion for Reconsideration</i>

**DATE**

**FINANCIAL INFORMATION**

<b>Attorney</b> Brickfield, Elizabeth	
Total Charges	35.07
Total Payments and Credits	35.07
<b>Balance Due as of 11/23/2021</b>	<b>0.00</b>

# CASE SUMMARY

CASE NO. P-20-103183-T

**Petitioner** Duckworth, Kyla

Total Charges

585.50

Total Payments and Credits

585.50

**Balance Due as of 11/23/2021**

**0.00**

**Respondent** Hurtik, Carrie Elizabeth

Total Charges

223.00

Total Payments and Credits

223.00

**Balance Due as of 11/23/2021**

**0.00**

**Trustee** Duckworth, Cary

Total Charges

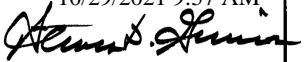
476.00

Total Payments and Credits

476.00

**Balance Due as of 11/23/2021**

**0.00**

  
CLERK OF THE COURT

1 **ORDG**

2 R. Gardner Jolley, Esq. (NSB #266)  
3 JOLLEY URG A WOODBURY & HOLTHUS  
4 50 S. Stephanie Street, Suite 202  
5 Henderson, NV 89012  
6 [nt@juwlaw.com](mailto:nt@juwlaw.com)  
7 Telephone: (702) 699-7500  
8 Facsimile: (702) 699-7555

9 and

10 **DAWSON & LORDAHL PLLC**

11 Elizabeth Brickfield, Esq. (NSB #6236)  
12 Melissa R. Romano, Esq. (NSB #9545)  
13 8363 West Post Road, Suite 210  
14 Las Vegas, Nevada 89148  
15 Telephone: (702) 476-6440  
16 Facsimile: (702) 476-6442  
17 [ebrickfield@dlnevadalaw.com](mailto:ebrickfield@dlnevadalaw.com)  
18 [mdouglas@dlnevadalaw.com](mailto:mdouglas@dlnevadalaw.com)  
19 Counsel for Cary Duckworth, Trustee

20 **DISTRICT COURT**  
21 **CLARK COUNTY, NEVADA**

22 In the Matter of:

23 THE DUCKWORTH FAMILY TRUST,

24 Dated March 12, 2015.

Case No: P-20-103183-T

Dept. No: 26/PC-1

Hearing Date: September 30, 2021

Hearing Time: 9:30 a.m.

25 **ORDER ADOPTING THE REPORT AND RECOMMENDATION ENTERED AUGUST 11,**  
26 **2021 FOR HEARING HELD JULY 9, 2021(FINDING KYLA DUCKWORTH TO BE A**  
27 **CAREGIVER PURSUANT TO NRS 155.097) AND DENYING KYLA DUCKWORTH'S**  
28 **OBJECTION TO THE REPORTAND RECOMMENDATION**

29 A hearing was held on Petitioner Kyla Duckworth's *Objection to Report and Recommendation*  
30 entered August 11, 2011 from a hearing held before the Probate Commissioner on July 9, 2021 on Trustee  
31 Cary Duckworth's *Supplement to Cary Duckworth's Petition for Approval of First Accounting and*  
32 *Judicial Determination That Kyla Duckworth is a Caregiver Pursuant to NRS 155.097* and Trustee Cary  
33 Duckworth's *Opposition to the Objection to the Report and Recommendation Finding That Kyla*



1 *Duckworth is a Caregiver Pursuant to NRS 155.097.* Present at the hearing were Jerimy Kirschner, Esq.  
2 of Jerimy Kirschner & Associates, attorney of record for Kyla Duckworth, together with Kyla Duckworth;  
3 Liane K. Wakayama, Esq, of Wakayama Hayes, attorney of record for Tara Kassity, together with \Tara  
4 Kassity; and Elizabeth Brickfield, Esq., of Dawson & Lordahl, PLLC, and R. Gardner Jolley, Esq. of  
5 Jolley Urga Woodbury & Holthus, counsel of record for Cary Duckworth, Trustee, together with Cary  
6 Duckworth.  
7

8 After hearing the argument of counsel and considering the papers and pleadings, the Court made  
9 the following findings and orders.  
10

11 THE COURT FINDS THAT, as a matter of fact and as a matter of law, there was sufficient  
12 evidence before the Probate Commissioner to make the determination that Kyla Duckworth was a  
13 remunerated caregiver for purposes of NRS 155.097 without the need for an evidentiary hearing;  
14

15 THE COURT FURTHER FINDS that Kyla Duckworth admitted in her deposition that George and  
16 Maureen Duckworth were paying her living expenses because Kyla was there taking care of them and that  
17 there is no question of the sufficiency of the material facts when such an admission is made by the person  
18 against whom the Court is being asked to make such an inference;  
19

20 THE COURT FURTHER FINDS that Kyla was delivering health and social services to Maureen  
21 and George Duckworth, managing their lives when they were at a point where they needed professional  
22 caregiving; and  
23

24 THE COURT FURTHER FINDS that there was sufficient evidence before the Court that he could  
25 make a determination that Kyla was a remunerated caregiver without the need for an evidentiary hearing.  
26 There is no question of the sufficiency of material facts, when, as here, Kyla admitted that she was a  
27 caregiver and that her parents were paying her living expenses because Kyla was taking care of them  
28 regardless of whether other professional caregivers were also hired by her parents.

1 GOOD CAUSE being found,

2 IT IS HEREBY ORDERED that the Report and Recommendation entered August 11, 2021, a copy  
3 of which is attached as Exhibit A, is adopted by the Court in its entirety as the order of the Court.  
4

5 Dated this 29th day of October, 2021

6 


7 BD9 329 DD76 3875

Gloria Sturman

District Court Judge

8 Submitted by:

Approved as to form and content

9 

10 R. Gardnet Jolley, Esq. NSB #266  
11 **JOLLEY URG A WOODBURY & HOLTHUS**  
12 50 S. Stephanie Street, Suite 202  
Henderson, NV 89012  
13 Nt@juwlaw.com  
Telephone: (702) 699-7500  
14 Facsimile: (702) 699-7555

15 and

16  
17 **DAWSON & LORDAHL PLLC**  
Elizabeth Brickfield, Esq. NSB #6236  
18 Melissa R. Romano, Esq. NSB #9545  
19 8925 West Post Road, Suite 210  
Las Vegas, Nevada 89148  
20 Telephone: (702) 476-6440  
21 Facsimile: (702) 476-6442  
Ebrickfield@dlnevadalaw.com  
22 Mdouglas@dlnevadalaw.com  
23 Counsel for Cary Duckworth, Trustee  
24  
25  
26  
27  
28

By: \_\_\_\_\_

Jerimy L. Kirschner, Esq. NSB #12012  
**JERIMY KIRSCHNER & ASSOCIATES,**  
**PPLC**  
5550 Painted Mirage Rd., Suite 320  
Las Vegas, NV 89149  
Telephone: (702) 563-4444  
Jerimy@jkirschnerlaw.com  
Attorney for Kyla Duckworth

By: /s/ Liane K. Wakayama, Esq.

Liane K. Wakayama, Esq. NSB #11313  
**HAYES | WAKAYAMA**  
4735 S. Durango Drive, Suite 105  
Las Vegas, NV 89147  
Attorney for Tara E. Kassity

## Karen Friedrich

---

**From:** Liane K Wakayama <lkw@hwlawnv.com>  
**Sent:** Thursday, October 14, 2021 2:02 PM  
**To:** Karen Friedrich; Nancy Taylor; Gardner Jolley; jerimy@jkirschnerlaw.com; Lindsay Clay; Julia Rodionova; Paige Ostlie; Javie-Anne Bauer  
**Cc:** Elizabeth Brickfield; Melissa Douglas  
**Subject:** RE: Duckworth Family Trust Proposed Orders

You have permission to affix my e-signature.

Thanks,  
Liane

---

**From:** Karen Friedrich <KFriedrich@dlnevadalaw.com>  
**Sent:** Thursday, October 14, 2021 1:59 PM  
**To:** Nancy Taylor <nt@juwlaw.com>; Gardner Jolley <RGJ@juwlaw.com>; jerimy@jkirschnerlaw.com; Lindsay Clay <Lindsay@jkirschnerlaw.com>; Liane K Wakayama <lkw@hwlawnv.com>; Julia Rodionova <julia@hwlawnv.com>  
**Cc:** Elizabeth Brickfield <EBrickfield@dlnevadalaw.com>; Melissa Douglas <Mdouglas@dlnevadalaw.com>  
**Subject:** Duckworth Family Trust Proposed Orders

Good afternoon,

Per Ms. Brickfield, I have attached the proposed orders for your review. If you agree, please send your authorization to add your electronic signature. If you have requested changes please reply to this email.

Kind regards,

---

DAWSON & LORDAHL IS MOVING  
As of November 1, 2021, our new address is:  
**9130 West Post Road, Suite 200**  
**Las Vegas, NV 89148**




**DAWSON • LORDAHL**  
TRUST, ESTATE & BUSINESS ATTORNEYS  
Karen Friedrich,  
Legal Assistant  
(p) 702.476.0701  
(f) 702.476.6442

[www.DLNevadaLaw.com](http://www.DLNevadaLaw.com)  
Trust, Estate & Business Attorneys  
8925 West Post Road, Suite 210  
Las Vegas, Nevada 89148  
A Professional Limited Liability Company

Exhibit "A"

Exhibit "A"



1 NEO  
2 R. Gardner Jolley, Esq. NSB #266  
3 JOLLEY URG A WOODBURY & HOLTHUS  
4 50 S. Stephanie Street, Suite 202  
5 Henderson, Nevada 89012  
6 Nt@juwlaw.com  
7 Telephone: (702) 699-7500  
8 Facsimile: (702) 699-7555

6 and

7 Elizabeth Brickfield, Esq. NSB #6236  
8 Melissa R. Douglas, Esq. NSB #9545  
9 DAWSON & LORDAHL PLLC  
10 8925 West Post Road, Suite 210  
11 Las Vegas, Nevada 89148  
12 Telephone: (702) 476-6440  
13 Facsimile: (702) 476-6442  
14 Ebrickfield@dlnevadalew.com  
15 Mdouglas@dlnevadalew.com

13 *Attorneys for Cary Duckworth,*  
14 *Trustee*

16 **EIGHTH JUDICIAL DISTRICT COURT**

17 **CLARK COUNTY, NEVADA**

18 In the Matter of:

19 THE DUCKWORTH FAMILY TRUST,

20 Dated March 12, 2015.

Case No.: P-20-103183-T  
Dept. No.: 26/PC-1

21 **NOTICE OF ENTRY OF REPORT AND RECOMMENDATIONS**

22  
23 PLEASE TAKE NOTICE that a *Report and Recommendations* was entered by this Court

24 //

25  
26 //

1 on August 11, 2021. A true and correct copy of the Report and Recommendations is attached  
2 hereto.

