

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

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

KATHLEEN JUNE JONES,

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Elizabeth A. Brown
Clerk of Supreme Court

Case No. 83967

DOCKETING STATEMENT CIVIL APPEALS

1. Judicial District Eighth Judicial District Department B
County Clark County Judge Linda Marquis
District Ct. Case No. G-19-052263-A

2. Attorney filing this docketing statement:

Attorney Scott Cardenas, Esq. (#14851) Telephone 702-386-1539
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Firm Legal Aid Center of Southern Nevada, Inc.

Address 725 East Charleston, Blvd., Las Vegas, Nevada 89104

Client(s) Kathleen June Jones

If this is a joint statement by multiple appellants, add the names and addresses of other counsel and the names of their clients on an additional sheet accompanied by a certification that they concur in the filing of this statement.

3. Attorney(s) representing respondents(s):

Attorney(s) John Michaelson; Ammon E. Francom Telephone 702-731-2333

Firm Michaelson Law

Address 1746 West Horizon Ridge Parkway, Henderson, NV 89012

Client(s) Robyn Friedman and Donna Simmons

4. Nature of disposition below (check all that apply):

- | | |
|---|---|
| <input type="checkbox"/> Judgment after bench trial | <input type="checkbox"/> Dismissal: |
| <input type="checkbox"/> Judgment after jury verdict | <input type="checkbox"/> Lack of jurisdiction |
| <input type="checkbox"/> Summary judgment | <input type="checkbox"/> Failure to state a claim |
| <input type="checkbox"/> Default judgment | <input type="checkbox"/> Failure to prosecute |
| <input type="checkbox"/> Grant/Denial of NRCP 60(b) relief | <input type="checkbox"/> Other (specify): _____ |
| <input type="checkbox"/> Grant/Denial of injunction | <input type="checkbox"/> Divorce Decree: |
| <input type="checkbox"/> Grant/Denial of declaratory relief | <input type="checkbox"/> Original <input type="checkbox"/> Modification |
| <input type="checkbox"/> Review of agency determination | |

X Other disposition (specify): Order Regarding Visitation, First Annual Accounting, Guardian's Fees, Caretaking Fees, Attorney's Fees and Costs, and Removal of Guardian

5. Does this appeal raise issues concerning any of the following?

- ☐ Child Custody
☐ Venue
☐ Termination of parental rights

6. Pending and prior proceedings in this court. List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal:

In Re Guardianship of Jones, 81414; 81799; 81799-COA; 82974.

7. Pending and prior proceedings in other courts. List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (e.g., bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition:

In the Matter of the Guardianship of Kathleen June Jones; G-19-052263-A; Eighth Judicial District Court, Clark County, Nevada.

8. Nature of the action. Briefly describe the nature of the action and the result below:

This has been a heavily litigated case throughout which the Appellant (“Kathleen June Jones” or “June”) has watched as the district court ignores her wishes time and time again. In the latest series of litigation, June’s daughters, Respondents, on December 30, 2020, requested that June’s ability to manage visitations, communications, and interactions with family members be restricted so that June has no authority to manage these familial matters as June sees fit. Also, while Respondents had suggested several times that Kimberly Jones, June’s preferred guardian, should be removed as guardian, Respondents never filed a proper petition for removal and subsequent citation of the same. Moreover, Respondents never requested that Robyn Friedman be appointed as successor guardian, nor did Respondents provide any information to the district court so that it could determine whether or not Robyn Friedman was even qualified to serve as successor guardian.

Eventually the district court held an evidentiary hearing on the Respondent’s petition regarding communication, visitation, and interactions on June 08, 2021. The issue to be addressed at that evidentiary hearing centered on visitation and communication, the evidentiary hearing did not center on the potential removal of Kimberly as guardian and appointment of Robyn as successor guardian. Nonetheless, when the district court entered its order on December 21, 2021 regarding the petition on communication, visitation, and interactions, it removed June’s preferred guardian, Kimberly, and appointed Robyn as successor guardian. The district court also decided that NRS 159.333 operates in such a manner that a protected person like June has no ability to manage or restrict her contact with family members unless she first petitions the court for approval. In essence, the district court concluded that a protected person, who is the only one with a liberty interest in the case, is held to the same standard as any other interested party when it comes to managing the protected person’s familial relationships.

9. Issues on appeal. State concisely the principal issue(s) in this appeal (attach separate sheets as necessary):

1. Did the district court err when it purported to grant Respondents’ request to remove Appellant’s preferred guardian (Kimberly Jones), even though Respondents failed to follow the procedure under NRS 159.1853 and NRS 159.1855 to seek removal?
2. Was Appellant denied her right to due process when the district court removed Appellant’s preferred guardian and appointed a disfavored successor guardian without a properly filed petition for removal?
3. Was Appellant denied her right to due process when the district court removed Appellant’s preferred guardian without notice as required by NRS 159.1855?
4. Did the district court err when it appointed Robyn Friedman as successor guardian without requiring evidence that she was suitable and qualified to serve as guardian as required by NRS 159.0613?
5. Did the district court err when it concluded as a matter of law that a protected person cannot restrict their own communication, visitation, and interactions with family members or other individuals unless the protected person files a petition under NRS 159.333 and seeks court approval first?

10. Pending proceedings in this court raising the same or similar issues. If you are aware of any proceedings presently pending before this court which raises the same or similar issues raised in this appeal, list the case name and docket numbers and identify the same or similar issue raised:

N/A.

11. Constitutional issues. If this appeal challenges the constitutionality of a statute, and the state, any state agency, or any officer or employee thereof is not a party to this appeal, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

☒ N/A

☐ Yes

☐ No

If not, explain:

12. Other issues. Does this appeal involve any of the following issues?

☐ Reversal of well-settled Nevada precedent (identify the case(s))

☐ An issue arising under the United States and/or Nevada Constitutions

☒ A substantial issue of first impression

☒ An issue of public policy

☐ An issue where en banc consideration is necessary to maintain uniformity of this court's decisions

☐ A ballot question

If so, explain:

This case involves the requirements and procedure under NRS 159.1853 that must be followed for the district court to grant a party's request to remove a protected person's preferred guardian, which has not yet been addressed by the Nevada Supreme Court. Moreover, this case involves the legal question of whether NRS 159.333 even applies to protected persons, which if so, would mean that a protected person has no ability to manage important aspects of their own familial relationships, like visitation and communication, without first seeking court approval. These are both issues of first impression that will have a profound impact on protected persons in Nevada in future cases.

13. Assignment to the Court of Appeals or retention in the Supreme Court. Briefly set forth whether the matter is presumptively retained by the Supreme Court or assigned to the Court of Appeals under NRAP 17, and cite the subparagraph(s) of the Rule under which the matter falls. If appellant believes that the Supreme Court should retain the case despite its presumptive assignment to the Court of Appeals, identify the specific issue(s) or circumstance(s) that warrant retaining the case, and include an explanation of their importance or significance:

This case is presumptively retained by the Supreme Court under NRAP 17(a)(12) because it raises as a principal issue a question of statewide public importance that will affect future guardianship cases, namely, the procedural requirements that must be followed when an interested party seeks to remove a protected person's preferred guardian, and whether or not the requirements under NRS 159.333 apply to protected persons in guardianship proceedings.

14. Trial. If this action proceeded to trial, how many days did the trial last? N/A

Was it a bench or jury trial? N/A

15. Judicial Disqualification. Do you intend to file a motion to disqualify or have a justice recuse him/herself from participation in this appeal? If so, which Justice?

No.

TIMELINESS OF NOTICE OF APPEAL

16. Date of entry of written judgment or order appealed from December 06, 2021

If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

17. Date written notice of entry of judgment or order was served December 10, 2021

☐ Deliver

☒ Mail/electronic

18. If the time for filing the notice of appeal was tolled by a post-judgment motion (NRCP 50(b), 52(b), or 59)

(a) Specify the type of motion, the date and method of service of the motion, and the date of filing.

☐ NRCP 50(b) Date of filing _____

☐ NRCP 52(b) Date of filing _____

☐ NRCP 59 Date of filing _____

NOTE: Motions made pursuant to NRCP 60 or motions for rehearing or reconsideration may toll the time for filing a notice of appeal. See AA Primo Builders v. Washington, 126 Nev._____, 245 P.3d 1190 (2010).

(b) Date of entry of written order resolving tolling motion _____

(c) Date written notice of entry of order resolving tolling motion was served _____

Was service by:

☐ Delivery

☐ Mail

19. Date notice of appeal filed December 15, 2021

If more than one party has appealed from the judgment or order, list the date each notice of appeal was filed and identify by name the party filing the notice of appeal:

20. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(a) or other

NRS 159.375.

SUBSTANTIVE APPEALABILITY

21. Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:

(a)

☐ NRAP 3A(b)(1)

☐ NRS 38.205

☐ NRAP 3A(b)(2)

☐ NRS 233B.150

☐ NRAP 3A(b)(3)

☐ NRS 703.376

X Other (specify)

NRS 159.375(1); NRS 159.375(9)

(b) Explain how each authority provides a basis for appeal from the judgment or order:

Under NRS 159.375(1), Appellant has an express statutory right to appeal an order granting or revoking letters of guardianship, which the district court's order did here; and under NRS 159.375(9), Appellant has an express statutory right to appeal an order granting a petition to remove a guardian or appoint a successor guardian, and the district court's order purports to have done both here.

22. List all parties involved in the action or consolidated actions in the district court:

(a) Parties:

Kathleen June Jones;
Kimberly Jones;
Robyn Friedman; and
Donna Simmons

(b) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal, *e.g.*, formally dismissed, not served, or other:

N/A

23. Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims, or third-party claims and the date of formal disposition of each claim.

Appellant: Opposition to Verified Petition for Communication, Visits, and Vacation Time with Protected Person; and Petition to Approve Proposed Visitation Schedule; December 06, 2021.

Respondent: Verified Petition for Communication, Visits, and Vacation Time with Protected Person; December 06, 2021.

24. Did the judgment or order appealed from adjudicate ALL the claims alleged below and the rights and liabilities of ALL the parties to the action or consolidated actions below?

☒ Yes

☐ No

25. If you answered "No" to question 24, complete the following:

(a) Specify the claims remaining pending below:

(b) Specify the parties remaining below:

(c) Did the district court certify the judgment or order appealed from as a final judgment pursuant to NRCP 54(b)?

☐ Yes

☐ No

(d) Did the district court make an express determination, pursuant to NRCP 54(b), that there is no just reason for delay and an express direction for the entry of judgment?

☐ Yes

☐ No

26. If you answered "No" to any part of question 25, explain the basis for seeking appellate review (e.g., order is independently appealable under NRAP 3A(b)):

N/A

27. Attach file-stamped copies of the following documents:

- The latest-filed complaint, counterclaims, cross-claims, and third-party claims
- Any tolling motion(s) and order(s) resolving tolling motion(s)
- Orders of NRCP 41(a) dismissals formally resolving each claim, counterclaims, cross-claims and/or third-party claims asserted in the action or consolidated action below, even if not at issue on appeal
- Any other order challenged on appeal
- Notices of entry for each attached order

VERIFICATION

I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief, and that I have attached all required documents to this docketing statement.

