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Attorney for Appellant Kyla Duckworth

Electronically Filed
Jan 14 2022 09:58 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

SUPREME COURT OF NEVADA

KYLA DUCKWORTH,

Appellant,

v.

THE DUCKWORTH FAMILY TRUST Dated
March 12, 2015

Appellee

Nevada Supreme Court Case # 82314
Case No.: P-20-103183-T

In the Matter of the

THE DUCKWORTH FAMILY TRUST

Dated March 12, 2015

STIPULATED DISMISSAL WITH PREJUDICE

COMES NOW, Appellant Kyla Duckworth ("Kyla"), by and through her counsel of record Jeremy Kirschner & Associates, PLLC, Appellee Cary Duckworth ("Cary"), Trustee for the Duckworth Family Trust Dated March 12, 2015, by and through his is counsel of record, R. Gardner Jolley, Esq. of the law firm of Jolley Urga Woodbury & Holthus, and Elizabeth Brickfield, Esq., of the law firm of Dawson & Lordahl PLLC and Tara E. Kassity ("Tara"), by and through her counsel of record, Liane K. Wakayama, Esq. of the law firm of Hayes Wakayama (collectively the "Parties")

and hereby stipulate to dismissal of the above referenced action with prejudice and for each side to bear their own attorney fees and costs. The Parties respectfully request that the Court enter dismissal in line with this stipulation.

IT IS SO STIPULATED

Dated this 14th day of January 2022

JERIMY KIRSCHNER & ASSOCIATES, PLLC

/s/ Jerimy L. Kirschner, Esq.

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Attorney for Kyla Duckworth

JOLLEY URG A WOODBURY & HOLTHUS

R. GARDNER JOLLEY. ESQ.

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50 S. Stephanie Street. Suite 202

Henderson. Nevada 89012

-and -

DAWSON & LORDAHL PLLC

/s/Elizabeth Brickfield, Esq.

ELIZABETH BRICKFIELD. ESQ.

Nevada Bar No. 6236

MELISSA L. DOUGLAS. ESQ.

Nevada Bar No. 8545

8925 West Post Road. Suite 210

Las Vegas. Nevada 89146

Attorneys for Cary Duckworth, Trustee

HAYES| WAKAYAMA

/s/Liane K. Wakayama, Esq.

LIANE K. WAKAYAMA, ESQ.

Nevada Bar No. 11313

4735 S. Durango Drive, Ste. 105

Las Vegas, Nevada 89147

Attorney for Tara E. Kassity



Lindsay Clay <lindsay@jkirschnerlaw.com>

Fwd: FW: Duckworth

1 message

Jeremy Kirschner <jerimy@jkirschnerlaw.com>
To: Lindsay Clay <office@jkirschnerlaw.com>

Tue, Jan 11, 2022 at 3:08 PM

----- Forwarded message -----

From: **Elizabeth Brickfield** <EBrickfield@dlnevadalaw.com>
Date: Tue, Jan 11, 2022 at 3:07 PM
Subject: RE: FW: Duckworth
To: Liane K Wakayama <lkw@hwlawnv.com>, Jeremy Kirschner <jerimy@jkirschnerlaw.com>
Cc: Nancy Taylor <nt@juwlaw.com>, Javie-Anne Bauer <jbauer@hwlawnv.com>, Paige Ostlie <postlie@hwlawnv.com>

Jeremy please affix my electronic signatures.

DAWSON & LORDAHL IS MOVING

As of November 1, 2021, our new address is:

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Las Vegas, NV 89148



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TRUST, ESTATE & BUSINESS ATTORNEYS

Elizabeth Brickfield, Esq.,

Member
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From: Liane K Wakayama <lkw@hwlawnv.com>
Sent: Tuesday, January 11, 2022 1:46 PM
To: Jeremy Kirschner <jerimy@jkirschnerlaw.com>
Cc: Elizabeth Brickfield <EBrickfield@dlnevadalaw.com>; Nancy Taylor <nt@juwlaw.com>; Javie-Anne Bauer <jbauer@hwlawnv.com>; Paige Ostlie <postlie@hwlawnv.com>
Subject: RE: FW: Duckworth

Jerimy,

Please capitalize March and then you have permission to affix my e-signature.

Thanks,

Liane

From: Jerimy Kirschner <jerimy@jkirschnerlaw.com>
Sent: Tuesday, January 11, 2022 1:43 PM
To: Liane K Wakayama <lkw@hwlawnv.com>
Cc: Elizabeth Brickfield <EBrickfield@dlnevadalaw.com>; Nancy Taylor <nt@juwlaw.com>; Javie-Anne Bauer <jbauer@hwlawnv.com>; Paige Ostlie <postlie@hwlawnv.com>
Subject: Re: FW: Duckworth

Attached is the updated versions eliminating reference to Melissa.