3 Dated this 12<sup>th</sup> day of August 2021.

4 JOLLEY URGAL WOODBURY &  
5 HOLTHUS

6 /s/ Elizabeth Brickfield

7 R. Gardner Jolley, Esq. NSB #266  
8 JOLLEY URGAL WOODBURY &  
9 HOLTHUS

50 S. Stephanie Street, Suite 202  
Henderson, Nevada 89012

10 Nt@juwlaw.com

Telephone: (702) 699-7500

11 Facsimile: (702) 699-7555

12 and

13 Elizabeth Brickfield, Esq. NSB #6236

14 Melissa R. Douglas, Esq. NSB #9545

DAWSON & LORDAHL PLLC

15 8925 West Post Road, Suite 210

Las Vegas, Nevada 89148

16 Telephone: (702) 476-6440

17 Facsimile: (702) 476-6442

Ebrickfield@dlnevadalaw.com

18 Mdouglas@dlnevadalaw.com

19 *Attorneys for Cary Duckworth,*  
20 *Trustee*

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on the 12<sup>th</sup> day of August 2021, I served a copy of the foregoing *Notice*  
3 *of Entry of Report and Recommendations* to be served through the Court's electronic filing system  
4 or by depositing the same in the United States mail in Las Vegas, Nevada, first class postage  
5 prepaid, addressed to the following parties:

6 Jerimy L. Kirschner, Esq.  
7 550 Painted Mirage Rd., Suite 320  
8 Las Vegas, Nevada 89149  
9 jerimy@jkirschnerlaw.com  
10 *Attorney for Kyla Duckworth*

Liane K. Wakayama, Esq.  
4735 S. Durango Dr. #105  
Las Vegas, Nevada 89147  
lkw@hwlawnv.com  
*Counsel for Tara Kassity*

11 R. Gardner Jolley, Esq. NSB #266  
12 JOLLEY URGAL WOODBURY & HOLTHUS  
13 50 S. Stephanie Street, Suite 202  
14 Henderson, Nevada 89012  
15 rgj@acjolleyurga.onmicrosoft.com  
16 *Attorney for Cary Duckworth, Trustee*

17 /s/ Karen Friedrich  
18 An Employee of Dawson & Lordahl PLLC  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

*Steven D. Grierson*

**RAR  
JOLLEY URG A WOODBURY & HOLTHUS**

**R. Gardner Jolley, Esq. NSB #266**  
50 S. Stephanie Street, Suite 202  
Henderson, Nevada 89012  
[Nt@juwlaw.com](mailto:Nt@juwlaw.com)  
Telephone: (702) 699-7500  
Facsimile: (702) 699-7555

-and -

**DAWSON & LORDAHL PLLC**  
Elizabeth Brickfield, Esq. NSB 6236  
Melissa L. Douglas, Esq. NSB 8545  
8925 West Post Road, Suite 210  
Las Vegas, NV 89146  
Telephone: (702) 476-6440  
Facsimile: (702) 476-6442  
[Ebrickfield@dlnevadalaw.com](mailto:Ebrickfield@dlnevadalaw.com)  
[Mdouglas@dlnevadalaw.com](mailto:Mdouglas@dlnevadalaw.com)  
*Attorneys for Cary Duckworth,*  
*Trustee*

**EIGHTH JUDICIAL DISTRICT COURT**

**CLARK COUNTY, NEVADA**

In the Matter of the Estate of

**THE DUCKWORTH FAMILY TRUST,**

Dated March 12, 2015.

Case No: P-20-103183-T  
Department No: 26

Hearing Date: July 9, 2021  
Hearing Time: 9:30 a.m.

**REPORT AND RECOMMENDATIONS -- JULY 9, 2021 HEARING**

<b>Attorneys for Petitioner:</b>	Kyla Duckworth – Jeremy Kirschner, Esq. of the law firm Jeremy Kirschner & Associates, PLLC Kyla Duckworth was also present
<b>Attorneys for Respondent:</b>	Cary Duckworth, Trustee – R. Gardner Jolley, Esq. of the law firm Jolley Urga Woodbury & Holthus and Elizabeth Brickfield, Esq. of Dawson & Lordahl, PLLC Cary Duckworth was also present
<b>Attorney for Beneficiary:</b>	Tara Kassity - Liane K. Wakayama, Esq. of the law firm of Hayes Wakayama Tara Kassity was also present

This matter came on for hearing on the 9<sup>th</sup> day of July, 2021. The Probate Commissioner having reviewed *Trustee Cary Duckworth's Supplement to Cary Duckworth's Petition for Approval*





1 of First Accounting and Judicial Determination That Kyla Duckworth is a Caregiver Pursuant to  
2 NRS 155.097, Kyla Duckworth's Response to Trustee Cary Duckworth's Supplement to Cary  
3 Duckworth's Petition for Approval of First Accounting and Judicial Determination That Kyla  
4 Duckworth is a Caregiver Pursuant to NRS 155.097; Tara Kassity's Joinder to Trustee Cary  
5 Duckworth's Supplement to Cary Duckworth's Petition for Approval of First Accounting and  
6 Judicial Determination That Kyla Duckworth is a Caregiver Pursuant to NRS 155.097 and Limited  
7 Rresponse to Kyla Duckworth's Response and Trustee Cary Duckworth's Trustee of The Duckworth  
8 Family Trust, Response/Reply to the Response of Kyla Duckworth to the Supplement the Pettion to  
9 Approve the First Accounting and for a Judicial Determination Pursuant to NRS 155.097. After  
10 considering the oral argument of counsel and good cause appearing, the Probate Commissioner  
11 Reports And Recommends as follows:  
12

13  
14  
15 **I.**

16 **FINDINGS**

17  
18 1. At the January 22, 2021 hearing on these matters, the Probate Commissioner  
19 determined Kyla Duckworth met two of the three statutory requirements to be a caregiver to George  
20 Duckworth and Maureen Duckworth as defined by NRS 155.0935 subject to the determination of  
21 whether Kyla Duckworth received remuneration as a caregiver.

22 2. Based on the papers and exhibits placed before the Court, including portions of the  
23 deposition testimony of Kyla Duckworth and Marilyn Legg, the Probate Commissioner finds that  
24 Kyla Duckworth is a caregiver pursuant to NRS 155.0935 and that she was remunerated for her  
25 services as such.

26 3. To the extent that the findings of fact are conclusions of law, they are stated as such  
27 and vice versa.  
28



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**II.**

**CONCLUSIONS OF LAW**

1. The Probate Commissioner concludes as a matter of law that Kyla Duckworth is a caregiver pursuant to NRS 155.0935.

2. Because Kyla Duckworth is a caregiver, pursuant to NRS 155.097, she bears the burden of proving that the donative transfers to her are not the product of fraud, duress or undue influence.

3. NRS 155.097 was enacted in 2011, intended to codify the common law of Nevada but amended in 2015. It is a question of law in this case whether the shifting of the burden of proof applies to the lifetime transfers received by Kyla Duckworth on or before September 30, 2015.

4. To the extent that the findings of fact are conclusions of law, they are stated as such and vice versa.

**III.**

**RECOMMENDATIONS**

**IT IS HEREBY RECOMMENDED** that Kyla Duckworth is a caregiver pursuant to NRS 155.0935.


**IT IS FURTHER RECOMMENDED** that Kyla Duckworth as a caregiver, pursuant to NRS 155.097, bears the burden of proving that the donative transfers to her are not the product of fraud, duress or undue influence.

**IT IS FURTHER RECOMMENDED** that the District Court determine whether the shifting of the burden of proof applies to the lifetime transfers received by Kyla Duckworth on or before September 30, 2015, that is whether NRS 155.097 as enacted prior to the 2015 amendment is applicable.



1 **IT IS FURTHER RECOMMENDED** that counsel for the parties consult with each other  
2 regarding Kyla Duckworth's request for a bifurcated evidentiary hearing for the issues to be tried by  
3 the Probate Commissioner and that the matter will be discussed at the calendar call set for July 23,  
4 2021 at 9:30 a.m.

5 *August 10, 2021.*

6   
7 Probate Commissioner

8  
9  
10 Respectfully submitted:

11 **JOLLEY URG A WOODBURY & JERIMY KIRSCHNER &**  
12 **HOLTHUS ASSOCIATES, PLLC**

Approved to as to Form and Content:

13 /s/ Elizabeth Brickfield  
14 R. Gardner Jolley, Esq.  
15 50 S. Stephanie Street, Suite 202  
16 Henderson, Nevada 89012  
17 Nt@jwlaw.com  
Telephone: (702) 699-7500  
Facsimile: (702) 699-7555

/s/ Jeremy L. Kirschner, Esq.  
Jeremy L. Kirschner, Esq.  
550 Painted Mirage Rd., Suite 320  
Las Vegas, Nevada 89149  
jerimy@jkirschnerlaw.com  
Attorney for Kyla Duckworth

18 -and -

19 **DAWSON & LORDAHL PLLC**  
Elizabeth Brickfield, Esq.  
Nevada Bar No. 6236  
20 Melissa L. Douglas, Esq.  
Nevada Bar No. 8545  
21 8925 West Post Road, Suite 210  
Las Vegas, NV 89148  
22 Telephone: (702) 476-6440  
Facsimile: (702) 476-6442  
23 Ebrickfield@dlnevadalaw.com  
24 Co-Counsel for Cary Duckworth, Trustee

Approved to as to Form and Content:

**HAYES WAKAYAMA**

/s/ Liane K. Wakayama, Esq.  
Liane K. Wakayama, Esq.  
4735 S. Durango Dr. #105  
Las Vegas, Nevada 89147  
lkw@hwlawnv.com  
Counsel for Tara Kassity



**Karen Friedrich**

---

**From:** Liane K Wakayama <lkw@hwlawnv.com>  
**Sent:** Wednesday, July 21, 2021 11:43 AM  
**To:** Elizabeth Brickfield; Jerimy Kirschner; Nancy Taylor  
**Cc:** Julia Rodionova  
**Subject:** RE: Duckworth Family Trust

You have permission to affix my e-signature.