Kathleen June Jones
Name of appellant

Scott Cardenas, Esq.
Name of counsel of record

01/11/2022
Date

/s/ Scott Cardenas
Signature of counsel of record

Clark County, Nevada
State and county where signed

CERTIFICATE OF SERVICE

I certify that on the 11th day of January, 2022, I served a copy of this completed docketing statement upon all counsel of record:

√ Electronic
Michaelson & Associates, Ltd. \ John P. Michaelson
Sylvester & Polednak, LTD \ Jeffrey R. Sylvester

/s/ Rosie Najera
An Employee of Legal Aid Center of Southern Nevada

INDEX OF EXHIBITS

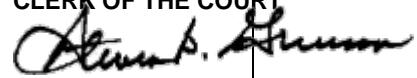
Exhibit 1: Verified Petition for Communication, Visits, and Vacation Time with Protected Person

Exhibit 2: Kathleen June Jones' Opposition to Verified Petition for Communication, Visits, and Vacation Time with Protected Person

Exhibit 3: Findings of Fact and Conclusions of Law and Order Regarding Visitation, First Annual Accounting, Guardian's Fees, Caretaking Fees, Attorney's Fees and Costs, and Removal of Guardian

Exhibit 4: Notice of Entry of Order for Findings of Fact and Conclusions of Law and Order Regarding Visitation, First Annual Accounting, Guardian's Fees, Caretaking Fees, Attorney's Fees and Costs, and Removal of Guardian

EXHIBIT 1



PET

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DISTRICT COURT

CLARK COUNTY, NEVADA

IN THE MATTER OF THE GUARDIANSHIP) Case Number: G-19-052263-A
OF THE PERSON AND ESTATE OF:) Department: B
)
Kathleen June Jones,)
)
An Adult Protected Person.)
)

HEARING REQUESTED

**VERIFIED PETITION FOR COMMUNICATION, VISITS,
AND VACATION TIME WITH PROTECTED PERSON**

☐ TEMPORARY GUARDIANSHIP
☐ Person
☐ Estate ☐ Summary Admin.
☐ Person and Estate

☒ GENERAL GUARDIANSHIP
☐ Person
☐ Estate ☐ Summary Admin.
☒ Person and Estate

☐ SPECIAL GUARDIANSHIP
☐ Person
☐ Estate ☐ Summary Admin.
☐ Person and Estate

☐ NOTICES / SAFEGUARDS
☐ Blocked Account
☐ Bond Posted
☐ Public Guardian Bond

COME NOW, pursuant to NRS 159.328(1)(d) and NRS 159.332, Robyn Friedman and Donna Simmons ("Petitioners" or "Robyn" and "Donna"), as family members and interested parties in this matter, by and through their attorneys at Michaelson & Associates, Ltd., and file this Verified Petition for Communication, Visits, and Vacation Time with Protected Person to

ask for this Court's assistance ensuring consistent contact between Kathleen June Jones ("protected person" or "Ms. Jones") and her daughters, Robyn and Donna, in addition to other family members of Ms. Jones beyond Ms. Jones' guardian and daughter, Kimberly Jones ("Kim"), as follows:

CONTEXT AND BACKGROUND RELEVANT TO THIS PETITION

A. The Court and Court-Appointed Counsel Requested that Petitioners File this Petition.

1. An ongoing focal point in this case has been the need for the guardian to coordinate and facilitate communication, visits, and vacation time between Petitioners, other family members, and Ms. Jones, the protected person.

2. Despite a truly agonizing amount of effort and expense to cajole, convince, request, supplicate a recalcitrant guardian to humanely help the protected person communicate and arrange visits with the rest of her family, the guardian has been unwilling to do so. Despite the Court's admonishment on many occasions, the guardian has continued to be passive aggressive, manipulative and controlling.

3. With the guardian continuing to refuse to alter course without the Court's intervention, court-appointed counsel for Ms. Jones requested that Petitioners file this Petition at the September 17, 2020 hearing so she could discuss it with her client. Petitioners have tried to raise these issues with court-appointed counsel previously, including a recent hour-long phone conference. These efforts have not been helpful because court-appointed counsel asserts that there is nothing she can do, although the issues have been presented to court-appointed counsel and guardian's counsel many times.

4. In response to the continued gridlock, the Court also requested that Petitioners file this Petition after hearing some of the difficulties that are detailed hereinbelow.

B. Petitioners Only Seek a Course Correction.

5. This Petition is NOT to ask this Court to remove Kim as guardian. However,

1 Petitioners are forced to bring this petition to compel Kim, as guardian, to be more humane; to
2 provide the same kind of logistical support to Ms. Jones' family as Kim provides to Ms. Jones'
3 medical professionals, legal aid attorney, this Court, friends, neighbors, gardeners, dry cleaners,
4 the veterinarian and the dog groomer.

5 6. In short, this Petition is a request for a course correction for Kim, as the guardian
6 of Ms. Jones, to help Kim follow through with protecting Ms. Jones' right, among others, as
7 recognized in the Protected Person's Bill of Rights, to "[r]eceive telephone calls and personal
8 mail and have visitors" NRS 159.328(1)(n).

9 7. This Petition requests this Court to issue an order identifying the calendar,
10 availability or procedure that is effective and works best for Ms. Jones, and for Kim, to facilitate
11 the communication, visits and vacation time that Ms. Jones should have with Robyn and Donna,
12 and Ms. Jones' other family members. Petitioners are open to whatever calendaring procedure
13 works best for Ms. Jones that also takes into consideration Petitioners' availability and ability to
14 take time off from work and caring for their own families and children. Many times, any efforts
15 by Kim to coordinate communication or visits between Ms. Jones and Robyn or Donna are last
16 minute, or with no notice whatsoever. Petitioners simply need reasonable, established
17 timeframes to work within so they can plan accordingly to have time with Ms. Jones.

18 8. Petitioners do not desire to compel Ms. Jones to visit with them. Rather, they
19 seek a routine or series of windows of opportunity so that all sides can plan to be available to
20 accomplish the visits. If Ms. Jones is not feeling well or ever desires not to have a visit with
21 Petitioners, Petitioners would of course respect that, but a framework needs to be in place, rather
22 than a directive from Kim to "just call mom."

23 9. As stated in the September 17, 2020 hearing, this Petition is necessary due to
24 strong disagreements over Kim's actions and inactions (listed below) regarding Ms. Jones'
25 communication and time with family members, the discussion of which prompted the Court to

1 invite Petitioners to file this Petition. Furthermore, this Petition is necessary because the
2 communications and visits are so scarce that Petitioners cannot even speak to whether Ms. Jones
3 is secure and safe. Kim’s behavior has effectively denied Petitioners access to Ms. Jones to the
4 point where Petitioners really do not know what is going on with their mother.

5 10. In the Guardianship Care Plan for Kathleen June Jones filed on October 2, 2019,
6 Gina Jolliff, MSG, CMC, Aging Life Care Professional, Aging Perspectives, LLC, included the
7 poignant statement, “[c]ommunication has been an ongoing battle in the midst of Kathleen’s
8 situation.”

9 11. This family, and Ms. Jones most of all, need this Court’s assistance resolving
10 these difficulties because, as described above, attempts outside of Court have not been
11 successful.

12 **C. The Requested Relief is Necessary Because Ms. Jones Lacks Capacity to Coordinate**
13 **Visits and Vacations on Her Own.**

14 12. Notably, Ms. Jones’ lack of capacity is the reason why this guardianship is in
15 place and Ms. Jones is a protected person. Examples of her incapacity include Ms. Jones cannot
16 operate her phone without assistance, has a severely impaired memory, and is often disoriented
17 as to time, including the year, month, week and hour.

18 13. On many occasions, Ms. Jones voiced her desire to meet Robyn and her family
19 on the phone to Robyn. When Robyn asks when they can meet, Ms. Jones hesitates and then
20 says she will call Robyn to set something up. However, invariably, Ms. Jones does not call,
21 possibly because she simply does not remember to do so. When Robyn appeals to Kim for
22 assistance in coordinating the meetings, Kim typically ignores the communications for a time
23 and then eventually tersely refers Robyn back to their mother, Ms. Jones, to make the
24 arrangements directly as if Ms. Jones realistically can carry through on any planning to set up a
25 visit—continuing the cruel cycle.

1 14. Kim’s one-line text messages do not help accomplish visits, not even with Robyn,
2 who lives in the same city but still only gets limited visits with Ms. Jones. Robyn possess
3 numerous text messages that show how poorly Kim communicates when it comes to helping Ms.
4 Jones have visits with family members. These text messages would show only the tip of the
5 iceberg when it comes to what it has been like for the last nine (9) months trying to work with
6 Kim to have visits with Ms. Jones.

7 15. Attempting to work directly with the protected person to set up communication
8 and family visits has been like a cruel hoax. Petitioners already knew that such efforts were futile
9 based on months of experience with their mother and the guardian. However, as an “nth” degree
10 effort to show cooperation, Petitioners have attempted exactly what the guardian, the guardian’s
11 attorney and the LACSN attorney claim will work. They have called the protected person
12 directly attempting to setup visitation. This simply does not work due to Ms. Jones’ limitations
13 and it deprives Ms. Jones of time with family other than Kim.

14 16. Notably, Kim is willing to plan in advance visits and communication between
15 Ms. Jones and Teri Butler, Ms. Jones daughter that lives in Arizona. Kim does not give Teri last
16 minute notice or phone calls that are cut short because Kim and Teri are close. Other family
17 members, on the other hand, do get last minute notice; terse, vague text messages; and phone
18 calls that are cut short.

19 17. Ms. Jones is cognitively incapable of reliably and accurately transferring visit
20 information to anyone or remembering to act on it herself.¹ The time for Ms. Jones to have a
21 Guardian Ad Litem appointed may have come so she can have someone appointed to act in her
22 best interest, rather than as directed. One example of how the client-directed model that the Legal
23

24
25 ¹ Although it has been and will be argued that Ms. Jones has capacity to manage her own
calendar, communications, visits, and vacations, the Court has yet to hear that directly from Ms.
Jones.

1 Aid Center of Southern Nevada (by whom court-appointed counsel is employed) relies upon is
2 currently failing Ms. Jones is that it is not at all clear that Ms. Jones is able to direct the currently
3 pending appeal, even though it is being conducted under the auspice that she directed it.

4 18. Additionally, under the Protected Person's Bill of Rights, NRS 159.328(1)(i), Ms.
5 Jones has the right to "be granted the greatest degree of freedom possible," but that freedom is
6 also limited in the same provision inasmuch as it is "consistent with the reason for a
7 guardianship." Due to her limitations, combined with all her family's love and support for Ms.
8 Jones, one reason for this guardianship is for Ms. Jones to receive the same kind of assistance
9 calendaring and having time with family as she does calendaring and keeping medical
10 appointments, Court hearings, or visits with her legal aid attorney.

11 19. Unlike in almost every other guardianship case counsel for Petitioners has been
12 involved in, in this matter, the court-appointed attorney maintains she is powerless to affect any
13 change. In most cases, seeing this difficulty, court-appointed counsel would be an advocate for
14 the guardian to be more humane.

15 20. A simple canvass of Ms. Jones by this Court will show her limitations, and the
16 need she has for assistance with communication, visits and vacation time with loved ones.
17 Indeed, this is important because there is a strong disconnect between what has been presented
18 to the Court regarding Ms. Jones' capacity and desires as those pertain to visits and
19 communication, what has been expressed between Ms. Jones and Petitioners, and what has
20 occurred in practice.

21 21. Examples of Ms. Jones' limiting memory loss include: (1) Ms. Jones' court-
22 appointed attorney has stated on the record to this Court that Ms. Jones does not remember that
23 she no longer owns the Kraft House, despite the fact that her counsel has repeatedly advised her
24 of the loss of her property; (2) Ms. Jones had no recollection of the restaurant Ventano where
25 she was married when Robyn drove her there; (3) Ms. Jones was confused as to whom she

1 married in the restaurant Ventano; (4) Kim handles the scheduling of all of Ms. Jones' medical
2 appointments, reminds Ms. Jones when they are to occur, makes sure Ms. Jones is dressed for
3 the appointments, and takes Ms. Jones to and from those appointments, as Kim should as a good
4 guardian; and (5) upon information and belief, Kim does the same for Ms. Jones' regarding Court
5 hearings and visits with her legal aid counsel. Petitioners simply ask that an order and calendar
6 issue for Kim to do similarly for Ms. Jones' communication, visits and vacation time with
7 Robyn, Donna and other people that also care about Ms. Jones, as she does for Ms. Jones'
8 medical, Court and other appointments.

9 22. Notably, Robyn is in possession of a voice recording of Ms. Jones where she is
10 heard struggling to operate her cell phone.

