

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
jerimy@jkirschnerlaw.com
Attorney for Kyla Duckworth

Electronically Filed
Dec 02 2021 10:01 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

DISTRICT COURT
CLARK COUNTY, NEVADA

In the Matter of the
THE DUCKWORTH FAMILY TRUST

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

CASE APPEAL STATEMENT

Dated March 12, 2015

CASE APPEAL STATEMENT

- 1. Appellant(s):** Kyla Duckworth
- 2. Judge:** The Honorable Judge Gloria Sturman, Dept. 26
- 3. All Parties, District Court**
Petitioner(s): Kyla Duckworth
Counter-Petitioner(s): Tara Kassity
Trustee(s): Cary Duckworth
- 4. All Parties, Appeal**
Appellant(s) Kyla Duckworth
Respondent(s) Cary Duckworth, Tara Kassity
- 5. Appellant(s) Counsel:** Jeremy Kirschner, Esq.
Nevada Bar No. 12012
5550 Painted Mirage Rd., Suite 320
Las Vegas, NV 89149

Respondent(s) Counsel:

Cary Duckworth: Elizabeth Brickfield. Esq.
Nevada Bar No. 6236

8925 W. Post Road, Suite 210
Las Vegas, NV 89148

R. Gardnery Jolley
Nevada Bar No. 266
50 S. Stephanie St, Suite 202
Henderson, NV 89012

Tara Kassity:

Liane K. Wakayama
Nevada Bar No. 11313
4735 S Durango Drive #105
Las Vegas, NV 89147

6. Respondent retained and was represented by above counsel in District Court.
7. Appellants are represented by counsel below on appeal: Jerimy Kirschner, Esq.
8. Date Commenced in District Court: June 10, 2020
9. This matter came on for hearing on the 16th day of July 2021. The district court upheld the findings of the probate commissioner on the basis that the NRS 155.097 ruling was to 1) use a summary judgment standard and 2) that there were no genuine issues of material fact in dispute. The District Court used the incorrect legal standard to adjudicate these motions and the court's finding that there is no genuine issue of material fact is an abuse of discretion.
10. This matter does not involve the custody of a child.
11. Appellant believes this matter has the possibility of settlement

DATED this 2nd day of December 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 December 2, 2021 I caused a copy of the foregoing CASE APPEAL STATEMENT 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, Mdouglas@dlnevadalaw.com,
KFriedrich@dlnevadalaw.com
Attorney for Trustee Cary Duckworth

Jolley Urga Woodbury & Holthus
Attn: R. Gardner Jolley
330 S Rampart Blvd #380
Las Vegas, NV 89145
Email: rgj@acjolleyurga.onmicrosoft.com, 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, julia@hwlawnv.com
Attorney for Counter-Petitioner Tara Duckworth

/s/Lindsay Clay
An Employee of JERIMY KIRSCHNER & ASSOCIATES, PLLC