Thanks,  
Liane

---

**From:** Elizabeth Brickfield <EBrickfield@dlnevadalaw.com>  
**Sent:** Wednesday, July 21, 2021 9:22 AM  
**To:** Jerimy Kirschner <jerimy@jkirschnerlaw.com>; Nancy Taylor <nt@juwlaw.com>; Liane K Wakayama <lkw@hwlawnv.com>  
**Subject:** Duckworth Family Trust

Counsel: Here are the proposed Reports and Recommendations for your review and electronic signature. Elizabeth Brickfield



**DAWSON • LORD & DAHL**  
ATTORNEYS AT LAW  
Elizabeth Brickfield, Esq.,  
Member  
(p) 702.476.1119  
(f) 702.476.6442

[www.DLNevadaLaw.com](http://www.DLNevadaLaw.com)  
Trust, Estate, and Business Attorneys  
8925 West Post Road, Suite 210  
Las Vegas, Nevada 89148  
A Professional Limited Liability Company

**Karen Friedrich**

---

**From:** Jeremy Kirschner <jerimy@jkirschnerlaw.com>  
**Sent:** Friday, August 6, 2021 6:40 AM  
**To:** Elizabeth Brickfield  
**Cc:** Nancy Taylor; Liane K Wakayama  
**Subject:** Re: FW: Duckworth Family Trust

I agree that they both reflect the decision of the Court. You may attach my electronic signature.

On Thu, Aug 5, 2021 at 10:25 AM Elizabeth Brickfield <[EBrickfield@dlnevadalaw.com](mailto:EBrickfield@dlnevadalaw.com)> wrote:

Mr. Kirschner: I am following up with you on the proposed Reports and Recommendations which I have not received your response. I intend to submit them to Probate no later than the morning of Monday August 9, 2021. Elizabeth Brickfield



**DAWSON & LORDAHL**  
TRUST, ESTATE & BUSINESS ATTORNEYS

Elizabeth Brickfield, Esq.,

Member  
(p) 702.476.1119  
(f) 702.476.6442

[www.DLNevadaLaw.com](http://www.DLNevadaLaw.com)

Trust, Estate & Business Attorneys

8925 West Post Road, Suite 210

Las Vegas, Nevada 89148  
A Professional Limited Liability Company

---

**From:** Elizabeth Brickfield  
**Sent:** Wednesday, July 21, 2021 9:22 AM  
**To:** Jeremy Kirschner <[jerimy@jkirschnerlaw.com](mailto:jerimy@jkirschnerlaw.com)>; Nancy Taylor <[nt@luwlaw.com](mailto:nt@luwlaw.com)>; Liane K Wakayama <[lkw@hwlawnv.com](mailto:lkw@hwlawnv.com)>  
**Subject:** Duckworth Family Trust

Counsel: Here are the proposed Reports and Recommendations for your review and electronic signature. Elizabeth Brickfield



**DAWSON • LORDAHL**  
TRUST, ESTATE & BUSINESS ATTORNEYS

**Elizabeth Brickfield, Esq.,**

**Member**

**(p) 702.476.1119**

**(f) 702.476.6442**

**[www.DLNevadaLaw.com](http://www.DLNevadaLaw.com)**

**Trust, Estate, and Business Attorneys**

**8925 West Post Road, Suite 210**

**Las Vegas, Nevada 89148**

**A Professional Limited Liability Company**

**Jerimy Kirschner, Esq.**

**Managing Partner**

**Jerimy Kirschner & Associates PLLC**

## **WASHINGTON**

**1750 112th Avenue NE, Suite B-215**

**Bellevue, WA 98004**

**Phone: (206) 623-4444**

**Fax (206) 538-2008**

**2302 S. Union Ave. Suite C-30**

**Tacoma, WA 98405**

**Phone: (253) 240-4444**

**Fax (206) 538-2008**

## **NEVADA**

**5550 Painted Mirage Rd., Suite 320**

**Las Vegas, NV 89149**

**Phone: (702) 563-4444**

**Fax (702) 563-4445**

**Notice:** This fax or email is from a law firm, Jerimy Kirschner & Associates ("JKA"), and is intended solely for the use and review of the individual(s) to whom it is addressed. If you have received this fax or email in error, please notify the sender immediately. In addition, please destroy the fax and/or delete the email from your computer. Please do not copy or disclose it to anyone else as it may contain important private information.

If you are not an existing client of JKA, it is not the intent of this fax or email to make you a client unless it contains a specific written statement to that effect and do not disclose anything to JKA in reply that you expect it to hold in confidence.

If you are counsel in litigation with JKA, either associated or opposing, and would like to participate in facsimile service of future pleadings, please contact us at (702)563-4444 or (253)240-4444 to arrange for a reciprocal facsimile agreement.

1 **CSERV**

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 In the Matter of the Trust of: CASE NO: P-20-103183-T  
7 The Duckworth Family Trust DEPT. NO. Department 26  
8

9 **AUTOMATED CERTIFICATE OF SERVICE**

10 This automated certificate of service was generated by the Eighth Judicial District  
11 Court. The foregoing Order Granting 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: 10/29/2021

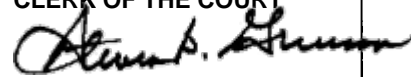
14 R. Gardner Jolley	rgj@juwlaw.com
15 Jerimy Kirschner	jerimy@jkirschnerlaw.com
16 Front Office	office@jkirschnerlaw.com
17 Dale Hayes, Jr.	dhayes@hwlawnv.com
18 Carrie Hurtik	churtik@hurtiklaw.com
19 Melissa Romano	mdouglas@dlnevadalaw.com
20 Cary Duckworth	caryduckworth@icloud.com
21 Cecelia Chambers	cchambers@gerrard-cox.com
22 Elizabeth Brickfield	ebrickfield@dlnevadalaw.com
23 Karen Friedrich	kfriedrich@dlnevadalaw.com
24 Liane Wakayama	lkw@hwlawnv.com
25 Jonathon Patterson	jpatterson@hurtiklaw.com

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Nancy Taylor	nt@juwlaw.com
Kenneth Burns	kburns@nvbusinesslaw.com
Tara Kassity	tkassity@surewest.net
Jeremy Holmes	jholmes@hwlawnv.com
Paula Lamprea	plamprea@dlnevadalaw.com
Kendal Weisenmiller	kweisenmiller@dlnevadalaw.com
Luke Smith, Esq.	lsmith@gerrard-cox.com
Abigail Rodriguez	arodriguez@hurtiklaw.com



1 NEO  
2 R. Gardner Jolley, Esq. NSB #266  
3 JOLLEY URG A WOODBURY & HOLTHUS  
4 50 S. Stephanie Street, Suite 202  
5 Henderson, Nevada 89012  
6 Nt@juwlaw.com  
7 Telephone: (702) 699-7500  
8 Facsimile: (702) 699-7555

6 and

7 Elizabeth Brickfield, Esq. NSB #6236  
8 Melissa R. Romano, Esq. NSB #9545  
9 DAWSON & LORDAHL PLLC  
10 9130 West Post Road, Suite 200  
11 Las Vegas, Nevada 89148  
12 Telephone: (702) 476-6440  
13 Facsimile: (702) 476-6442  
14 Ebrickfield@dlnevadalaw.com  
15 Mdouglas@dlnevadalaw.com

13 *Attorneys for Cary Duckworth,*  
14 *Trustee*

16 **EIGHTH JUDICIAL DISTRICT COURT**

17 **CLARK COUNTY, NEVADA**

18 In the Matter of:

19 THE DUCKWORTH FAMILY TRUST,

20 Dated March 12, 2015.

Case No.: P-20-103183-T  
Dept. No.: 26/PC-1

21 **NOTICE OF ENTRY OF ORDER**

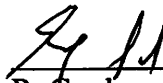
22  
23 PLEASE TAKE NOTICE that an *Order Adopting the Report and Recommendation*  
24 *Entered August 11, 2021 for Hearing Held July 9, 2021 (Finding Kyla Duckworth to Be a*  
25 *Caregiver Pursuant to NRS 155.097) and Denying, in Part, Kayla Duckworth's Objection to the*  
26 *Report and Recommendation* was entered by this Court

27 //

1 on October 29, 2021. A true and correct copy of the Report and Recommendations is attached  
2 hereto.

3 Dated this 1 day of November 2021.

4 JOLLEY URGAL WOODBURY &  
5 HOLTHUS

6   
7 R. Gardner Jolley, Esq. NSB #266  
8 JOLLEY URGAL WOODBURY &  
9 HOLTHUS  
10 50 S. Stephanie Street, Suite 202  
11 Henderson, Nevada 89012  
12 Nt@juwlaw.com  
13 Telephone: (702) 699-7500  
14 Facsimile: (702) 699-7555

15 and

16 Elizabeth Brickfield, Esq. NSB #6236  
17 Melissa R. Romano, Esq. NSB #9545  
18 DAWSON & LORDAHL PLLC  
19 9130 West Post Road, Suite 200  
20 Las Vegas, Nevada 89148  
21 Telephone: (702) 476-6440  
22 Facsimile: (702) 476-6442  
23 Ebrickfield@dlnevadalew.com  
24 Mdouglas@dlnevadalew.com

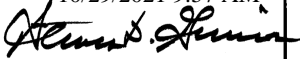
25 *Attorneys for Cary Duckworth,*  
26 *Trustee*

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**Jeremy L. Kirschner, Esq.**  
550 Painted Mirage Rd., Suite 320  
Las Vegas, Nevada 89149  
jerimy@jkirschnerlaw.com  
*Attorney for Kyla Duckworth*

**R. Gardner Jolley, Esq. NSB #266**  
**JOLLEY URGAL WOODBURY & HOLTHUS**  
 50 S. Stephanie Street, Suite 202  
 Henderson, Nevada 89012  
[rgj@acjolleyurga.onmicrosoft.com](mailto:rgj@acjolleyurga.onmicrosoft.com)  
*Attorney for Cary Duckworth, Trustee*

Page 3 of 3

  
CLERK OF THE COURT

1 **ORDG**

2 R. Gardner Jolley, Esq. (NSB #266)  
3 JOLLEY URG A WOODBURY & HOLTHUS  
4 50 S. Stephanie Street, Suite 202  
5 Henderson, NV 89012  
6 [nt@juwlaw.com](mailto:nt@juwlaw.com)  
7 Telephone: (702) 699-7500  
8 Facsimile: (702) 699-7555