11 23. In a recent phone conference with Ms. Jones' legal aid attorney, the legal aid
12 attorney expressed repeatedly how well she thinks Ms. Jones is doing, stating repeatedly that she
13 has been participating in the refinance of her house and is personally directing an appeal to the
14 Nevada Supreme Court of an attorney fee award. Counsel for Ms. Jones suggested a
15 guardianship is not necessary.

16 24. In light of Ms. Jones' memory difficulties, her limitations, and communications
17 with Ms. Jones' counsel, Petitioners are utterly dismayed that Ms. Jones' counsel has considered
18 or is considering asking this Court to terminate her guardianship and revert back to a situation
19 where Kim, as agent nominated in a power of attorney, will be responsible to care for Ms. Jones'
20 person and finances without Court supervision and oversight. Kim has stated that she would
21 prefer to handle this case in California where she is more familiar with the courts. However, a
22 power of attorney situation did not work for Ms. Jones before, and it will not work now.
23 Petitioners are especially fearful that such a request to return to a power of attorney situation
24 might take place after Kim and Ms. Jones relocate to California and the issue is presented to a
25 California court that is not familiar with the history of this case. Ms. Jones' situation requires

1 more transparency and accountability than a power of attorney situation can offer, especially the
2 court oversight that has been and will continue to be required in this case.

3 **D. Kim's Actions Since the May Agreement Show why the Court's Intervention is**
4 **Necessary.**

5 25. During a months-long period prior to May 19, 2020, Petitioners and other family
6 members had very little contact and time with Ms. Jones. Thereafter, because direct
7 communications by family members with the guardian are futile, many attorneys became
8 involved and a staggering amount of meet and confer time, money and effort was expended to
9 get Kim, as guardian, to coordinate simple, intuitive communication and visits between
10 Petitioners, other family members and Ms. Jones.

11 26. After causing the expense of vast resources, on May 19, 2020, Kim, through
12 counsel, confirmed an agreement for communication, visits and vacation time ("May
13 Agreement") Notably, however, the confirmation email was riddled with statements such as (1)
14 "Of course, June is still her own person and for some reason if she doesn't want to go with Robyn
15 that is something Maria [Ms. Jones' counsel] can assist with;" and (2) "Again, this isn't a custody
16 battle and I don't want to minimize the fact that June still has a right to control how she spends
17 her days;" and (3) "Again, subject to June wanting to do this"

18 27. Unfortunately, Kim did not adhere to the confirmed May Agreement. Some
19 specific examples of Kim's actions and/or inactions relevant to communication, visits and
20 vacation time are as follows:

- 21 a. Kim did not call Robyn on behalf of Ms. Jones on Tuesdays and/or Fridays at or
22 around 6 p.m. as she agreed. Rather, Kim continued to doggedly insist that Robyn
23 call Ms. Jones herself, thereby removing any possibility of Kim, as guardian,
24 helping Ms. Jones achieve the visits and communication. Presumably, Kim does
25 not dismissively tell other people to "just call June" when they reach out to Kim to
get an appointment with Ms. Jones or to speak with Ms. Jones, including the Court,
medical providers, Ms. Jones' court-appointed attorney, friends, neighbors,
gardeners, dry cleaners, the veterinarian and the dog groomer.

- 1 b. Upon information and belief, because Ms. Jones does not keep her phone with her
2 or return texts to Robyn—presumably because she lacks capacity or does not
3 remember to do so—it is Kim that keeps track of Ms. Jones mobile phone including
4 calls and text messages and then assists Ms. Jones to call or text people back.
- 5 c. Upon information and belief, Kim disabled Facetime on Ms. Jones’ phone. Now,
6 no one can Facetime Ms. Jones except through Kim’s phone. Upon information and
7 belief, Ms. Jones cannot re-enable Facetime on her own phone or initiate Facetime
8 calls.
- 9 d. When Robyn, her husband, and their son visit Ms. Jones at her home, Kim remains
10 at the house, hovering, interrupting the visit, keeping the atmosphere tense, and
11 essentially turning their visit into an uncomfortable, supervised visit. During one
12 visit on July 22, 2020, Robyn, her husband, and their then three-year-old son were
13 visiting with Ms. Jones at Ms. Jones’ home when Kim lost her temper and became
14 verbally aggressive with Ms. Jones. While getting very close physically to Ms.
15 Jones, Kim repeatedly demanded that Ms. Jones answer whether she wanted to go
16 to Palm Springs for a week with Robyn. Ms. Jones replied that she did while
17 shrinking back into the couch.
- 18 e. When Robyn pleaded with Kim to stop her behavior, Kim turned her anger on
19 Robyn, and shouted her, her husband and their son out of Ms. Jones’ home. The
20 incident upset and confused Ms. Jones and Ms. Jones’ three-year-old grandson,
21 who continued to bring up the incident and ask questions about it one week later.
22 The six-year-old stated that Kim’s actions made him feel “not too good,” and that
23 he still wanted to be around grandma but not Kim.
- 24 f. Moreover, the May Agreement set aside the last week of July (July 26-August 1,
25 2020) as a time for Robyn to take Ms. Jones on vacation. During a visit on July
22, 2020, Robyn and Ms. Jones planned to go to Palm Springs the following week
(the last week of July) on vacation. Two days after the visit, at approximately
6:20 p.m. on Friday, July 24, 2020, Kim facilitated a call from Ms. Jones to Robyn
where Robyn learned that Kim and Ms. Jones were actually in Arizona to visit
Ms. Jones’ other daughter, Teri. Robyn later learned that they stayed in Arizona
until Wednesday, July 29, 2020. While it is great that Teri got time with Ms.
Jones, Kim’s sudden trip to Arizona with Ms. Jones destroyed Robyn’s planned
family vacation with Ms. Jones. While Kim may argue that Robyn failed to
communicate with Kim, the reality is that (1) the last week of July was already
allotted to Robyn and Ms. Jones, and (2) Kim did not communicate the Arizona
visit to Robyn until after she and Ms. Jones were already in Arizona. While Ms.
Jones can change her mind, communication is key to let other people know that
her plans have changed.

28. Furthermore, Kim helps Ms. Jones make it to Ms. Jones’ medical appointments,
Court hearings and legal aid attorney appointments and phone calls. Kim also manages

1 appointments, drop-offs, etc. with service providers such as Ms. Jones' gardeners, veterinarian,
2 dog groomer, dry cleaners and people who care for Ms. Jones when Kim is not available. Kim
3 even helps Ms. Jones visit with neighbors. Ms. Jones does not handle any of these things on her
4 own.

5 29. In light of this, it is very hard to understand that Kim and her counsel began
6 insisting that Robyn and Donna "quit treating June like a child" and coordinate directly and
7 exclusively with Ms. Jones regarding visits and communication.

8 30. This "just call mom" plan does not work, and only results in missed visits and
9 vacations because Ms. Jones' does not have the necessary capacity to coordinate visits or reliable
10 communication. Ms. Jones does not initiate any visits and only sparsely calls, upon information
11 and belief, with the help of Kim. When contact is made and Ms. Jones is asked if she would like
12 to meet, she invariably says, "Yes." When asked when and where, Ms. Jones will say, "I'll get
13 back with you," – but she never does. Ms. Jones can't remember to call and/or lacks the
14 wherewithal to deal with Kim on expressing her desires for visits and communication.

15 31. Time with family is becoming ever-more precious as Ms. Jones' memory
16 continues to decline, both for Ms. Jones and for those who care about her.

17 32. It is in Ms. Jones' best interest to have ongoing, consistent telephone calls, video
18 chats, and in-person contact with Robyn, Donna and Ms. Jones' other supportive family
19 members.

20 **F. Kim's Actions Before the May Agreement also Show why the Court's Intervention is**
21 **Necessary.**

22 33. Prior to the May Agreement, Kim took Ms. Jones to Arizona on another occasion
23 that similarly and intentionally interfered with a planned visit with Ms. Jones. On that occasion,
24 Donna, who lives in California, had a long-planned visit with Ms. Jones in Las Vegas that Donna
25 confirmed repeatedly with Kim before Donna traveled from California with her family to Las

1 Vegas. Despite Kim's confirmations, including on the night before the planned visit, Donna and
2 her family arrived in Las Vegas to find that Kim had instead decided to take Ms. Jones to
3 Arizona. Despite the plans and confirmations, Donna and her entire family were prevented from
4 seeing Ms. Jones.

5 34. Another day, Robyn picked up Ms. Jones from her house and they walked from
6 the front door to Robyn's vehicle which was parked at the curb in front of Ms. Jones' home.
7 Robyn asked Ms. Jones if she had eaten. Ms. Jones responded that she did not remember. Ms.
8 Jones' also stated she needed to use the bathroom, whereupon Ms. Jones remained seated in the
9 car, parked at the curb in front of the home and Robyn approached the front door, no more than
10 two minutes after first walking to the curb. Robyn found the door of Ms. Jones' home was locked.
11 Robyn knocked and also texted Kim. Kim did not answer the door and Kim did not respond to
12 Robyn's texts for over two to three hours, even though Kim's vehicle was still at the property.
13 Ms. Jones was locked out of her own house. Robyn was unable to confirm if Ms. Jones had eaten
14 and had to take her elsewhere to use a bathroom. Even after their visit that day concluded, Ms.
15 Jones was still locked out of her house for approximately 30 minutes until Kim responded to
16 Robyn's texts and calls.

17 35. During another timeframe, Robyn texted Kim repeatedly asking if Ms. Jones'
18 physicians answered the question whether the altitude at Brian Head, Utah would cause Ms.
19 Jones health issues. Upon information and belief, Kim attends all of Ms. Jones' medical
20 appointments and is in regular contact with her medical providers and knows how to reach them
21 with questions. Kim would not provide a straight answer for weeks. Again, this incident is
22 memorialized in text messages which could be provided if need arises.

23 ///

24 ///

25 ///

G. Kim's Failure to Communicate Regarding Gerry Yeoman's Death and Her Taking Ms. Jones to California Rather Than Attending Court Hearings Underscore the Necessity for Court Intervention.

36. As discussed at the September 17, 2020 hearing, Kim's poor communication is highlighted by the fact that Ms. Jones' court-appointed counsel was the one who notified Ms. Jones that her husband, Gerry Yeoman, passed away. This is something Kim should have handled, and Kim should have ensured that other family members were advised of the death and present when she notified Ms. Jones of the death, so all could offer support to Ms. Jones in a very difficult and potentially emotional time.

37. Kim knew about Mr. Yeoman's passing on or about September 1, 2020 because Kim's attorney received the Supplemental Program Status Report filed into the A-case that day reporting Mr. Yeoman's death. Even still, neither Robyn, nor Donna knew about Mr. Yeoman's passing until their counsel discovered it the day of the September 17, 2020 hearing while reviewing the real property/A-case associated with this case.

38. More recently stands the fact that neither Kim nor Ms. Jones attended the September 17, 2020 hearing. When Ms. Jones' whereabouts were questioned, Kim's attorney represented that Ms. Jones was in Nevada. As it turns out, that assertion was incorrect. Kim and Ms. Jones were in California for at least six days but had not alerted anyone to their visit until after it was discovered they were there which suddenly precipitated a flurry of activity on Kim's behalf to facilitate a last-minute visit with Donna.

39. That day, Kim and Ms. Jones were in California at an RV Park. They had previously advised Ms. Jones' court-appointed counsel at Legal Aid of the trip in a voicemail on or about September 11, 2020. It appears Kim did not even advise her own counsel of her whereabouts, much less Ms. Jones' 2 children, 5 grandchildren and 2 great-great-grandchildren that live nearby in California. It took lawyer-intervention at and after a court hearing to prompt Kim (not Ms. Jones, oddly, because according to Kim Ms. Jones is fully capable of handling all

1 her own scheduling, travel and visit issues) to communicate with Ms. Jones' daughter Donna,
2 who had not received a call from Ms. Jones in a very long time because Ms. Jones cannot reliably
3 operate or remember to operate her phone. Petitioners have a video showing Ms. Jones' inability
4 to use her phone which can be provided for review.