On Tue, Jan 11, 2022 at 1:40 PM Liane K Wakayama <lkw@hwlawnv.com> wrote:

I agree with Elizabeth and I don't believe Melissa Edwards represents the Trust? With those corrections, you have permission to affix my e-signature.

Thanks,
Liane

From: Elizabeth Brickfield <EBrickfield@dlnevadalaw.com>
Sent: Tuesday, January 11, 2022 1:38 PM
To: Jerimy Kirschner <jerimy@jkirschnerlaw.com>
Cc: Liane K Wakayama <lkw@hwlawnv.com>; Nancy Taylor <nt@juwlaw.com>; Javie-Anne Bauer <jbauer@hwlawnv.com>; Paige Ostlie <postlie@hwlawnv.com>
Subject: RE: FW: Duckworth

There are typos on page 1 lines 2 and 2 of the Stipulations, Otherwise you may attach my electronic signature
Elizabeth Brickfield

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A Professional Limited Liability Company**From:** Jeremy Kirschner <jerimy@jkirschnerlaw.com>**Sent:** Tuesday, January 11, 2022 12:35 PM**To:** Elizabeth Brickfield <EBrickfield@dlnevadalaw.com>**Cc:** Liane K Wakayama <lkw@hwlawnv.com>; Nancy Taylor <nt@juvlaw.com>; Javie-Anne Bauer <jbauer@hwlawnv.com>; Paige Ostlie <postlie@hwlawnv.com>**Subject:** Re: FW: Duckworth

Hello Everyone,

Attached please find the proposed stipulations for dismissal of the NVSC actions with prejudice.

On Fri, Jan 7, 2022 at 2:51 PM Jeremy Kirschner <jerimy@jkirschnerlaw.com> wrote:

Got it, I will have the SAO to dismiss circulated by Monday at the latest.

On Fri, Jan 7, 2022 at 2:24 PM Elizabeth Brickfield <EBrickfield@dlnevadalaw.com> wrote:

As for the Sao for dismissal of the appeals with prejudice sounds good. As for number (ii) it is meant to say that all actions to enforce are done in the Court and any terms that would be applicable to enforcement of an agreement that are not specifically set out in the agreement are incorporated into it. Elizabeth

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From: Liane K Wakayama <lkw@hwlawnv.com>

Sent: Friday, January 7, 2022 2:08 PM

To: Jeremy Kirschner <jerimy@jkirschnerlaw.com>; Elizabeth Brickfield <EBrickfield@dlnevadalaw.com>

Cc: Nancy Taylor <nt@juvlaw.com>; Javie-Anne Bauer <jbauer@hwlawnv.com>; Paige Ostlie <postlie@hwlawnv.com>

Subject: RE: FW: Duckworth

Jerimy,

I think that if Kyla withdraws instead of a stipulated dismissal, she may be responsible for costs all around. Maybe check the rules and we can just do a stipulated dismissal with prejudice.

Thanks,

Liane

From: Jeremy Kirschner <jerimy@jkirschnerlaw.com>

Sent: Friday, January 7, 2022 1:38 PM

To: Elizabeth Brickfield <EBrickfield@dlnevadalaw.com>

Cc: Liane K Wakayama <lkw@hwlawnv.com>; Nancy Taylor <nt@juvlaw.com>

Subject: Re: FW: Duckworth

Couple of quick notes:

1. Kyla will be withdrawing the appeals which acts as a dismissal with prejudice, however the order says she must do a dismissal with prejudice. Can you simply order that she is to withdraw the appeals within 10 days?
2. Also, not sure what this phrase means" (iii) the Settlement Agreement is enforceable with any actions to enforce the agreement to be brought to this Court with any terms of enforceability that are not explicitly set out in the agreement are incorporated into the agreement;" Do you mean "any actions to enforce this Settlement Agreement must be brought to this Court" ?

On Fri, Jan 7, 2022 at 11:41 AM Elizabeth Brickfield <EBrickfield@dlnevadalaw.com> wrote:

Please see proposed orders from yesterday's hearing. Please let me know whether I am authorized to add your electronic signatures. Elizabeth Brickfield

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From: Karen Friedrich <KFriedrich@dlnevadalaw.com>
Sent: Friday, January 7, 2022 11:39 AM
To: Elizabeth Brickfield <EBrickfield@dlnevadalaw.com>
Subject: Duckworth

Kind regards,

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--

Jerimy Kirschner, Esq.
Managing Partner
Jerimy Kirschner & Associates PLLC

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--

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