9 and

10 **DAWSON & LORDAHL PLLC**  
11 Elizabeth Brickfield, Esq. (NSB #6236)  
12 Melissa R. Romano, Esq. (NSB #9545)  
13 8363 West Post Road, Suite 210  
14 Las Vegas, Nevada 89148  
15 Telephone: (702) 476-6440  
16 Facsimile: (702) 476-6442  
17 [ebrickfield@dlnevadalaw.com](mailto:ebrickfield@dlnevadalaw.com)  
18 [mdouglas@dlnevadalaw.com](mailto:mdouglas@dlnevadalaw.com)  
19 *Counsel for Cary Duckworth, Trustee*

20 **DISTRICT COURT**  
21 **CLARK COUNTY, NEVADA**

22 In the Matter of:

23 THE DUCKWORTH FAMILY TRUST,

24 Dated March 12, 2015.

25 Case No: P-20-103183-T

26 Dept. No: 26/PC-1

27 Hearing Date: September 30, 2021

28 Hearing Time: 9:30 a.m.

29 **ORDER ADOPTING THE REPORT AND RECOMMENDATION ENTERED AUGUST 11,**  
30 **2021 FOR HEARING HELD JULY 9, 2021(FINDING KYLA DUCKWORTH TO BE A**  
31 **CAREGIVER PURSUANT TO NRS 155.097) AND DENYING KYLA DUCKWORTH'S**  
32 **OBJECTION TO THE REPORTAND RECOMMENDATION**

33 A hearing was held on Petitioner Kyla Duckworth's *Objection to Report and Recommendation*  
34 entered August 11, 2011 from a hearing held before the Probate Commissioner on July 9, 2021 on Trustee  
35 *Cary Duckworth's Supplement to Cary Duckworth's Petition for Approval of First Accounting and*  
36 *Judicial Determination That Kyla Duckworth is a Caregiver Pursuant to NRS 155.097* and Trustee Cary  
37 Duckworth's *Opposition to the Objection to the Report and Recommendation Finding That Kyla*

1 *Duckworth is a Caregiver Pursuant to NRS 155.097.* Present at the hearing were Jerimy Kirschner, Esq.  
2 of Jerimy Kirschner & Associates, attorney of record for Kyla Duckworth, together with Kyla Duckworth;  
3 Liane K. Wakayama, Esq, of Wakayama Hayes, attorney of record for Tara Kassity, together with \Tara  
4 Kassity; and Elizabeth Brickfield, Esq., of Dawson & Lordahl, PLLC, and R. Gardner Jolley, Esq. of  
5 Jolley Urga Woodbury & Holthus, counsel of record for Cary Duckworth, Trustee, together with Cary  
6 Duckworth.  
7

8 After hearing the argument of counsel and considering the papers and pleadings, the Court made  
9 the following findings and orders.  
10

11 THE COURT FINDS THAT, as a matter of fact and as a matter of law, there was sufficient  
12 evidence before the Probate Commissioner to make the determination that Kyla Duckworth was a  
13 remunerated caregiver for purposes of NRS 155.097 without the need for an evidentiary hearing;  
14

15 THE COURT FURTHER FINDS that Kyla Duckworth admitted in her deposition that George and  
16 Maureen Duckworth were paying her living expenses because Kyla was there taking care of them and that  
17 there is no question of the sufficiency of the material facts when such an admission is made by the person  
18 against whom the Court is being asked to make such an inference;  
19

20 THE COURT FURTHER FINDS that Kyla was delivering health and social services to Maureen  
21 and George Duckworth, managing their lives when they were at a point where they needed professional  
22 caregiving; and  
23

24 THE COURT FURTHER FINDS that there was sufficient evidence before the Court that he could  
25 make a determination that Kyla was a remunerated caregiver without the need for an evidentiary hearing.  
26 There is no question of the sufficiency of material facts, when, as here, Kyla admitted that she was a  
27 caregiver and that her parents were paying her living expenses because Kyla was taking care of them  
28 regardless of whether other professional caregivers were also hired by her parents.

1 GOOD CAUSE being found,

2 IT IS HEREBY ORDERED that the Report and Recommendation entered August 11, 2021, a copy  
3 of which is attached as Exhibit A, is adopted by the Court in its entirety as the order of the Court.  
4

5 Dated this 29th day of October, 2021

6 


7 BD9 329 DD76 3875

Gloria Sturman

District Court Judge

8 Submitted by:

Approved as to form and content

9 

10 R. Gardnet Jolley, Esq. NSB #266

**JOLLEY URG A WOODBURY & HOLTHUS**

11 50 S. Stephanie Street, Suite 202

12 Henderson, NV 89012

Nt@juwlaw.com

13 Telephone: (702) 699-7500

14 Facsimile: (702) 699-7555

15 and

16 **DAWSON & LORDAHL PLLC**

17 Elizabeth Brickfield, Esq. NSB #6236

18 Melissa R. Romano, Esq. NSB #9545

19 8925 West Post Road, Suite 210

20 Las Vegas, Nevada 89148

Telephone: (702) 476-6440

21 Facsimile: (702) 476-6442

Ebrickfield@dlnevadalaw.com

22 Mdouglas@dlnevadalaw.com

23 Counsel for Cary Duckworth, Trustee

By: \_\_\_\_\_

Jerimy L. Kirschner, Esq. NSB #12012

**JERIMY KIRSCHNER & ASSOCIATES,  
PPLC**

5550 Painted Mirage Rd., Suite 320

Las Vegas, NV 89149

Telephone: (702) 563-4444

Jerimy@jkirschnerlaw.com

Attorney for Kyla Duckworth

By: /s/ Liane K. Wakayama, Esq.

Liane K. Wakayama, Esq. NSB #11313

**HAYES | WAKAYAMA**

4735 S. Durango Drive, Suite 105

Las Vegas, NV 89147

Attorney for Tara E. Kassity

## Karen Friedrich

---

**From:** Liane K Wakayama <lkw@hwlawnv.com>  
**Sent:** Thursday, October 14, 2021 2:02 PM  
**To:** Karen Friedrich; Nancy Taylor; Gardner Jolley; jerimy@jkirschnerlaw.com; Lindsay Clay; Julia Rodionova; Paige Ostlie; Javie-Anne Bauer  
**Cc:** Elizabeth Brickfield; Melissa Douglas  
**Subject:** RE: Duckworth Family Trust Proposed Orders

You have permission to affix my e-signature.

Thanks,  
Liane

---

**From:** Karen Friedrich <KFriedrich@dlnevadalaw.com>  
**Sent:** Thursday, October 14, 2021 1:59 PM  
**To:** Nancy Taylor <nt@juwlaw.com>; Gardner Jolley <RGJ@juwlaw.com>; jerimy@jkirschnerlaw.com; Lindsay Clay <Lindsay@jkirschnerlaw.com>; Liane K Wakayama <lkw@hwlawnv.com>; Julia Rodionova <julia@hwlawnv.com>  
**Cc:** Elizabeth Brickfield <EBrickfield@dlnevadalaw.com>; Melissa Douglas <Mdouglas@dlnevadalaw.com>  
**Subject:** Duckworth Family Trust Proposed Orders

Good afternoon,

Per Ms. Brickfield, I have attached the proposed orders for your review. If you agree, please send your authorization to add your electronic signature. If you have requested changes please reply to this email.

Kind regards,

---

DAWSON & LORDAHL IS MOVING  
As of November 1, 2021, our new address is:  
**9130 West Post Road, Suite 200**  
**Las Vegas, NV 89148**




**DAWSON • LORDAHL**  
TRUST, ESTATE & BUSINESS ATTORNEYS  
Karen Friedrich,  
Legal Assistant  
(p) 702.476.0701  
(f) 702.476.6442

[www.DLNevadaLaw.com](http://www.DLNevadaLaw.com)  
Trust, Estate & Business Attorneys  
8925 West Post Road, Suite 210  
Las Vegas, Nevada 89148  
A Professional Limited Liability Company



Exhibit "A"

Exhibit "A"



1 NEO  
2 R. Gardner Jolley, Esq. NSB #266  
3 JOLLEY URG A WOODBURY & HOLTHUS  
4 50 S. Stephanie Street, Suite 202  
5 Henderson, Nevada 89012  
6 Nt@juwlaw.com  
7 Telephone: (702) 699-7500  
8 Facsimile: (702) 699-7555

9 and

10 Elizabeth Brickfield, Esq. NSB #6236  
11 Melissa R. Douglas, Esq. NSB #9545  
12 DAWSON & LORDAHL PLLC  
13 8925 West Post Road, Suite 210  
14 Las Vegas, Nevada 89148  
15 Telephone: (702) 476-6440  
16 Facsimile: (702) 476-6442  
17 Ebrickfield@dlnevadalew.com  
18 Mdouglas@dlnevadalew.com

19 *Attorneys for Cary Duckworth,*  
20 *Trustee*

21 **EIGHTH JUDICIAL DISTRICT COURT**

22 **CLARK COUNTY, NEVADA**

23 In the Matter of:

24 THE DUCKWORTH FAMILY TRUST,

25 Dated March 12, 2015.

Case No.: P-20-103183-T  
Dept. No.: 26/PC-1

26 **NOTICE OF ENTRY OF REPORT AND RECOMMENDATIONS**

27 PLEASE TAKE NOTICE that a *Report and Recommendations* was entered by this Court

28 //

//

1 on August 11, 2021. A true and correct copy of the Report and Recommendations is attached  
2 hereto.