5 40. Again, Kim's intentional lack of compassionate, orderly and timely
6 communication almost caused Donna to not see Ms. Jones at all while Kim and Ms. Jones were
7 very close to her location in California. Only after the September 17, 2020 hearing, the Court
8 statement to file this Petition, and the discovery that Kim was in California with Ms. Jones did
9 Kim act so that Ms. Jones could have a visit with Donna, who had not seen her mother, Ms.
10 Jones, in a long time. To have a very short visit with Ms. Jones, Donna dropped everything and
11 went to see her mother at 7:00 p.m. at night. Donna did this even though Ms. Jones usually goes
12 to bed around that time, just to have some time with her mother. Donna met Kim and Ms. Jones
13 at a freeway exit. As they decided where to get something to eat, Kim made it clear to Donna
14 that because of Ms. Jones' difficulty making decisions, Donna should only give Ms. Jones two
15 options to consider in order for her to be able to make a choice. The visit, for sure, could have
16 been much better for Ms. Jones and Donna. Furthermore, Kim cost Ms. Jones' the opportunity
17 to see the rest of her family in California, who are very close and often meet together – and who
18 with advanced notice, could have planned to see their mother/grandmother for the first time in a
19 long time. One wonders if this hectic, last minute, visit would have even happened had not Kim's
20 counsel been prompted in front of the Court to check Kim's whereabouts at the hearing that
21 morning. Experience has shown that Kim typically only responds to direct pressure from the
22 Court, and as soon as the spotlight begins to fade, she returns to her old, passive-aggressive ways.
23 Again, Robyn possesses numerous text messages which can be provided for review if need arises
24 illustrating how difficult and untenable it is trying to communicate with Kim, and how her poor
25 communication negatively impacts Ms. Jones.

1 41. All of this has been communicated to the guardian repeatedly as the Court is
2 probably aware because of the many hearings in this case. It is ridiculous that Petitioners are
3 forced to file this lengthy and detailed petition simply to get to see their mother regularly.

4 **H. The Court Heard from Robyn and Donna at the September 17, 2017 Hearing Regarding**
5 **the Devastation Kim's Interference has Caused Petitioners.**

6 42. As stated at the last hearing, when Robyn speaks with Ms. Jones by telephone,
7 Ms. Jones communicates that she wants to see Robyn and her grandson and that she will call
8 Robyn to set it up. Unfortunately, Ms. Jones does not remember to call. Then, more recently,
9 while Robyn was discussing this with Ms. Jones, Robyn suggested they schedule a visit right
10 during that conversation. Robyn then heard a voice in the background state, "hang up, hang up."
11 Ms. Jones then stated to Robyn, "I love you, gotta go," and hung up. Unfortunately, such
12 interference by the person in the background influencing Ms. Jones to end a telephone
13 conversation and not plan an in-person visit smacks of the very behavior prohibited under NRS
14 200.5092(4) that defines "isolation" of an older or vulnerable person as elder abuse.

15 43. Another example of this, as stated on the record at the last hearing, is that Donna
16 has not seen or spoken to Ms. Jones for a very long time. Donna has had the same type of issues
17 as Robyn. Donna would not receive any notifications from Ms. Jones or Kim that Ms. Jones was
18 in California. Additionally, her communications are not returned. The only time Donna speaks
19 with Ms. Jones is when Ms. Jones is with Robyn and Robyn helps Ms. Jones call Donna. Kim is
20 not facilitating Ms. Jones' communication with Donna, a daughter who also loves Ms. Jones,
21 and who Ms. Jones, upon information and belief, also loves. This is simply NOT an issue of Ms.
22 Jones choosing to end her relationship with three-quarters of her family. Rather, this is Ms.
23 Jones' guardian choosing for personal reasons to pick and choose with whom she will help Ms.
24 Jones have a relationship.

I. Since the September 17, 2020 Hearing, Communication and Visits Have Been on Life Support.

44. Petitioners waited to file this petition to see if the increased attorney-intervention would help Kim course-correct without a Court order. Unfortunately, events in the last three months solidified the need for Court ordered communications, visits, and vacation.

45. In one instance, Kim sent Robyn a last-minute text message offering to allow Robyn to see Ms. Jones that day – causing Robyn to lose thousands of dollars in business as she dropped everything to see her mother. At 11:32 a.m. on Saturday, October 10, 2020, Robyn received a last-minute text from Kim stating, “Mom is available this weekend if you’d like to see her, I’m happy to drop her off and pick her up.” Not only was the weekend half over, but unfortunately, Robyn runs an event company that operates on weekends – and Kim knows this. Accordingly, Robyn already had work events scheduled with at least six employees at work. Again, this has been discussed with Kim ad nauseum. Robyn replied, “Kim! We can’t just get a last minute text like this! Of course I want to see her. I’m working all weekend day and night. When else can we see her? I have Wednesday off. Can you bring her then? Anytime Wednesday between noon and 6 pm?”

46. Kim did not respond. Robyn sent a few more text messages even stating that if the weekend was the only time Ms. Jones was available that Robyn would “cancel the 6 people here working and the events at the venue and lose thousands of dollars, but it’s worth it.” Kim responded at 11:34 a.m., “Robyn enough already don’t be dramatic. If you want to see her I’m happy to bring her over and pick her up just let me know.”

47. Robyn responded that she had just made it known to Kim that she wanted to see Ms. Jones and asked if there were any days over the next two weeks for Ms. Jones to visit Robyn. She said if there were no other days, then Robyn would gladly lose thousands of dollars in work to see Ms. Jones. At 11:50 a.m., Kim’s only response to Robyn’s desperate pleas to solidify plans

1 was, “I’ll contact you early in the week and see if we can’t work out a day that will work for
2 you.” Robyn asked if they could schedule it now. Kim stopped responding even though Robyn
3 continued sending Kim more texts pleading with Kim to schedule a visit right now or for Kim
4 to allow Ms. Jones to see Robyn’s family that weekend.

5 48. Kim did not respond again until 12:26 p.m. when she resorted to her “Just Call
6 Mom” retort, “You can always call mom and ask her if she wants to go do something, she’s quite
7 capable of deciding how she wants to spend her social time.” Robyn again pleaded with Kim,
8 “Please just answer the question. Can I see her today or tomorrow as you offered? Or can we
9 schedule a day over the next two weeks now?” Finally, around 12:31 p.m., Kim invited Robyn
10 to schedule a time for her to drop Ms. Jones off at Robyn’s home. Robyn sent her employees
11 home to make herself available to visit with Ms. Jones that caused Robyn to incur a financial
12 loss equaling thousands of dollars.

13 49. The issue is that Kim again stopped responding to Robyn’s text messages. Robyn
14 sent texts at 12:33 p.m. and 1:07 p.m. asking questions for when Ms. Jones was available for a
15 visit – either that weekend or any day during the next two weeks. Finally, at 1:59 p.m., Kim
16 acquiesced to Robyn’s pleas stating that she would drop Ms. Jones off at Robyn’s home at 5:00
17 p.m. that day and pick Ms. Jones up at 7:00 p.m. Robyn immediately thanked Kim and asked
18 Kim if Ms. Jones will need dinner. Kim did not respond. Again, at 3:05 p.m., Robyn renewed
19 her questions about feeding Ms. Jones because she has “a four year old son that eats at 6 pm and
20 goes to bed at 7 pm. I need to know if Mom will have already eaten dinner before she arrives, if
21 she will be eating here, or if she’s eating after . . .” Robyn also asked about whether there were
22 any COVID-19 concerns or things Kim follows when Ms. Jones is out. Kim continued to not
23 respond. At 4:04 p.m., Robyn informed Kim by text that her family was eating “now so we can
24 spend time with her. Please make sure she isn’t hungry when you drop her off.”

25 50. Finally, at 4:09 p.m., Kim responded only with, “Normal COVID procedures 6

1 feet distance, she doesn't have a fever." Kim and Robyn continued sending a few texts back and
2 forth about what Ms. Jones could do during the pandemic. At 4:55 p.m., Kim texted Robyn that
3 Ms. Jones was at Robyn's home. In short, Kim's last-minute offer and failure to timely organize
4 plans caused Robyn to lose money in her business and kept Robyn from figuring out if she
5 needed to provided dinner for Ms. Jones.

6 51. In a second instance, Kim simply reverted back to the "just call mom" strategy.
7 On October 13, 2020, Robyn asked Kim in a text:

8 When can I see Mom again? Any day of the week, except weekends over the next
9 3 weeks works for me. Anytime between noon and 6 pm. Wednesdays are best. I
10 just need to schedule ahead of time to get work organized so it's not all last minute
11 arranged costing me a bunch of money like Saturday. Please let me know. She
said she wants to see me. I can pick her up and drop her off. Although if she's
like to stay at her house, we'd need to be there without you.

12 52. Kim responded that Robyn could "see mom whenever you want. Robyn, call and
13 ask her." Kim also said that Ms. Jones just told her that she did not want to see Robyn because
14 she recently saw her. Robyn responded," Ok, she said she went to CA and stayed with Scott last
15 week and that she talked to Gerry [who is dead] on the phone – both things that didn't occur
16 (dementia). So you incorrect (sic) when you purport that she can actually schedule anything."
17 Robyn continued texting Kim to schedule another visit, but Kim stopped responding.

18 53. Around Halloween, Robyn tried the "just call mom" strategy to arrange a time
19 for Ms. Jones to see her grandson in his Halloween costume as she has every year of his life.
20 This time the "just call mom" strategy led to extreme confusion and required Kim's intervention
21 to organize the visit. At 12:36 p.m. on October 30, 2020, Robyn sent Kim the following text
22 message:

23 Please have Mom call me as soon as she can. Something doesn't sound right. She
24 just said she doesn't want to see Amp in his costume this year. I'd like to talk to
25 her more and ask why. Every single year of his life she's asked us to bring him
over. I have all of the pictures. Do you know why she doesn't want to see him all
of a sudden? I know she said she didn't feel well because her ankle hurt and she

1 just came back from the doctor, but that wouldn't keep her from seeing him while
2 she lay in bed tomorrow it sounds odd."

3 54. At 12:12 p.m. on Halloween, Robyn asked if 3:00 p.m. was a good time to swing
4 by for twenty minutes so Ms. Jones could see Amp's Halloween costume. At 2:28 pm., Robyn
5 received no response from Kim and sent another text reminding Kim that Kim told Robyn the
6 night before that they could come over at any time and that Robyn and her family were "running
7 around busy and having fun with a 4 year old and we have plans to trick or treat at dusk and we
8 live 35+ minutes from Mom." Finally, at 2:35 p.m., Kim responded that she would have Ms.
9 Jones outside near a bench at 3:00 p.m. Robyn asked if Kim could make it 3:10 p.m. to account
10 for the drive-time from Robyn's home to Ms. Jones' home.

11 55. During a meeting on December 3, 2020 that included Robyn and Petitioners'
12 counsel, Robyn called Ms. Jones to schedule a visit. Ms. Jones struggled to understand the
13 questions asked and could not provide answers to simple questions such as why Ms. Jones ate
14 for Thanksgiving dinner. Robyn asked if they could get together sometime that week. Ms. Jones
15 responded, "Well call me" – even though they were currently on the telephone. After Robyn
16 continued to push to schedule a time, the phone call ended with Ms. Jones saying she would find
17 out Kim's plans, and call Robyn back later that night with a plan for a visit. Later during the
18 same meeting, Robyn called Ms. Jones again to follow up on planning a visit. Robyn asked Ms.
19 Jones to commit to a day such as the upcoming Saturday for a visit, but Ms. Jones only responded
20 that Ms. Jones would get back to Robyn because she was at a store. Ms. Jones never called
21 Robyn back to schedule the visit until the weekend was nearly over to schedule a last-minute
22 visit on Sunday morning. Kim knows that Donna and Robyn cannot manage last minute visits
23 without incurring financial consequences due to their respective jobs, business, children, and
24 other responsibilities. These visits with less than 24-hour notice are, essentially, knowingly
25 isolating Ms. Jones in violation of the guardianship statutes.

1 56. Petitioners have also struggled to schedule a time with Ms. Jones to give her
2 Christmas presents. At 2:17 p.m. on December 14, 2020, Robyn text Kim asking if they could
3 schedule time to spend with Ms. Jones before Christmas. Robyn told Kim, “I try to coordinate
4 with mom but she says she’ll call me next week if we have to coordinate schedules and then she
5 doesn’t.” Robyn offered a long list of availability for the visit including time frames on any
6 Sundays, Saturdays, and weekdays in general, along with a discussion of how Robyn’s son,
7 Amp, was excited when picking out his present to Ms. Jones. Kim did not respond until 8:18
8 a.m. on December 16, 2020 with a short, “Sunday (20th) is good. I will take her to your house at
9 1:00 and pick her up at 4:00.” Robyn responded that it was not possible for her to host the visit
10 because the floors in her home are being refinished and requested that the visit take place at Ms.
11 Jones’ home. Kim has not responded to the latest text message. In fact, Robyn received no phone
12 calls from Ms. Jones or Kim on or about Christmas. Ms. Jones eventually called several days
13 later to thank Robyn for gifts, but Ms. Jones did not remember that she did not call on the
14 Christmas holidays.

15 57. These incidents above are memorialized in numerous text messages which can be
16 provided for review.

17 58. Since September 10, 2020, the following, upon information and belief, is a
18 breakdown on the telephone calls received by Robyn from Ms. Jones or Kim:

- 19 a. Between 9/10/20 – 10/30/20, Robyn received no telephone calls from June.
- 20 b. In September, Robyn received three incoming calls from Kim all on 9/18/20 for
21 a total of five minutes.
- 22 c. In October, Robyn received no telephone calls from Kim.
- 23 d. In November, Robyn received no telephone calls from Kim.
- 24 e. There have been no telephone calls between Robyn and Ms. Jones exceeding two
25 minutes in duration.

1 59. Recently, Kim began to facilitate more frequent communications between Ms.
2 Jones and Donna. This has been a very recent development and likely traced back to the
3 increased attorney involvement. However, Kim still refuses to coordinate frequent
4 communication and visits between Ms. Jones and Robyn. Since Kim became guardian, Robyn
5 has successfully visited Ms. Jones approximately five times even though Robyn lives in the same
6 city as Ms. Jones. Kim refuses to provide sufficient effort to engage and have Ms. Jones visit
7 with Robyn.

8 60. Kim will defend her behavior to Robyn by saying that Kim has never told Robyn
9 that she could not see Ms. Jones. But her behavior described above amounts to behavior falling
10 just short of outright refusal that is demoralizing and exhausting. Kim is attempting to groom
11 her sisters and the Court into understanding that she will not be told what to do.

12 61. Without Court intervention now, Kim will not continue to facilitate
13 communication and visits and yet more litigation will be required for Ms. Jones to have time
14 with family members other than those whom Kim picks and chooses to help Ms. Jones
15 communicate with and visit.

16 62. Under NRS 159.332, a guardian shall not restrict the right of a protected person
17 to communicate, visit or interact with a relative or person of natural affection. NRS 200.5092(4)
18 defines “isolation” as preventing an older or vulnerable person from having contact with another
19 person by intentionally preventing the older or vulnerable person from receiving visitors, mail
20 or telephone calls. All the foregoing examples of actions and inactions on the part of Kim are
21 violations of NRS 159.332 and NRS 200.5092(4).

22 63. Sadly, Petitioners are concerned that given their mother’s forgetfulness and likely
23 dementia her memory of them may be dimming due to a lack of visits resulting from Kim’s
24 interference. Over the last year, the longest phone call Robyn has had with Ms. Jones was only
25 two minutes. This is due to Kim’s interference. Additionally, Kim refuses to leave “her” home

1 during visits which forces Robyn to take Ms. Jones to places whether she wants to go or not and
2 Ms. Jones gets confused about why she's being forced to leave her home. As per her attorney,
3 Ms. Jones would rather have these visits in an easy setting when she is not feeling up to going
4 out. This is important because Ms. Jones is not always physically capable of leaving her home
5 and she is not cognitively capable of orienting herself properly for scheduling and meeting
6 outside of her home.

7 64. Additionally, Petitioners fear that Robyn is being portrayed as the cause of the
8 ongoing communication and visit dispute. Robyn believes that Ms. Jones views her differently
9 because of this portrayal. This ongoing dispute is negatively affecting Ms. Jones' relationship
10 with her daughters.

11 65. In reality, Kim's intervention is required to facilitate communication, visits, and
12 vacation between Ms. Jones and the rest of her family. Even if Robyn coordinates a visit with
13 Ms. Jones, Kim's involvement is still required to ensure there are no conflicts with Ms. Jones'
14 other appointments. In short, there will be absolutely minimal communication and no visits
15 between Ms. Jones and her family if the Court does not intervene.

16 **THIS COURT SHOULD ENTER AN ORDER FOR**
17 **THE PARTIES TO USE TALKING PARENTS**

18 66. Despite a staggering number of meet and confer efforts to resolve this without
19 the Court's intervention – including a large amount of attorney fees incurred in trying to get
20 Kim, as guardian, to cooperate in a way that most people would consider humane and intuitive
21 – Petitioners have been unable to persuade Kim to facilitate communication and visits in a clear,
22 time-sensitive, and effective manner. The foregoing illustrates the dire need Ms. Jones and her
23 family have for this Court to intervene and enter an order governing communication, visits and
24 vacation time with Ms. Jones.

25 67. It is in Ms. Jones' best interest that this Court order Kim and the other parties in

1 this case to use Talking Parents. It is a cost-effective, efficient way for them to communicate
2 regarding every aspect of this case, especially visits and vacation time. Ms. Jones needs this to
3 ensure she has time with her children and grandchildren, not just Kim and those persons Kim
4 prompts Ms. Jones to call or takes Ms. Jones to visit regularly. Again, Kim's improvement since
5 September 17, 2020 in this is only because she knew this Petition was going to be filed and the
6 Court and attorneys were getting more and more involved . . . again. Even so, Kim's current
7 improvement resulted in only three very strained visits – one in a car opening Christmas presents
8 for an hour, one for 10 minutes on Ms. Jones' outside bench on Halloween, and one last minute
9 visit for 2-3 hours at Robyn's home that took all day to coordinate. An Order is needed to ensure
10 she continues to help Ms. Jones with communication, visits and vacation time with all family
11 members.

12 68. Talking Parents is also a good way for this Court to observe the communications
13 and/or non-communications taking place to inform the Court when it comes time to make
14 decisions in this case.

15 69. Despite repeated requests from Robyn during these proceedings, Kim refuses to
16 use Our Family Wizard or Talking Parents which are programs designed to facilitate and verify
17 communication and visits when families are struggling with these activities. Then, oddly, Kim
18 requested to use one of these programs during the January 14, 2020 hearing in this case. *See* Tr.
19 Re: All Pending Motions Jan. 14, 2020, 12:14-18, 14:19-15:12 (filed Jan. 31, 2020). This Court
20 agreed it could be helpful. *See* Tr. Re: All Pending Motions Jan. 14, 2020, 15:22-16:2 (filed Jan.
21 31, 2020). Unfortunately, Kim failed to setup either program (which all parties seem to agree
22 would help) for the family and continues to refuse to do so.

23 70. Kim's attorney claims Petitioners are causing the expenditure of a lot of money.
24 Petitioners agree that sadly costs are extremely high. But evidence shows the solution is easily
25 within the control of the guardian. She has the legal right an obligation to ensure visits that June

1 wants are coordinated. Ms. Jones wants visitation with both Robyn and Donna and their families
2 – Ms. Jones’ posterity.

3 **THIS COURT SHOULD ORDER AN INTERVIEW AND MEDIATION**
4 **AT THE FAMILY MEDIATION CENTER (“FMC”)**

5 71. Like Talking Parents, the Family Medication Center (“FMC”) is another good
6 tool for this Court to utilize to gain insight to make good decisions in this case.

7 72. It is in Ms. Jones’ best interest that this Court understand what she wants
8 regarding communication, visits and vacation time with her children and grandchildren, and also
9 her limitations in coordinating this area of her life.

10 73. It is also in Ms. Jones’ best interest for this Court to receive a report from a trained
11 interviewer at FMC regarding Ms. Jones’ preferences and cognitive abilities to give informed
12 consent. It is in Ms. Jones’ best interest that the interviewer asks open-ended questions that
13 require more than a yes or no answer. This interview should be done outside the presence of the
14 guardian or in the presence of all involved, perhaps sitting or standing away from Ms. Jones to
15 afford her as much independence as possible in expressing her wishes.

16 74. It is also in Ms. Jones’ best interest that this Court order Kim, Robyn, Donna and
17 any other interested party to participate in mediation at the Family Mediation Center to put
18 together a communication, visit and vacation plan that incorporates the use of Talking Parents.
19 The intricacies of such a plan could be discussed and decided upon given that Robyn lives here,
20 closer to Kim and Ms. Jones, while Donna and other relatives live in California or other more
21 distant locations. Provisions could be tailored accordingly, some for family living close, and
22 some for family living more distantly such that if Ms. Jones were ever to relocate to reside in a
23 different state, the agreed-upon plan could continue uninterrupted in that jurisdiction without
24 further cost to Ms. Jones’ estate to relitigate.

25 75. Even though the Eighth Judicial District Court Website states that the Family

1 Mediation Center “mediates child-contested issues only,” counsel for Robyn and Donna learned
2 from FMC during a phone call that they have and can mediate a guardianship case and they could
3 interview Ms. Jones. All that is needed is a Court Order to access their services.

4 **THIS COURT SHOULD CANVASS THE PROTECTED PERSON**

5 76. This Court should use its expertise to canvass the protected person to gain insight
6 into her preferences and limitations, and into whether or not it would be wise to terminate this
7 guardianship in favor of power of attorney documents in the future, and correspondingly whether
8 it is a sound proposition that things would get better for Ms. Jones if the guardianship were
9 terminated, without the strength of the Court. Such a canvass would become part of the record
10 in this case to guard against any misguided attempt to terminate guardianship and revert to a
11 power of attorney situation in this state, or in California where Kim and Ms. Jones may relocate.
12 Robyn and Donna request that the canvass take place in such a way that Ms. Jones is unassisted
13 and uncoached by her guardian or anyone else. This way, the Court can understand Ms. Jones’
14 limitations clearly and they can be documented. Petitioners also request the opportunity to
15 present, in camera, a list of proposed questions for the Court to consider asking Ms. Jones during
16 the canvass. Petitioners propose that the other parties do the same if they desire. Robyn’s and
17 Donna’s proposed questions will be geared towards their mother’s specific family situation,
18 financial situation, social issues, safety, self-care and legal situation.

19 **THIS COURT SHOULD HEAR ARGUMENT REGARDING A COMMUNICATION,**
20 **VISITS AND VACATION CALENDAR; AND ENTER AN ORDER**

21 77. It is in Ms. Jones’ best interest that this Court intervene and enter an order
22 governing Ms. Jones’ communication, visits and vacation time with both local and distant
23 family. It is also in the family’s best interest so all that care to visit or communicate with Ms.
24 Jones will get the opportunity.

25 78. To help provide a full understanding of the situation, Robyn and Donna request

1 that Kim, as guardian, and that Ms. Jones' court-appointed counsel, in her capacity, articulate
2 their perspective on Ms. Jones' deficiencies so they can be properly addressed. All interested
3 parties deserve to have insight and understanding into how the persons that impact and influence
4 Ms. Jones the most perceive her capacity and limitations.

5 79. If an FMC Mediation is not successful, Robyn and Donna request the Court's
6 time and effort in holding a hearing to discuss Ms. Jones' preferences, and each parties'
7 availability with the express purpose of organizing and entering a communication, visits and
8 vacation calendar that implements use the of Talking Parents and Ms. Jones' place of residence.