3 Dated this 12<sup>th</sup> day of August 2021.

4 JOLLEY URGAL WOODBURY &  
5 HOLTHUS

6 /s/ Elizabeth Brickfield

7 R. Gardner Jolley, Esq. NSB #266  
8 JOLLEY URGAL WOODBURY &  
9 HOLTHUS

50 S. Stephanie Street, Suite 202  
Henderson, Nevada 89012

10 Nt@juwlaw.com

Telephone: (702) 699-7500

11 Facsimile: (702) 699-7555

12 and

13 Elizabeth Brickfield, Esq. NSB #6236

14 Melissa R. Douglas, Esq. NSB #9545

DAWSON & LORDAHL PLLC

15 8925 West Post Road, Suite 210

Las Vegas, Nevada 89148

16 Telephone: (702) 476-6440

17 Facsimile: (702) 476-6442

Ebrickfield@dlnevadalaw.com

18 Mdouglas@dlnevadalaw.com

19 *Attorneys for Cary Duckworth,*  
20 *Trustee*

- 1
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- 25
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- 28

**Jeremy L. Kirschner, Esq.**  
**550 Painted Mirage Rd., Suite 320**  
**Las Vegas, Nevada 89149**  
**jerimy@jkirschnerlaw.com**  
*Attorney for Kyla Duckworth*

**R. Gardner Jolley, Esq. NSB #266**  
**JOLLEY URG A WOODBURY & HOLTHUS**  
 50 S. Stephanie Street, Suite 202  
 Henderson, Nevada 89012  
 rgj@acjolleyurga.onmicrosoft.com  
*Attorney for Cary Duckworth, Trustee*

Page 3 of 3

*Steven D. Grierson*

**RAR  
JOLLEY URG A WOODBURY & HOLTHUS**

**R. Gardner Jolley, Esq. NSB #266**  
50 S. Stephanie Street, Suite 202  
Henderson, Nevada 89012  
[Nt@juwlaw.com](mailto:Nt@juwlaw.com)  
Telephone: (702) 699-7500  
Facsimile: (702) 699-7555

-and -

**DAWSON & LORDAHL PLLC**  
Elizabeth Brickfield, Esq. NSB 6236  
Melissa L. Douglas, Esq. NSB 8545  
8925 West Post Road, Suite 210  
Las Vegas, NV 89146  
Telephone: (702) 476-6440  
Facsimile: (702) 476-6442  
[Ebrickfield@dlnevadalaw.com](mailto:Ebrickfield@dlnevadalaw.com)  
[Mdouglas@dlnevadalaw.com](mailto:Mdouglas@dlnevadalaw.com)  
*Attorneys for Cary Duckworth,*  
*Trustee*

**EIGHTH JUDICIAL DISTRICT COURT**

**CLARK COUNTY, NEVADA**

In the Matter of the Estate of

**THE DUCKWORTH FAMILY TRUST,**

Dated March 12, 2015.

Case No: P-20-103183-T  
Department No: 26

Hearing Date: July 9, 2021  
Hearing Time: 9:30 a.m.

**REPORT AND RECOMMENDATIONS -- JULY 9, 2021 HEARING**

<b>Attorneys for Petitioner:</b>	Kyla Duckworth – Jeremy Kirschner, Esq. of the law firm Jeremy Kirschner & Associates, PLLC Kyla Duckworth was also present
<b>Attorneys for Respondent:</b>	Cary Duckworth, Trustee – R. Gardner Jolley, Esq. of the law firm Jolley Urga Woodbury & Holthus and Elizabeth Brickfield, Esq. of Dawson & Lordahl, PLLC Cary Duckworth was also present
<b>Attorney for Beneficiary:</b>	Tara Kassity - Liane K. Wakayama, Esq. of the law firm of Hayes Wakayama Tara Kassity was also present

This matter came on for hearing on the 9<sup>th</sup> day of July, 2021. The Probate Commissioner having reviewed *Trustee Cary Duckworth's Supplement to Cary Duckworth's Petition for Approval*



1 of First Accounting and Judicial Determination That Kyla Duckworth is a Caregiver Pursuant to  
2 NRS 155.097, Kyla Duckworth's Response to Trustee Cary Duckworth's Supplement to Cary  
3 Duckworth's Petition for Approval of First Accounting and Judicial Determination That Kyla  
4 Duckworth is a Caregiver Pursuant to NRS 155.097; Tara Kassity's Joinder to Trustee Cary  
5 Duckworth's Supplement to Cary Duckworth's Petition for Approval of First Accounting and  
6 Judicial Determination That Kyla Duckworth is a Caregiver Pursuant to NRS 155.097 and Limited  
7 Rresponse to Kyla Duckworth's Response and Trustee Cary Duckworth's Trustee of The Duckworth  
8 Family Trust, Response/Reply to the Response of Kyla Duckworth to the Supplement the Petition to  
9 Approve the First Accounting and for a Judicial Determination Pursuant to NRS 155.097. After  
10 considering the oral argument of counsel and good cause appearing, the Probate Commissioner  
11 Reports And Recommends as follows:  
12

13  
14  
15 **I.**

16 **FINDINGS**

17  
18 1. At the January 22, 2021 hearing on these matters, the Probate Commissioner  
19 determined Kyla Duckworth met two of the three statutory requirements to be a caregiver to George  
20 Duckworth and Maureen Duckworth as defined by NRS 155.0935 subject to the determination of  
21 whether Kyla Duckworth received remuneration as a caregiver.

22 2. Based on the papers and exhibits placed before the Court, including portions of the  
23 deposition testimony of Kyla Duckworth and Marilyn Legg, the Probate Commissioner finds that  
24 Kyla Duckworth is a caregiver pursuant to NRS 155.0935 and that she was remunerated for her  
25 services as such.

26 3. To the extent that the findings of fact are conclusions of law, they are stated as such  
27 and vice versa.  
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**II.**

**CONCLUSIONS OF LAW**

1. The Probate Commissioner concludes as a matter of law that Kyla Duckworth is a caregiver pursuant to NRS 155.0935.

2. Because Kyla Duckworth is a caregiver, pursuant to NRS 155.097, she bears the burden of proving that the donative transfers to her are not the product of fraud, duress or undue influence.

3. NRS 155.097 was enacted in 2011, intended to codify the common law of Nevada but amended in 2015. It is a question of law in this case whether the shifting of the burden of proof applies to the lifetime transfers received by Kyla Duckworth on or before September 30, 2015.

4. To the extent that the findings of fact are conclusions of law, they are stated as such and vice versa.

**III.**

**RECOMMENDATIONS**

**IT IS HEREBY RECOMMENDED** that Kyla Duckworth is a caregiver pursuant to NRS 155.0935.


**IT IS FURTHER RECOMMENDED** that Kyla Duckworth as a caregiver, pursuant to NRS 155.097, bears the burden of proving that the donative transfers to her are not the product of fraud, duress or undue influence.

**IT IS FURTHER RECOMMENDED** that the District Court determine whether the shifting of the burden of proof applies to the lifetime transfers received by Kyla Duckworth on or before September 30, 2015, that is whether NRS 155.097 as enacted prior to the 2015 amendment is applicable.



1 **IT IS FURTHER RECOMMENDED** that counsel for the parties consult with each other  
2 regarding Kyla Duckworth's request for a bifurcated evidentiary hearing for the issues to be tried by  
3 the Probate Commissioner and that the matter will be discussed at the calendar call set for July 23,  
4 2021 at 9:30 a.m.

5 *August 10, 2021.*

6   
7 Probate Commissioner

8  
9  
10 Respectfully submitted:

Approved to as to Form and Content:

11 **JOLLEY URGAL WOODBURY & JERIMY KIRSCHNER &**  
12 **HOLTHUS ASSOCIATES, PLLC**

13 /s/ Elizabeth Brickfield  
14 R. Gardner Jolley, Esq.  
15 50 S. Stephanie Street, Suite 202  
16 Henderson, Nevada 89012  
17 Nt@jwlaw.com  
18 Telephone: (702) 699-7500  
19 Facsimile: (702) 699-7555

/s/ Jeremy L. Kirschner, Esq.  
Jeremy L. Kirschner, Esq.  
550 Painted Mirage Rd., Suite 320  
Las Vegas, Nevada 89149  
jerimy@jkirschnerlaw.com  
Attorney for Kyla Duckworth

-and -

18 **DAWSON & LORDAHL PLLC**  
19 Elizabeth Brickfield, Esq.  
20 Nevada Bar No. 6236  
21 Melissa L. Douglas, Esq.  
22 Nevada Bar No. 8545  
23 8925 West Post Road, Suite 210  
24 Las Vegas, NV 89148  
25 Telephone: (702) 476-6440  
26 Facsimile: (702) 476-6442  
27 Ebrickfield@dlnevadalaw.com  
28 Co-Counsel for Cary Duckworth, Trustee

Approved to as to Form and Content:

**HAYES WAKAYAMA**

/s/ Liane K. Wakayama, Esq.  
Liane K. Wakayama, Esq.  
4735 S. Durango Dr. #105  
Las Vegas, Nevada 89147  
lkw@hwlawnv.com  
Counsel for Tara Kassity





**Karen Friedrich**

---

**From:** Liane K Wakayama <lkw@hwlawnv.com>  
**Sent:** Wednesday, July 21, 2021 11:43 AM  
**To:** Elizabeth Brickfield; Jerimy Kirschner; Nancy Taylor  
**Cc:** Julia Rodionova  
**Subject:** RE: Duckworth Family Trust

You have permission to affix my e-signature.

Thanks,  
Liane

---

**From:** Elizabeth Brickfield <EBrickfield@dlnevadalaw.com>  
**Sent:** Wednesday, July 21, 2021 9:22 AM  
**To:** Jerimy Kirschner <jerimy@jkirschnerlaw.com>; Nancy Taylor <nt@juwlaw.com>; Liane K Wakayama <lkw@hwlawnv.com>  
**Subject:** Duckworth Family Trust

Counsel: Here are the proposed Reports and Recommendations for your review and electronic signature. Elizabeth Brickfield



**DAWSON • LORDAHL**  
TRUST, ESTATE & BUSINESS ATTORNEYS  
Elizabeth Brickfield, Esq.,  
Member  
(p) 702.476.1119  
(f) 702.476.6442

[www.DLNevadaLaw.com](http://www.DLNevadaLaw.com)  
Trust, Estate, and Business Attorneys  
8925 West Post Road, Suite 210  
Las Vegas, Nevada 89148  
A Professional Limited Liability Company

**Karen Friedrich**

---

**From:** Jeremy Kirschner <jerimy@jkirschnerlaw.com>  
**Sent:** Friday, August 6, 2021 6:40 AM  
**To:** Elizabeth Brickfield  
**Cc:** Nancy Taylor; Liane K Wakayama  
**Subject:** Re: FW: Duckworth Family Trust

I agree that they both reflect the decision of the Court. You may attach my electronic signature.