9 80. Petitioners are willing to go down any path as long as the isolating treatment of
10 Ms. Jones ceases, and the family can have regular, consistent communication, visits, and
11 vacation with Ms. Jones. This is a common practice for a guardian to be responsible for
12 coordinating communication and visits with a protect person's family.

13 81. As part of Petitioners' request for an order including a calendar, schedule or
14 procedures for communication, visits and vacation, Petitioners want to point out the following:

- 15 a. When Kim followed parts of the May Agreement for Robyn, it worked well to have
16 allotted time to pick up Ms. Jones from her place of residence every Wednesday
17 from 1 pm to 6 pm and every other Saturday from 12 pm to 6 pm. This also worked
18 better for Donna because Robyn would help Ms. Jones call Donna while Robyn
19 and Ms. Jones were together, something Kim never did.
- 20 b. Petitioners need due regard to be given to their time limitations from running a
21 business and caring for their families, and the distances they must travel to see Ms.
22 Jones when deciding on timeframes for visits and notices.

23 82. Ms. Jones is not cognitively capable of coordinating logistics of visits including
24 planning and providing reasonable notices. Accordingly, Petitioners would like to see a mediated
25 agreement or a Court Order that sets guidelines for reliable ways for family to communicate,
visit and have vacation time with Ms. Jones so attorneys do not need to get involved every few
months. Petitioners are open to anything that provides guidance and includes reliable ways for
family near Ms. Jones and for family that lives out-of-state, based upon what is best for Ms.

1 Jones and that is workable for Kim, Petitioners, and other family members. Even requirements
2 for communication or visits that is worded as simply as “once a month,” or “twice a week” that
3 are easy to understand and enforceable would greatly improve the situation. Such a mediated
4 agreement or order will protect Ms. Jones’ right under NRS 159.328 to receive telephone calls,
5 have visitors, and protect against isolation as defined under NRS 200.5092(4).

6 83. Petitioners do request that any mediated agreement or Court order includes the
7 following provisions:

- 8 a. Kim is responsible for facilitating the scheduled communications, visits, and
vacations;
- 9 b. Kim is to drive Ms. Jones to the local family visits 50% of the time;
- 10 c. Kim is not to refuse to allow these visits to occur at Ms. Jones’ home and Kim must
11 stop refusing to leave the home to allow visiting family members a chance to visit
12 with Ms. Jones in her home where she feels safe, secure, and comfortable;
- 13 d. Kim is to aid Ms. Jones in making telephone calls to her family one to two times a
14 week at set times so as not to be manipulated to times when the family members
are unlikely or unable to answer – ideally these phone calls will be over FaceTime
or Zoom to allow face-to-face communications;
- 15 e. That there be a standing call time to check-in with family once or twice a week or,
16 alternatively, ten minutes set aside every week where Kim calls all of Ms. Jones’
family, including the grandchildren, on Ms. Jones’ behalf;
- 17 f. Anytime Ms. Jones visits another state where her family resides, Kim provides
18 advance notification to the family to reasonably coordinate a realistic and quality
visit;
- 19 g. Kim is mandated to weekly provide updates to Petitioners regarding Ms. Jones’
20 physical travel plans if leaving the state, and general updates regarding her life such
21 as her health, needs, desires, experience, and lawsuits which these communications
being as far in advance as possible;
- 22 h. Any communications between Kim and Petitioners will be confirmed in writing;
- 23 i. The Court directs Kim to provide straightforward answers to questions raised in
24 text messages promptly; rather than only answering one out of a few questions or
providing responses that do not relate to the questions asked.
- 25 j. The Court instructs Kim of her responsibility before making any major decisions

concerning Ms. Jones; and

- k. That the same schedule from the May Agreement be used except that the schedule be in a Court Order and cover all of Ms. Jones' family.

84. Petitioners assert that while none of us likes to be ordered around, this is not ordering Ms. Jones around, though upon information and belief, this is how it is being presented to Ms. Jones by multiple parties. The guardianship Bill of Rights guarantees protection for Ms. Jones and Petitioners want that protection. However, the Bill of Rights also recognizes that people who need guardians also do not always have the capacity to understand or appreciate the planning and judgment needed to facilitate the best decisions for them. That is why help is needed; because protected persons lack some level of capacity to appreciate some of these things. Kim and her attorney, and to some extent, the legal aid attorney, continue to argue as though any effort to schedule is an unconscionable imposition on Ms. Jones' freedom. That is simply wrong, and their arguments are hurting Ms. Jones. All Petitioners seek is reasonable, basic communication and cooperation to facilitate visits that Ms. Jones wants, but is unable to arrange on her own.

85. Petitioners should not be forced to spend thousands of dollars negotiating and putting together an enormous petition full of examples and burdening the court simply to get basic visitation and communication with their mother. This could be a perfect way for Kim to get a break from her caretaking duties.

**THIS COURT SHOULD AWARD PETITIONERS THEIR
ATTORNEY'S FEES AND COSTS PURSUANT TO NRS 159.338.**

86. The amount of time and attorney fees that have been incurred to insure intuitive simple, good faith, humane communication in this matter is ridiculous and has been a topic of discussion at nearly every hearing in this matter, with multiple sides accusing Kim of isolating Ms. Jones and using communication and visits – or the lack thereof – to punish those with whom Kim disagrees.

1 87. NRS 159.338(1)(b), with emphasis added, states that in a proceeding held
2 pursuant to NRS 159.331 to 159.338, inclusive, if the court finds that:

3 (b) A guardian is in contempt of court or has acted frivolously or in bad
4 faith in prohibiting or **restricting communication, visitation or**
5 **interaction between the relative or person of natural affection and the**
6 **protected person, the court may:**

- 7 (1) Award attorney's fees to the prevailing party; and
8 (2) Impose sanctions against the guardian.

9 88. NRS 159.338(2) adds that:

10 Any attorney's fees awarded pursuant to this section must not be paid by
11 the protected person or the estate of the protected person.

12 89. In this case, as demonstrated throughout this petition by specific examples, Kim
13 has acted frivolously and/or in bad faith in prohibiting and restricting communication, visits, and
14 interaction between Ms. Jones and her daughters Robyn and Donna.

15 90. Applying NRS 159.338 to order Kim to pay Petitioner's attorney's fees is perhaps
16 the best deterrent to future violations of NRS 159.332 and/or attempts at isolation as defined in
17 NRS 200.5092(4). Petitioners believe that without some motivation from this Court, Kim will
18 revert to her passive aggression antics at the first opportunity and communication and visits will
19 cease.

20 91. Therefore, pursuant to NRS 159.338, this Court should order Kim to pay
21 Petitioners' attorney's fees and costs incurred in bringing this motion, the total amount to be
22 subsequently decided upon by this Court after Petitioners file and serve their *Brunzell* affidavit
23 and memorandum of fees and costs for review.

24 **PRAYER FOR RELIEF**

25 WHEREFORE, based upon the foregoing, Petitioners request that the Court GRANT
Petitioners Robyn and Donna's Petition in its entirety and ORDER:

1. That the parties use Talking Parents;

1 2. That Kim shall take Ms. Jones to FMC for an interview using open-ended questions,
2 without any other person(s) present, if possible, to get more than just yes or no answers and
3 really ascertain Ms. Jones' preferences concerning communication, visits and vacation with her
4 family members, and her ability to use her phone;

5 3. That Kim, Robyn, Donna and any other interested party who wants to attend, shall attend
6 a mediation at FMC to decide upon a communications, visits, and vacation calendar that
7 incorporates use of Talking Parents and allows for visits and phone calls from persons living
8 closer to Ms. Jones and out-of-state, as well as vacation time;

9 4. That the Court Canvass Ms. Jones to ascertain her preferences and limitations and
10 capabilities including cognitive abilities;

11 5. That if an agreement is not reached through FMC, the Court hold a hearing to receive
12 input from all parties and decide upon and order a communications, visits, and vacation calendar
13 that incorporates the use of Talking Parents and allows for regular visit opportunities and phone
14 calls from persons living closer to Ms. Jones and out-of-state, as well as vacation time;

15 6. That any Court order include the following provisions:

- 16 a. Kim is responsible for facilitating the scheduled communications, visits,
 and vacations;
- 17 b. Kim is to drive Ms. Jones to the local family visits 50% of the time;
- 18 c. Kim is not to refuse to allow these visits to occur at Ms. Jones' home and
19 Kim must stop refusing to leave the home to allow visiting family members
20 a chance to visit with Ms. Jones in her home where she feels safe, secure,
 and comfortable;
- 21 d. Kim is to aid Ms. Jones in making telephone calls to her family one to two
22 times a week at set times so as not to be manipulated to times when the
23 family members are unlikely or unable to answer – ideally these phone calls
 will be over FaceTime or Zoom to allow face-to-face communications;
- 24 e. Anytime Ms. Jones visits another state where her family resides, Kim
25 provides advance notification to the family to reasonably coordinate a
 realistic and quality visit;

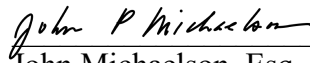
- 1 f. Kim is mandated to weekly provide updates to Petitioners regarding Ms.
2 Jones' physical travel plans if leaving the state, and general updates
3 regarding her life such as her health, needs, desires, experience, and lawsuits
4 which these communications being as far in advance as possible;
5
6 g. The Court directs Kim to provide straightforward answers to questions
7 raised in text messages promptly; rather than only answering one out of a
8 few questions or providing responses that do not relate to the questions
9 asked.
10
11 h. Any communications between Kim and Petitioners will be confirmed in
12 writing;
13
14 i. The Court instruct Kim of her responsible before making any major
15 decisions concerning Ms. Jones; and
16
17 j. That the same schedule from the May Agreement be used except that the
18 schedule by in a Court Order and cover all of Ms. Jones' family.

19 7. That Kim pay Petitioners' attorney's fees and costs incurred in bringing this motion, with
20 the total amount of the award to be subsequently decided upon by this Court after Petitioners file
21 and serve their *Brunzell* affidavit and memorandum of fees and costs for review; and

22 8. Such other and further relief as the Court deems appropriate.

23 DATED: December 30, 2020.

24 MICHAELSON & ASSOCIATES, LTD.

25 

John Michaelson, Esq.

Nevada Bar No. 7822

Ammon E. Francom, Esq.

Nevada Bar No. 14196

2200 Paseo Verde Parkway, Ste. 160

Henderson, Nevada 89052

Counsel for Petitioners

CERTIFICATE OF SERVICE

Pursuant to NEFCR 9, the undersigned hereby certifies a copy of the foregoing Petition was electronically served on the following individual on December 30, 2020. In addition, pursuant to Nevada Rule of Civil Procedure 5(b), the undersigned hereby certifies that on December 31, 2020 a copy of the Petition was mailed by regular US first class mail, postage prepaid, in a sealed envelope in Henderson, Nevada, to the following individuals and/or entities at the following addresses:

Jeffrey R. Sylvester jeff@sylvesterpolednak.com Kelly L. Easton kellye@sylvesterpolednak.com Co-Counsel for Petitioners, Robyn Friedman and Donna Simmons	Maria L. Parra-Sandoval, Esq. Legal Aid Center of Southern Nevada mparra@lacs.nv.gov <i>Attorney for Kathleen June Jones</i> Penny Walker pwalker@lacs.nv.gov <i>Counsel for June Jones</i>
Geraldine Tomich, Esq. gtomich@maclaw.com James Beckstrom, Esq. jbeckstrom@maclaw.com Cheryl Becnel cbecnel@maclaw.com <i>Attorneys for Kimberly Jones</i>	Kate McCloskey NVGCO@nvcourts.nv.gov LaChasity Carroll lcarrol@nvcourts.nv.gov Sonja Jones sjones@nvcourts.nv.gov

Jen Adamo 14 Edgewater Drive Magnolia, DE 19962	Teri Butler 586 N. Magdalena Street Dewey, AZ 86327
Jon Criss 804 Harkness Lane, Unit 3 Redondo Beach, CA 90278	Scott Simmons 1054 S. Verde Street Anaheim, CA 92805
	Ryan O'Neal 112 Malvern Avenue, Apt. E Fullerton, CA 92832

MICHAELSON & ASSOCIATES, LTD.