On Thu, Aug 5, 2021 at 10:25 AM Elizabeth Brickfield <EBrickfield@dlnevadalaw.com> wrote:

Mr. Kirschner: I am following up with you on the proposed Reports and Recommendations which I have not received your response. I intend to submit them to Probate no later than the morning of Monday August 9, 2021. Elizabeth Brickfield



**DAWSON & LORDAHL**  
TRUST, ESTATE & BUSINESS ATTORNEYS

Elizabeth Brickfield, Esq.,

Member  
(p) 702.476.1119  
(f) 702.476.6442

[www.DLNevadaLaw.com](http://www.DLNevadaLaw.com)

Trust, Estate & Business Attorneys

8925 West Post Road, Suite 210

Las Vegas, Nevada 89148  
A Professional Limited Liability Company

---

**From:** Elizabeth Brickfield  
**Sent:** Wednesday, July 21, 2021 9:22 AM  
**To:** Jeremy Kirschner <jerimy@jkirschnerlaw.com>; Nancy Taylor <nt@luwlaw.com>; Liane K Wakayama <lkw@hwlawnv.com>  
**Subject:** Duckworth Family Trust

Counsel: Here are the proposed Reports and Recommendations for your review and electronic signature. Elizabeth Brickfield



**DAWSON • LORDAHL**  
TRUST, ESTATE & BUSINESS ATTORNEYS

**Elizabeth Brickfield, Esq.,**

**Member**

**(p) 702.476.1119**

**(f) 702.476.6442**

**[www.DLNevadaLaw.com](http://www.DLNevadaLaw.com)**

**Trust, Estate, and Business Attorneys**

**8925 West Post Road, Suite 210**

**Las Vegas, Nevada 89148**

**A Professional Limited Liability Company**

**Jerimy Kirschner, Esq.**

**Managing Partner**

**Jerimy Kirschner & Associates PLLC**

**WASHINGTON**

**1750 112th Avenue NE, Suite B-215**

**Bellevue, WA 98004**

**Phone: (206) 623-4444**

**Fax (206) 538-2008**

**2302 S. Union Ave. Suite C-30**

**Tacoma, WA 98405**

**Phone: (253) 240-4444**

**Fax (206) 538-2008**

**NEVADA**

**5550 Painted Mirage Rd., Suite 320**

**Las Vegas, NV 89149**

**Phone: (702) 563-4444**

**Fax (702) 563-4445**

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1 **CSERV**

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 In the Matter of the Trust of:

CASE NO: P-20-103183-T

7 The Duckworth Family Trust

DEPT. NO. Department 26

8  
9 **AUTOMATED CERTIFICATE OF SERVICE**

10 This automated certificate of service was generated by the Eighth Judicial District  
11 Court. The foregoing Order Granting 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: 10/29/2021

14 R. Gardner Jolley	rgj@juwlaw.com
15 Jerimy Kirschner	jerimy@jkirschnerlaw.com
16 Front Office	office@jkirschnerlaw.com
17 Dale Hayes, Jr.	dhayes@hwlawnv.com
18 Carrie Hurtik	churtik@hurtiklaw.com
19 Melissa Romano	mdouglas@dlnevadalaw.com
20 Cary Duckworth	caryduckworth@icloud.com
21 Cecelia Chambers	cchambers@gerrard-cox.com
22 Elizabeth Brickfield	ebrickfield@dlnevadalaw.com
23 Karen Friedrich	kfriedrich@dlnevadalaw.com
24 Liane Wakayama	lkw@hwlawnv.com
25 Jonathon Patterson	jpatterson@hurtiklaw.com

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Nancy Taylor	nt@juwlaw.com
Kenneth Burns	kburns@nvbusinesslaw.com
Tara Kassity	tkassity@surewest.net
Jeremy Holmes	jholmes@hwlawnv.com
Paula Lamprea	plamprea@dlnevadalaw.com
Kendal Weisenmiller	kweisenmiller@dlnevadalaw.com
Luke Smith, Esq.	lsmith@gerrard-cox.com
Abigail Rodriguez	arodriguez@hurtiklaw.com

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

**August 07, 2020**

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P-20-103183-T      In the Matter of the Trust of:  
The Duckworth Family Trust

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**August 07, 2020      10:00 AM      Petition - HM**

**HEARD BY:** Yamashita, Wesley      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Jill Chambers

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**      Jolley, R. G.      Attorney  
                         Kirschner, Jeremy L      Attorney

**JOURNAL ENTRIES**

- Counsel appearing remotely via Bluejeans.

Commissioner noted that Mr. Kirschner requested additional time to submit supplemental briefing and respond to the Counterpetition/Counter-motion. COMMISSIONER will allow the Opposition specific to the Counter-motion and gave counsel a briefing schedule.

COMMISSIONER CONTINUED MATTER.

CONTINUED TO: 9/11/20

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

**September 11, 2020**

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P-20-103183-T      In the Matter of the Trust of:  
The Duckworth Family Trust

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**September 11, 2020      9:45 AM      Petition - HM**

**HEARD BY:** Yamashita, Wesley      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Jill Chambers

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**      Jolley, R. G.      Attorney  
                         Kirschner, Jeremy L      Attorney

**JOURNAL ENTRIES**

- Counsel appearing remotely via Bluejeans.

Commissioner RECOMMENDED the CONFIRMATION of Cary Duckworth as Trustee and took over jurisdiction.

Argument by counsel. COMMISSIONER DECLARED A CONTEST of the amendments incapacity and/or undue influence claims.

Mr. Jolley stated that he has been trying to resolve the matter with Mr. Kirschner and suggested a Court ordered mediation. Commissioner advised counsel they would need to decide if they would like the matter to be heard by the Probate Judge or the Probate Commissioner. Mr. Kirschner stated that mediation may work but would like to talk to his client and requested an accounting. Commissioner stated that parties need to get the trust valuation done but the accounting could not been done until items are claimed or denied. Commissioner directed Mr. Kirschner to send an affidavit as to what items his client had in her possession and what she claims belongs to the estate then Mr. Jolley could do the accounting.



Colloquy regarding bank accounts in England and the filing of the will there. Commissioner RECOMMENDED, Mr. Kirschner to obtain information as to the personal property along with the value of the England bank accounts and provide them to Mr. Jolley who, in turn, is to complete the accounting. Commissioner further advised counsel they will have 180 days for discovery.

After conferring with his clients, Mr. Jolley stated that most of the personal property is located in a storage and the garage which Mr. Kirschner's client was welcome to take whatever she wanted as his clients were not making any claims to the property. Commissioner directed Mr. Kirschner to take that offer back to his client.

Commissioner SET matter for Status Check as to the accounting from date of death forward and SET matter for Evidentiary Hearing.

Mr. Kirschner to prepare the order confirming jurisdiction and pass by Mr. Jolley.

12/4/20 STATUS CHECK: DISCOVERY

4/14/21 9:00 AM EVIDENTIARY HEARING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

**December 03, 2020**

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P-20-103183-T      In the Matter of the Trust of:  
The Duckworth Family Trust

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**December 03, 2020      9:30 AM      Objection - Probate**

**HEARD BY:** Sturman, Gloria      **COURTROOM:** RJC Courtroom 10D

**COURT CLERK:** Grecia Snow

**RECORDER:** Kerry Esparza

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Brickfield, Elizabeth	Attorney
	Jolley, R. G.	Attorney
	Kassity, Tara E.	Beneficiary
	Kirschner, Jerimy L	Attorney
	Wakayama, Liane K.	Attorney

**JOURNAL ENTRIES**

- Arguments by counsel regarding whether or not there was an error of law in the Discovery Commissioner's Report and Recommendation. COURT FINDS that the Commissioner's findings were not erroneous. COURT ORDERED, Objection DENIED to raise issue with respect to the burden of proof in motion practice prior to the Evidentiary hearing. Mr. Jolley to prepare the order. Colloquy regarding the accounting.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

**December 04, 2020**

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P-20-103183-T      In the Matter of the Trust of:  
The Duckworth Family Trust

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**December 04, 2020      9:45 AM      All Pending Motions - HM**

**HEARD BY:** Yamashita, Wesley      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Jill Chambers

**RECORDER:**

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Brickfield, Elizabeth	Attorney
	Duckworth, Cary	Trustee
	Jolley, R. G.	Attorney
	Kirschner, Jerimy L	Attorney
	Wakayama, Liane K.	Attorney

**JOURNAL ENTRIES**

- STATUS CHECK...MOTION FOR A PROTECTIVE ORDER AND FOR ATTORNEY FEES AND COSTS....JOINDER TO MOTION FOR A PROTECTIVE ORDER AND FOR ATTORNEY FEES AND COSTS

Commissioner advised counsel that there were 13 discovery requests/proposed subpoenas and welcomed argument by counsel. Argument by counsel.

COMMISSIONER RECOMMENDED, attorney subpoenas are to be limited to those matters related to the trust only; counsel may issue subpoenas and it will be up to Ms. Hurtek or anyone to object as to privilege; the issues need to be narrowed down to dates closer to the execution instead of a blanket request.

As to medical, COMMISSIONER RECOMMENDED, subpoenas for records but must also be tied down to a date closer to which the date of the execution of the documents in question. Mr. Kirschner

requested that he be able to go back 4 months prior to correspondence in 2016 in order to show the impairment in cognition. Commissioner advised that 2 - 3 months before the email would be allowed.

As to the financials, Mr. Kirschner argued as to personal finances. COMMISSIONER RECOMMENDED, anything with regards to the trusts accounts is proper, but Mr. Duckworth's personal finances are not without a specific demand.

Mr. Kirschner to prepare the Report and Recommendation.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

**January 22, 2021**

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P-20-103183-T      In the Matter of the Trust of:  
The Duckworth Family Trust

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**January 22, 2021      9:45 AM      All Pending Motions - HM**

**HEARD BY:** Yamashita, Wesley      **COURTROOM:** RJC Courtroom 16C

**COURT CLERK:** Jill Chambers

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- PETITION FOR APPROVAL OF FIRST ACCOUNTING AND JUDICIAL DETERMINATIONS THAT (I) KYLA DUCKWORTH IS A CAREGIVER PURSUANT TO NRS 155.097 AND (II) GEORGE DUCKWORTH'S SPECIAL DIRECTIVES IN HIS FIRST AMENDMENT TO THE TRUST WERE AND EXERCISE OF TESTAMENTARY POWERS OF APPOINTMENT TARA E. KASSITY'S JOINDER TO CARY DUCKWORTH'S PETITION FOR APPROVAL OF FIRST ACCOUNTING AND JUDICIAL DETERMINATIONS THAT (I) KYLA DUCKWORTH IS A CAREGIVER PURSUANT TO NRS 155.097 AND (II) GEORGE DUCKWORTH'S SPECIAL DIRECTIVES IN HIS FIRST AMENDMENT TO THE TRUST WERE AN EXERCISE OF TESTAMENTARY POWERS OF APPOINTMENT

Argument by counsel. Commissioner finds that Cary Duckworth complied with the Court's order as to the accounting. As to the part of the Petition regarding Kyla Duckworth being a caregiver, Commissioner advised that the issue of remuneration remains undetermined at this time.