/s/ Amber Pinnecker
Employee of Michaelson & Associates

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VERIFICATION

Robyn Friedman, being first duly sworn, under penalty of perjury, hereby deposes and says: that she is a Petitioner in the Petition above; that she has read the foregoing Petition and knows the contents thereof; that the same are true of her own knowledge except as to those matters therein stated upon information and belief and as to those matters, she believes them to be true; that she possesses text messages, telephone records, and videos as stated throughout this Petition that support, memorialize, and prove the facts as presented in this Petition.

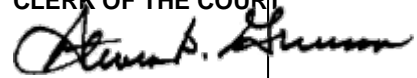
ROBYN FRIEDMAN

VERIFICATION

Donna Simmons, being first duly, sworn under penalty of perjury, hereby deposes and says: that she is a Petitioner in the above-referenced Petition; that she has read the foregoing Petition and knows the contents thereof; that the same are true of her own knowledge except as to those matters therein stated upon information and belief and as to those matters, she believes them to be true.

DONNA SIMMONS

EXHIBIT 2



1 **OPP**

2 Maria L. Parra-Sandoval, Esq.
3 Nevada Bar No. 13736
4 mparra@lacsns.org

5 **LEGAL AID CENTER OF**
6 **SOUTHERN NEVADA, INC.**
7 725 E. Charleston Blvd.
8 Las Vegas, NV 89104
9 Telephone: (702) 386-1526
10 Facsimile: (702) 386-1526

11 *Attorney for Kathleen June Jones, Adult Protected Person*

12 **EIGHTH JUDICIAL DISTRICT COURT**
13 **FAMILY DIVISION**
14 **CLARK COUNTY, NEVADA**

15 In the matter of the Guardianship of the Person
16 and Estate of:

17 KATHLEEN JUNE JONES,

18 Adult Protected Person.

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

21 **KATHLEEN JUNE JONES' OPPOSITION TO VERIFIED PETITION FOR**
22 **COMMUNICATION, VISITS, AND VACATION TIME WITH PROTECTED PERSON**

23 Kathleen June Jones ("June"), the protected person herein, by and through her counsel,
24 Maria L. Parra-Sandoval, Esq., hereby files this Opposition to Robyn Friedman and Donna
25 Simmons' Verified Petition for Communication, Visits, and Vacation Time with Protected
26 Person (the "Opposition"). June's Opposition is based upon and supported by the Memorandum
27 of Points and Authorities contained herein, the pleadings and papers on file in this case, and the
28 argument of counsel as allowed by the Court at the time of hearing.

DATED this 25th day of January, 2021.

LEGAL AID CENTER OF SOUTHERN
NEVADA, INC.

/s/ Maria L. Parra-Sandoval

Maria L. Parra-Sandoval, Esq.
Attorney for Kathleen June Jones,
Adult Protected Person

MEMORANDUM OF POINTS AND AUTHORITIES

I. Introduction

June requests for this Court to honor her preferences with regards to communications, visits and vacation time with her adult children under both NRS 159.328(h) and (i). Under NRS 159.328 (h), a protected person has the right to “Remain as independent as possible, including, without limitation, to have his or her preference honored regarding his or her residence and standard of living, either as expressed or demonstrated before a determination was made relating to capacity or as currently expressed, if the preference is reasonable under the circumstances.” Subsequently, under NRS 159.328 (i), a protected person has the right to “Be granted the greatest degree of freedom possible, consistent with the reasons for a guardianship, and *exercise control of all aspects of his or her life* that are not delegated to a guardian specifically by a court order.” (emphasis added). As has been stated multiple times before in these proceedings: The purpose of these rights is to give the protected person the driver’s seat in his or her guardianship case. The law is clear that it is June who gets to control aspects of her life such as communications and visitation with her adult children, including refusing to communicate with or visit with family members she does not want to see.

June is clear that she does not want the imposition of anything that looks like a visitation schedule nor does she want her guardian to be bound by a communication protocol to arrange calls or visitation when June is easily accessible. An additional communication tool will only isolate June from her own family. Like any other person not in a guardianship, June wants to be able to call or plan visits when she feels like it. June wants to be treated like “a normal person who can call [whoever she wishes] at any time.” In many ways, June is content with the status quo—without a court order subjecting her to Robyn Friedman and Donna Simmons’ (“Petitioners”) demands for a schedule or for mandatory mediation for the purpose of determining a visitation schedule. Finally, June wants her family to listen to her wishes and desires and quit treating her as if she has no say in with whom or how she wants to communicate with members of her own family.

1 **II. Argument**

- 2 a. Petitioners' request seeks nothing more than to satisfy their own self-serving
3 interests without the slightest regard for June's oft-repeated wishes.

4 Petitioners are requesting this Court to employ the *same* procedures used in minor
5 custody actions or contested divorce actions involving children to impose a visitation schedule
6 on June, as if she were a child with little to no rights to her own choices regarding with whom
7 she does or does not wish to communicate. Petitioners seek a visitation schedule pursuant to
8 those procedures, not because such a schedule would benefit June or because that is what June
9 wants, but in spite of her wishes. Petitioners demand a visitation schedule solely because it
10 would benefit them. NRS 159, and more specifically the Bill of Rights, does not provide support
11 for the Petitioners' repeated demands. They should not be allowed to continue to manipulate
12 time and resources of this Court simply for their own selfish purposes or because they do not get
13 along with the guardian. June adamantly and consistently opposes such procedures, specifically
14 the proposed interview and mediation at the Family Mediation Center.

15 The current petition once again demonstrates the unsisterly conduct between June's
16 daughters. This Court's role is to protect June, the protected person, by ensuring the guardian
17 abides by her obligations under NRS 159 and by allowing June, pursuant to the Bill of Rights,
18 to have a voice in decisions that affect her. It is not the Court's role to appease the family
19 members. June has made her wishes known to her attorney that she does not want additional
20 procedures and a potential schedule imposed on her. Nor does she wish to attend mediation or
21 be interrogated by anyone regarding visitation with family. June should not have to pay such a
22 high price because of her daughters' never-ending tug-of-war communication battles. This is
23 emotionally draining to June. Instead, it is the guardian and the Petitioners who should be sent
24 to mandatory mediation to work out their communication problems, at no additional cost to
25 June's estate. Unfortunately, the Court cannot fix decades of bad family relationships. June's
26 daughters need to fix it themselves with the help of a mediator, retreat, etc. June is not the
27 problem here and should not be treated as if she is.

1 There are challenges family members will undoubtedly face with protected persons with
2 diminished capacity. The Nevada Statutes grant protected persons many freedoms to the extent
3 that they are able to execute them—which includes scheduling their own communications and
4 visitations and deciding who they want to visit or not. In this instance, June is perfectly capable
5 of expressing, as well as managing, with whom and how she wishes to communicate. She has
6 made those wishes known to counsel. Counsel has relayed June’s wishes to Petitioners’ counsel
7 but neither he nor his clients will accept those wishes and have now sought court intervention.

8 b. June’s wishes have been adequately expressed through her counsel

9 Petitioners argue that June “is cognitively incapable of reliably and accurately
10 transferring visit information to anyone or remembering to act on it herself.”¹ Petitioners have
11 failed to present any evidence to support this rather bold and definitive statement. While June
12 may have been determined to lack capacity such that a guardianship has been ordered, that fact
13 does not equate with a “cognitive[] incapabil[ity]” to express her wishes with regard to who and
14 how she wants to communicate or visit. In fact, NRS 159.331, et.seq. anticipates that any
15 protected person under a guardianship order retains the right to self-determine on the issue of
16 visitation and communication, throughout the guardianship. As long as June is able to direct her
17 court-appointed attorney, this Court should continue to honor what June wants because that it
18 what NRS 159 mandates.

19 Petitioners further argue that it may be time for this Court to appoint a guardian ad litem
20 to act on June’s best interests presumably because a guardian ad litem would determine that
21 forcing a visitation schedule on June that she adamantly opposes is in her best interest.² Thus
22 far, Petitioners and their counsel have failed in their repeated and bullying efforts to force June,
23 through her counsel, into the visitation protocol that they want.³ Their strategy now is to have
24 this Court appoint a guardian ad litem who they believe will simply agree that June should adhere
25 to their visitation protocol, despite any of June’s protestations to the contrary, because what they
26

27
28 ¹ See Verified Petition, p. 5, paragraph 17.

² Id., p. 5, paragraph 17.

³ See emails from John Michaelson, Petitioner’s counsel, attached as Exhibit A.

1 want is in June's best interest. Under the Bill of Rights, June has the right to determine with
2 whom and how she wishes to communicate or visit and she has clearly expressed those wishes
3 to counsel. There is no need for a guardian ad litem and this Court should dismiss the notion out
4 of hand.

5 Further, Petitioners disingenuously argue that June's right to have an attorney represent
6 her wishes in the guardianship is "failing" her because "it is not at all clear that [June] is able to
7 direct the currently pending appeal ..."⁴ First, the logic in this statement is just flat out
8 impossible to follow. Second, how exactly is June's right to an attorney failing her? June's
9 attorney has advocated for June's wishes at every stage of this unnecessarily tortured case,
10 including her wishes with regard to her late husband's visitation demands, and his failed attempt
11 to remove her preferred guardian. As the statute requires, the Court has provided June the
12 opportunity to voice her wishes through appointed counsel and has taken June's wishes into
13 consideration. As noted above, June still retains the right to be involved in decisions affecting
14 her life **while in a guardianship** and her counsel has protected that right throughout the
15 proceedings, including in the pending appeal. June is not ignorant of her legal issues. Her
16 counsel has kept her apprised and involved in every matter heard and pending in her guardianship
17 case. Counsel's role and responsibility is to June and she is not obligated to smooth things out
18 between unreasonably contentious family members, as Petitioners appear to suggest by their
19 demands.⁵

20 Presumably Petitioners and their counsel do not appreciate having to defend against
21 June's appeal of this Court's decision to award their counsel's extremely high fees from her
22 dwindling estate. They likely also do not appreciate that June's counsel continues to insist that
23 June's wishes be considered in every aspect of the guardianship matter when what June wishes
24 does not jive with or is contrary to their wishes. Too bad; it is June's right to appeal just as it is
25 her right to determine with whom and how she wishes to communicate or visit. Petitioners'
26 dissatisfaction and frustration with not having their repeated demands met does not mean that
27

28 ⁴ See Verified Petition, p. 5-p.6, paragraph 17.

⁵ See id., paragraph 19.

1 Nevada's mandate, that all persons in guardianship must have counsel, is failing June. On the
2 contrary, by all accounts, advocacy in guardianship, as mandated by NRS 159, is working quite
3 well for June.

4 June is able to tell her guardian, as well as her attorney, who she wants to talk to and
5 when. According to June, "Kimberly is doing a good job." The only issue here is that grown
6 women refuse to work together with what should be simple logistics for setting up
7 communication when June wishes to see a family member. Petitioners are seeking ways to
8 simplify their lives by imposing additional procedures and a schedule on June and in doing so
9 they are not honoring June's preferences. June's counsel will not assist them in that regard
10 because it is not her role *nor is it June's wish*.