Colloquy regarding the English accounts. Commissioner there is not a proper entity to receive it and it not part of this trust as of yet.

As to the Special Directives as Powers of Appointment, Commissioner confirmed that Mr. Brickfield stated in her Petition that they are Testamentary Powers of Appointment. Commissioner advised

that the Testamentary Powers of Appointment is exercised through a last will and testament. COMMISSIONER RECOMMENDED, with these directives being expressed through the trust, and part and parcel of the trust, they are not testamentary in nature and therefore are not subject to the level of testamentary capacity but rather contractual capacity.

Mr. Kirschner to prepare and circulate the Report and Recommendation.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

**March 04, 2021**

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P-20-103183-T      In the Matter of the Trust of:  
The Duckworth Family Trust

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**March 04, 2021      9:30 AM      Objection**

**HEARD BY:** Sturman, Gloria      **COURTROOM:** RJC Courtroom 10D

**COURT CLERK:** Alice Jacobson

**RECORDER:** Kerry Esparza

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Brickfield, Elizabeth	Attorney
	Duckworth, Cary	Trustee
	Kassity, Tara E.	Beneficiary
	Kirschner, Jerimy L	Attorney
	Wakayama, Liane K.	Attorney

**JOURNAL ENTRIES**

- Argument by Mr. Kirschner regarding the privilege law and a lack of response to the subpoena. Ms. Brickfield stated the Discovery Commissioner found the request premature as notice was not given.

Court does not find an error of law and affirmed the Discovery Commissioner's Report and Recommendations. Court finds the subpoena was over broad and the scope needed to be narrowed with time to respond.

Court advised the changes to fix the name to the correct name was allowed. Furthermore, that clarification for the privilege law was found to be premature.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

**March 25, 2021**

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P-20-103183-T      In the Matter of the Trust of:  
The Duckworth Family Trust

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**March 25, 2021      10:30 AM      All Pending Motions**

**HEARD BY:** Sturman, Gloria

**COURTROOM:** RJC Courtroom 10D

**COURT CLERK:** Lorna Shell

**RECORDER:** Kerry Esparza

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Brickfield, Elizabeth	Attorney
	Jolley, R. Gardner	Attorney
	Kirschner, Jerimy L	Attorney
	Wakayama, Liane K.	Attorney

**JOURNAL ENTRIES**

- Objection to Report and Recommendations Entered February 24, 2012; Request for Judicial Determination

Opposition of Cary Duckworth as Trustee of the Duckworth Family Trust, Dated March 12, 2015 ("Trust") to Kyla Duckworth's Objection to Report and Recommendation Dated January 13, 2021: Counter Petition for Sanctions

At the request of counsel and there being no objection. COURT ORDERED, matters CONTINUED to 4/8/21 10:30am for a written response to be submitted.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

**March 26, 2021**

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P-20-103183-T      In the Matter of the Trust of:  
The Duckworth Family Trust

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**March 26, 2021      9:45 AM      Motion - HM**

**HEARD BY:** Yamashita, Wesley      **COURTROOM:** RJC Courtroom 14A

**COURT CLERK:** Jill Chambers

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**      Brickfield, Elizabeth      Attorney  
                         Kirschner, Jeremy L      Attorney

**JOURNAL ENTRIES**

- Objection to Trustee Cary Duckworth's Notice of Intent to Subpoena Short & Associates, Ltd. and Motion for a Protective Order Pursuant to NRCP 45(a)(4)(B) and NRCP 26(b) and for Attorney Fees and Costs

Ms. Brickfield requested to supplement what was filed through argument. Mr. Kirschner objected. Court advised it will not grant permission to supplement. Commissioner noted the issue that came up last time was whether or not she was a caregiver for remuneration therefore the manors in which they are subpoenaed are relevant to that situation. COMMISSIONER RECOMMENDED the claim of accountant's confidentiality issues are not breached in that it is subject to it, because of the remuneration tax records are also subject to it; it is a matter of how it was reported and how it was handled. Commissioner noted it is relevant to the question of whether this done for means of remuneration. Commissioner advised it is ruling on the pleadings. Ms. Brickfield to prepare the report and recommendation.

CLERK'S NOTE: Minutes prepared upon a review of the JAVS recording. /mk 4/28/21

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Probate - Trust/Conservatorships

# COURT MINUTES

**April 08, 2021**

P-20-103183-T                      In the Matter of the Trust of:  
The Duckworth Family Trust

**April 08, 2021                      10:30 AM                      Objection - Probate**

**HEARD BY:** Sturman, Gloria **COURTROOM:** RJC Courtroom 10D

**COURT CLERK:** Nylasia Packer

**RECORDER:** Kerry Esparza

**REPORTER:**

## PARTIES

<b>PRESENT:</b>	Brickfield, Elizabeth	Attorney
	Duckworth, Cary	Trustee
	Duckworth, Kyla	Petitioner
	Jolley, R. Gardner	Attorney
	Kassity, Tara E.	Beneficiary
	Kirschner, Jerimy L	Attorney

## JOURNAL ENTRIES

- Following arguments by counsel, Court stated its findings, and ORDERED, objection to the report and recommendation GRANTED as to the following:

1. The name Kyla Duckworth in Conclusion #3 shall be changed to Tara Kassity
2. The Probate Commissioners Conclusion #5 shall be clarified that the Probate Court correctly found that the request for a privilege log prior to the issuance of any subpoena to Carrie Hurtik was premature to be determined at a later date and to allow Carrie Hurtik or anyone else the opportunity to respond to such a subpoena after they have received proper notice.

FURTHER ORDERED, Ms. Brickfield to prepare and finding and submit to counsel for review.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

**April 21, 2021**

P-20-103183-T

In the Matter of the Trust of:  
The Duckworth Family Trust

**April 21, 2021**

**9:00 AM**

**Motion for Contempt**

**Motion for Contempt  
and Motion to  
Compel Production  
against Attorney  
Carrie Hurtik**

**HEARD BY:** Sturman, Gloria

**COURTROOM:** RJC Courtroom 10D

**COURT CLERK:** Jennifer Lott

**RECORDER:** Kerry Esparza

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Brickfield, Elizabeth	Attorney
	Duckworth, Cary	Trustee
	Duckworth, Kyla	Petitioner
	Hurtik, Carrie E.	Attorney
	Hurtik, Carrie Elizabeth	Respondent
	Jolley, R. Gardner	Attorney
	Kirschner, Jeremy L	Attorney
	Wakayama, Liane K.	Attorney

**JOURNAL ENTRIES**

- Arguments by counsel. Mr. Jolley read from the prior Minute Order; counsel stated the new or amended Subpoena was never served on Ms. Hurtik. Argument by Mr. Jolley. The Court was not provided with an Order, and no Order is pending signature. Argument by Ms. Hurtik; counsel stated she never represented Cary Duckworth, Ms. Hurtik was never a part of Probate or the Hearings, and Ms. Hurtik looked at the docket to see what was happening. Court stated counsel are not on the same page concerning what Ms. Hurtik should be responding to, and the Report and Recommendation says the Subpoena would be narrowed. Mr. Kirschner stated the proposed

Subpoena was issued. Argument by Mr. Kirschner. Court stated Mr. Kirschner is Subpoenaing records from Ms. Hurtik as a Third Party. Mr. Jolley stated the Subpoena was not agreed to, and should not have been issued during the timeframe; the Report and Recommendation was objected to, and the Subpoena was still issued. Argument by Mr. Jolley. Court stated the Report and Recommendation was upheld. Colloquy regarding the timeline of events, and there was no Report and Recommendation at the time the Subpoena was issued. When the Report and Recommendation came out, Court stated there was an objection. Argument by Ms. Hurtik. Court stated Ms. Hurtik cannot be held in contempt as there was no Order. The Court needs an Order. The Objection to the Report and Recommendation was Denied, and the Subpoena must be responded to within 45 days. Mr. Kirschner can draft the Order from the prior Hearing. Do Not re-serve the Subpoena. COURT ORDERED, Mr. Kirschner must give Ms. Hurtik the timeframe for a response time. COURT ORDERED, Motion for Contempt and Motion to Compel are DENIED as there is no Order; alternative relief provided on the Motion to Compel; get an Order, and the new timeframe starts from 4-8-2021. Mr. Kirschner to prepare an Order.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

**May 21, 2021**

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P-20-103183-T      In the Matter of the Trust of:  
The Duckworth Family Trust

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**May 21, 2021      9:45 AM      Petition - HM**

**HEARD BY:** Yamashita, Wesley      **COURTROOM:** Phoenix Building 11th Floor  
110

**COURT CLERK:** Louisa Garcia

**RECORDER:**

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Brickfield, Elizabeth	Attorney
	Duckworth, Cary	Trustee
	Jolley, R. Gardner	Attorney
	Kassity, Tara E.	Beneficiary
	Kirschner, Jeremy L	Attorney
	Wakayama, Liane K.	Attorney

**JOURNAL ENTRIES**

- Upon inquiry, Ms. Wakayama had no position; however, she noted, as it was not in the briefing, parties have been participating in a mediation with Judge Boyer through the Nevada Supreme Court settlement program. They held a mediation March 22 and on May 5, they had a follow up and then another follow up on May 17, which was canceled because Kyla Duckworth moved to recuse Judge Boyer. Now the Supreme Court is assigning the matter to another settlement Judge. Commissioner noted when there are ongoing discussions it does not see why discovery deadlines should not be extended. Mr. Kirschner argued that for nine months counsel have been preparing the wrong case. He requested the trial go forward and deadlines not be extended. COMMISSIONER RECOMMENDED, Discovery Deadlines SET as follows: Initial Expert Disclosures DUE 6/8/20; Rebuttal Expert Disclosures DUE 7/9/21; Dispositive Motions DUE 7/23/21 and Pretrial Memorandum DUE 7/28/21. Mr. Kirschner stated because expert disclosures already passed his client would be prejudiced by this, as she has been preparing the case the entire time and they did not

designate an expert. Commissioner agreed and stated expert disclosures would stand. Ms. Brickfield to prepare Order.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

**June 25, 2021**

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P-20-103183-T      In the Matter of the Trust of:  
The Duckworth Family Trust

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**June 25, 2021      9:45 AM      Motion - HM**

**HEARD BY:** Yamashita, Wesley      **COURTROOM:** Phoenix Building 11th Floor  
110

**COURT CLERK:** Jill Chambers

**RECORDER:**

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Brickfield, Elizabeth	Attorney
	Duckworth, Cary	Trustee
	Duckworth, Kyla	Petitioner
	Jolley, R. Gardner	Attorney
	Kassity, Tara E.	Beneficiary
	Kirschner, Jerimy L	Attorney

**JOURNAL ENTRIES**

- Commissioner noted that the matter was placed on calendar on an order shortening time as to discovery issues.

Argument by counsel.

COMMISSIONER RECOMMENDED the following:

the deposition of Kyla Duckworth is to continue;  
the signed release for the Barclays account to be produced;  
text messages/communications from 1/1/15 to present between Kyla Duckworth and Emily Zuluaga to be produced;  
communications between Kyla Duckworth and Las Ventanas from 1/1/15 to present

financial statements from 1/1/13 through 7/1/18 are to be produced;  
copies of Caveats statements to be produced;  
communications with Tully from 12/31/13 to present to be produced;  
documentation pertaining to the closing of the Barclays account to be produced.

COMMISSIONER FURTHER RECOMMENDED attorney's fees and costs to be held in abeyance. Ms. Brickfield to prepare the order and circulate to counsel for signatures.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

**July 09, 2021**

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P-20-103183-T      In the Matter of the Trust of:  
The Duckworth Family Trust

---

**July 09, 2021      9:45 AM      All Pending Motions**

**HEARD BY:** Yamashita, Wesley      **COURTROOM:** Phoenix Building 11th Floor  
110

**COURT CLERK:** Madalyn Kearney

**RECORDER:**

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Brickfield, Elizabeth	Attorney
	Duckworth, Kyla	Petitioner
	Jolley, R. Gardner	Attorney
	Kirschner, Jerimy L	Attorney
	Wakayama, Liane K.	Attorney

**JOURNAL ENTRIES**

- TRUSTEE CARY DUCKWORTH'S SUPPLEMENT TO CARY DUCKWORTH'S PETITION FOR APPROVAL OF FIRST ACCOUNTING AND JUDICIAL DETERMINATION THAT KYLA DUCKWORTH IS A CAREGIVER PURSUANT TO NRS 155.097...TARA E. KASSITY'S JOINDER TO TRUSTEE CARY DUCKWORTH'S SUPPLEMENT TO CARY DUCKWORTH'S PETITION FOR APPROVAL OF FIRST ACCOUNTING AND JUDICIAL DETERMINATIONS THAT KYLA DUCKWORTH IS A CAREGIVER PURSUANT TO NRS 155.07 AND LIMITED RESPONSE TO KYLA DUCKWORTH'S RESPONSE

All parties present via BlueJeans.

Commissioner noted it already decided Kyla Duckworth was a Caregiver and Caregiver status has been established; however, there is now a question of whether or not there was remuneration. Following arguments by Ms. Brickfield, Ms. Wakayama, and Mr. Kirschner, COMMISSIONER

FINDS Kyla Duckworth is a caregiver and it is remunerative, and RECOMMENDED, Kyla Duckworth to be classified as a caregiver with remuneration for purposes of NRS 155.0935. Argument by Mr. Kirschner regarding the statute applying prior to October 1, 2015. Commissioner directed Ms. Brickfield to put the 2015 issue in the Report and Recommendation and the issue may have to be taken up before the Judge. Mr. Kirschner requested bifurcation of the issues which would be the validity of the first and second amendment to the trust and the issue of her being a caregiver having to account for funds. Commissioner noted they will be back in two weeks and they will further discuss at that time. Commissioner directed counsel to consult with each other regarding bifurcation and attempt to work that out amongst themselves in the meantime. Commissioner noted it wants the Report and Recommendation to be done as quickly as possible.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

**July 16, 2021**

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P-20-103183-T      In the Matter of the Trust of:  
The Duckworth Family Trust

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**July 16, 2021      3:00 AM      Motion for Leave**

**HEARD BY:** Yamashita, Wesley      **COURTROOM:** Chambers

**COURT CLERK:** Alice Jacobson

**RECORDER:**

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Brickfield, Elizabeth	Attorney
	Jolley, R. Gardner	Attorney
	Kassity, Tara E.	Beneficiary
	Kirschner, Jerimy L	Attorney

**JOURNAL ENTRIES**

- Statements by Ms. Brickfield regarding determining separated property.

Objections by Mr. Kirschner.

COMMISSIONER FINDS the amount are trust assets. COMMISSIONER RECOMMENDS the motion be GRANTED.

Ms. Brickfield to prepare the Report and Recommendation.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

**July 23, 2021**

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P-20-103183-T      In the Matter of the Trust of:  
The Duckworth Family Trust

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**July 23, 2021      9:45 AM      Calendar Call**

**HEARD BY:** Yamashita, Wesley      **COURTROOM:** Courtroom TBA

**COURT CLERK:** Nylasia Packer

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**      Brickfield, Elizabeth      Attorney  
Jolley, R. Gardner      Attorney  
Kirschner, Jerimy L      Attorney

**JOURNAL ENTRIES**

- Colloquy regarding bifurcation and appeal. Court noted parties are not ready to go forward on August 11, 2021. Court stated findings and ORDERED, both parties to include the Court's findings on the report recommendation. Colloquy regarding dates. FURTHER ORDERED, Evidentiary hearing SET.

11/03/21 9:00 AM EVIDENTIARY HEARING

11/10/21 9:00 AM EVIDENTIARY HEARING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

**August 13, 2021**

P-20-103183-T      In the Matter of the Trust of:  
The Duckworth Family Trust

**August 13, 2021      9:45 AM      Motion for Protective  
Order**

**HEARD BY:** Yamashita, Wesley      **COURTROOM:** Phoenix Building 11th Floor  
116

**COURT CLERK:** Jill Chambers  
Jennifer Lott

**RECORDER:**

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Brickfield, Elizabeth	Attorney
	Duckworth, Cary	Trustee
	Duckworth, Kyla	Petitioner
	Kassity, Tara E.	Beneficiary
	Kirschner, Jerimy L	Attorney
	Wakayama, Liane K.	Attorney

**JOURNAL ENTRIES**

- Commissioner stated the Trustee's personal finances became relevant when Mr. Kirschner raised the issue that the payments made to his client were shown to the other potential heirs. If they received gifts, then why couldn't she. Commissioner stated gifts made to individuals are never reported on a 1040 form, and rarely reported on a gift tax return. The tax returns will not show what counsel is trying to get. Arguments by Mr. Kirshner and Ms. Brickfield, Commissioner stated the only thing relevant is the transfers received from the parents. Commissioner will only address the issues before the Commissioner. COMMISSIONER RECOMMENDED, go back, check her notes, and information received from Kari, and indicate what years, and what amounts Kari received from his parents. Ms. Brickfield will prepare the Order, and counsel to approve as to form and content.

CLERK'S NOTE: Minute Order created from JAVS on 11-9-2021. J. Lott

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

**September 17, 2021**

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P-20-103183-T      In the Matter of the Trust of:  
The Duckworth Family Trust

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**September 17, 2021      9:45 AM      Petition - HM**

**HEARD BY:** Yamashita, Wesley      **COURTROOM:** RJC Courtroom 03A

**COURT CLERK:** Jill Chambers

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Court directed counsel to highlight the transcripts with their objections and continued the matter.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

**September 30, 2021**

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P-20-103183-T      In the Matter of the Trust of:  
The Duckworth Family Trust

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**September 30, 2021      10:00 AM      All Pending Motions**

**HEARD BY:** Sturman, Gloria      **COURTROOM:** RJC Courtroom 10D

**COURT CLERK:** Louisa Garcia

**RECORDER:** Kerry Esparza

**REPORTER:**

**PARTIES**

**PRESENT:**      Brickfield, Elizabeth      Attorney  
                         Kirschner, Jerimy L      Attorney  
                         Wakayama, Liane K.      Attorney

**JOURNAL ENTRIES**

- OBJECTION TO PCRR July 9, 2021 RE. CARETAKER STATUS . OBJECTION TO PCRR OF July 16, 2021 RE LEAVE TO AMEND PLEADINGS

Arguments by counsel whether or not someone was paid as caregiver and if there was sufficient evidence on the record for the Commissioner to make a determination without an evidentiary hearing. Court believes the Commissioner had sufficient evidence and ORDERED, Motion DENIED.

Objection to PCRR of July 16, 2021 Re Leave to Amend Pleadings, COURT ORDERED, DENIED, with leave to reopen discovery. Ms. Brickfield to prepare orders, circulate to opposing counsel, and submit to the Court





EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE  
**NOTICE OF DEFICIENCY**  
ON APPEAL TO NEVADA SUPREME COURT

**JERIMY L. KIRSCHNER, ESQ.**  
**5550 PAINTED MIRAGE RD., SUITE 320**  
**LAS VEGAS, NV 89149**

**DATE: November 23, 2021**  
**CASE: P-20-103183-T**

**RE CASE:** In the Matter of the Trust of: THE DUCKWORTH FAMILY TRUST, Dated March 12, 2015

NOTICE OF APPEAL FILED: November 19, 2021

**YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.**

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)\*\*
  - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)\*\*
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)\*\*
  - NRAP 7: Bond For Costs On Appeal in Civil Cases
  - *Previously paid Bonds are not transferable between appeals without an order of the District Court.*
- ☒ Case Appeal Statement
  - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

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**NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:**

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. The district court clerk shall apprise appellant of the deficiencies in writing, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

***Please refer to Rule 3 for an explanation of any possible deficiencies.***

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***\*\*Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.***

# Certification of Copy

State of Nevada }  
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; DISTRICT COURT DOCKET ENTRIES; ORDER ADOPTING THE REPORT AND RECOMMENDATION ENTERED AUGUST 11, 2021 FOR HEARING HELD JULY 9, 2021 (FINDINGS KYLA DUCKWORTH TO BE A CAREGIVER PURSUANT TO NRS 155.097) AND DENYING KYLA DUCKWORTH'S OBJECTION TO THE REPORT AND RECOMMENDATION; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

In the Matter of the Trust of:

THE DUCKWORTH FAMILY TRUST,

Dated March 15, 2015.


Case No: P-20-103183-T

Dept No: XXVI

now on file and of record in this office.

**IN WITNESS THEREOF**, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 23 day of November 2021.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