11 While not germane to the ultimate request, Petitioners have nonetheless raised the issue
12 of the pending appeal in their request and June is compelled to respond. There is an additional
13 adversarial component to June and Petitioners' relationship. June has appealed this Court's
14 decision to pay Petitioners' attorney's fees from her estate. When provided with this current
15 request of Petitioner's, June's response was "Robyn needs to stay out of my business and pay
16 for her own damn fees." This is not an unreasonable statement. On September 25, 2020,
17 Petitioner, Robyn Friedman, commenced an action in California as a Judgment Creditor to place
18 a lien on June's home for a total of \$58,304.21,⁶ the amount June must pay of Petitioners'
19 attorneys' fees. This action on Robyn's part caused June further anguish. Now, the same
20 Petitioner wants to enforce a visitation protocol on June that suits her needs rather than June's.
21 Is it any wonder that June is not racing to the phone to communicate with or set up visits with
22 either of the Petitioners under these circumstances? Forcing June to communicate or visit with
23 Petitioners when there is so much tension caused by their continued litigation is not likely in
24 June's best interest. More importantly, it is not what June wants. She feels she is being harassed
25 by her own daughter "who always wants to have her way." It is reasonable for June to want to
26 limit contact with family members who are active parties to a lawsuit, and who are so insistent
27

28 ⁶ See Application for Entry of Judgment on Sister-State Judgment filed on September 25, 2020,
Superior Court of California, County of Orange, attached as Exhibit B.

1 that June pay their attorney's fees that they have placed a lien on her home! June's reasonable
2 and articulately expressed desires regarding communication with family members should be
3 honored.

4 c. Family Mediation is unnecessary and a waste of time and resources.

5 Counsel has explored the use of applications like Family Wizard and Talking Parents
6 with June, at Petitioners' repeated insistence, but June has consistently turned them down.
7 Currently, with the ongoing litigation involving Petitioners, June is adamant that her preference
8 is still "no." This Court should deny Petitioners' request for Mediation June is not a minor or the
9 subject of a custody action; she is an adult whose dysfunctional family caused her to be in a
10 guardianship despite the existence of a Power of Attorney and have continued to disregard her
11 wishes since. June is verbal and can communicate well with her guardian and her attorney. She
12 has the right and ability to make her preferences known to her attorney and the Court with regard
13 to whom and how she wants to communicate or visit. Further, June objects to being subjected to
14 interrogation by Petitioners, or anyone else for that matter, because she has counsel who can
15 speak for her. June is not on trial here to be cross-examined. Petitioners have emotionally and
16 financially drained their own mother already. This latest request is just more of the same
17 unreasonable requests that Petitioners have made throughout the guardianship. June is willing to
18 state her preference to this Court regarding her right to call, talk and visit with whomever she
19 wants, or not, without the need for a schedule or for mandatory mediation, but that is all. Further
20 statements will be made through court appointed counsel.

21
22 **III. Conclusion**

23 For the above-stated reasons, June requests that this Court deny Petitioners' Verified
24 Petition For Communication, Visits, And Vacation Time With Protected Person in its entirety.

25 ///

26 ///

27 ///

1 DATED this 25th day of January 2021.

2
3 **LEGAL AID CENTER OF
SOUTHERN NEVADA, INC.**

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

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

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

7 725 E. Charleston Blvd
Las Vegas, NV 89104
Telephone: (702) 386-1526
Facsimile: (702) 386-1526

9 mparra@lacsnsn.org

10 *Attorney for Adult Protected Person Kathleen
June Jones*

11
12 **CERTIFICATE OF SERVICE**

13 I HEREBY CERTIFY that on the 25th day of January 2021, I deposited in the United
14 States Mail at Las Vegas, Nevada, a copy of the foregoing document entitled **KATHLEEN**
15 **JUNE JONES' OPPOSITION TO VERIFIED PETITION FOR COMMUNICATION,**
16 **VISITS, AND VACATION TIME WITH PROTECTED PERSON** in a sealed envelope,
17 mailed regular U.S. mail, upon which first class postage was fully prepaid, addressed to the
18 following:
19

20 N/A
21

22 AND I FURTHER CERTIFY that on the same date I electronically served the same document
23 to the following via ODYSSEY, the Court's electronic filing system, pursuant to EDCR 8.05:
24

25 James Beckstrom, Esq.
26 jbecstrom@maclaw.com
27 Geraldine Tomich, Esq.
28 Gtomich@maclaw.com
Attorneys for Guardian

1
2
3 John Michaelson, Esq.
4 john@michaelsonlaw.com
5 Lora Caindec-Poland
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7 Jeffrey R. Sylvester, Esq.
8 jeff@sylvesterpolednak.com
9 Attorneys for Robyn Friedman and Donna Simmons

10 LaChasity Carroll
11 lcarroll@nvcourts.nv.gov
12 Sonia Jones
13 sjones@nvcourts.nv.gov
14 Kate McCloskey
15 NVGCO@nvcourts.nv.gov
16 Guardianship Compliance Office

17
18 /s/Penny Walker
19 Employee of Legal Aid Center of Southern Nevada
20
21
22
23
24
25
26
27
28

EXHIBIT A

Maria Parra-Sandoval

From: Maria Parra-Sandoval
Sent: Thursday, August 06, 2020 5:09 PM
To: 'John Michaelson'
Cc: Patrick McDonnell; James A. Beckstrom
Subject: RE: Kathleen June Jones

Follow Up Flag: Follow up
Flag Status: Flagged

AmicusId: 627495
AmicusStatus: Saved
AmicusFileName: Jones, Kathleen J. re: Adults Under Guardianship
AmicusFileIds: 79094
AmicusDealtWith: Yes
AmicusTimeEntry: Yes

John,

What you are implicitly asking me to do is to force June, literally *force* her to agree to a schedule that she doesn't want. My job is to represent her wishes and that's what I have done the entire time since I was appointed to represent her. We have had many conversations over this same issue and her position has not changed. June has been the one client I've had the most contact with from all my past and present guardianship clients. June wants to see all her children, but on her own terms. I'm not going to force her to change her mind. Doing the opposite would be 'hurting' her. The fact that June is aligned with her guardian is out of my control. My job is not to defend Kimberly—she has her own attorney.

You have been practicing guardianship law long enough to know that we treat protected persons with diminished capacity as normal as possible (See the Bill of Rights). If you haven't filed anything thus far regarding forcing a visitation schedule on June is because you know your client will not be successful.

June has some memory issues but Robyn knows June is capable of deciding whether to go on an outing or not. Kimberly assists with putting the events on her calendar. As I've stated before, Kimberly is obligated to schedule medical appointments. But under the Bill of Rights, June should be treated as normal as possible and if she wants to manage her own social calendar, then she should be able to control her own social/visitation calendar.

Please disregard any typos.

Maria



Maria Parra-Sandoval, Esq.
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[Legal Aid Center E-Newsletter](#)

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From: John Michaelson [mailto:john@Michaelsonlaw.com]
Sent: Wednesday, August 05, 2020 6:57 PM
To: Maria Parra-Sandoval <MParra@lacsns.org>
Cc: Patrick McDonnell <patrick@Michaelsonlaw.com>; James A. Beckstrom <jbeckstrom@maclaw.com>
Subject: RE: Kathleen June Jones

Maria, please try to be more reasoned in your approach to this case. As we keep telling you, June has been consistent in telling Robyn and Donna that she would like to see them and her grandson. Your ardent desire to support James in this case is hurting your client. We do not want to spend money on this matter and keep trying to respectfully raise issues with you and James but you are blind to any adjustments to the problem in this case – Kimberly. Extremely simple and humane responses from her – the kind I think you and I and James would naturally make for each other to help confirm and support visitation – do not happen. We keep telling you that.

I'm curious, how does June handle her medical appointments and court dates?

John P. Michaelson, Esq. | MICHAELSON & ASSOCIATES, LTD. | john@michaelsonlaw.com | 702.731.2333

From: Maria Parra-Sandoval <MParra@lacsns.org>
Sent: Wednesday, August 5, 2020 5:33 PM
To: John Michaelson <john@Michaelsonlaw.com>
Cc: Patrick McDonnell <patrick@Michaelsonlaw.com>; James A. Beckstrom <jbeckstrom@maclaw.com>
Subject: RE: Kathleen June Jones

John,

As I stated in my June 11, 2020 email, June has been consistently clear about her desire to control her visits. James keeps reiterating the same thing in this email chain.

If this is not an acceptable response to Robyn, please raise this issue with the court to put this to rest. It's taking even more time (and expense) outside the courtroom. As I have stated, June has been willing to tell the Judge herself what she wants. Your client needs to put June's wishes first—not her own. June is easily accessible and she's able to return my calls within a couple of hours. James has outlined what your client needs to do to communicate proposed vacation dates, etc. This shouldn't be a hard procedure to follow.

I spoke with June yesterday and she confirmed that she didn't want to go to Palm Springs and feels she is being harassed to go on vacation with Robyn. June doesn't want to be told what to do and doesn't want any kind of visitation schedule with Robyn. Also, if June is invited on a vacation, she only wants to go for two or three days at the most. Please let June control her own social schedule.

Maria Parra-Sandoval



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From: James A. Beckstrom [<mailto:jbeckstrom@maclaw.com>]
Sent: Tuesday, August 04, 2020 3:53 PM
To: 'John Michaelson' <john@Michaelsonlaw.com>; Maria Parra-Sandoval <MParra@lacs.org>
Cc: Patrick McDonnell <patrick@Michaelsonlaw.com>
Subject: RE: Kathleen June Jones

John,
Every week I receive a multi-page letter from your office. It is getting absurd, as the complaints are all about what your client wants, as if they are the center of attention. The problem is, your client has ignored June's desires and attempts to treat this case like a child custody battle. It is not a child custody battle. It is not a case with a dictated "visitation schedule." June has her own attorney and has made this very clear. She doesn't want a set schedule with your client. If you ask the Court to impose one, it will be met with harsh opposition. Your client is becoming overbearing. The point of this is to once again relay that it is not Kimberly making all of these decisions, it is June—who has a strong opinion on these issues.

June has seen all of her children consistently for the past several months. She has also been balancing a juggling act with her husband—who has feigned imminent death over the past two weeks.

I will respond to each of your concerns below. But again, Kimberly has no problem with June leaving at anytime with Robyn. However, June has made it clear she is the person who decides when and where she goes. **My responses are in red below.**



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From: John Michaelson <john@Michaelsonlaw.com>

Sent: Saturday, August 1, 2020 11:40 AM

To: James A. Beckstrom <jbeckstrom@maclaw.com>; Maria Parra-Sandoval <MParra@lacs.org>

Cc: Patrick McDonnell <patrick@Michaelsonlaw.com>

Subject: [External] Kathleen June Jones

James,

As you are aware, our clients have longstanding unresolved complaints about your client and guardian Kim pertaining to communication and visitation with June Jones, their mother. Robyn has attempted to resolve the following disputes directly with Kim, to no avail, and our law firm has communicated with you at length about these things.

Pursuant to your discussions with our firm a couple of months ago as to how impasses between our clients should be handled and also to ensure our compliance with EDCR 5.501, we are once again bringing the most recent issues to your attention in a continuing attempt to resolve these disputes without court intervention. As you recall, you and I discussed that we would work together to resolve these things before they got out of hand.

Kim has made it untenable for Robyn, Perry and their son to visit her mother at her mother's own house. Robyn and Perry's son is 4 year old Ampersand.

The Friedman's have been trying to ensure that the visits to/with June are as beneficial to June as possible making sure the extended familial connections are protected for June to enjoy. As you are aware, part of the May 19, 2020 agreement, was that on every Wednesday from 1 p.m. to 6 p.m. and every other Saturday from noon to 6 p.m., Robyn was free to pick June up from June's home on Kraft Avenue or Robyn and any other family members could come to June's home to visit with June. Robyn and Perry have tried their best for months to make their visits to/with June work on Wednesday afternoons and every other Saturday. June has consistently approved of the Friedman's' visits and said she wants them to continue. Kim knows this; June has said so in front of Kim.

When the Friedman's visit June at her home, however, Kim always remains at the house, hovering, interrupting the visit, keeping the atmosphere tense, and essentially turning it into an uncomfortable supervised visit.

On July 22, 2020, Robyn and Perry, along with their 4-year-old son Amp, were visiting with June at June's home when Kimberly lost her temper, aggressively got up in June's face to repeatedly demand that June answer whether or not she wanted to go to Palm Springs for a week with Robyn (June said she did). When Robyn pleaded with Kim to stop, Kim proceeded to turn her anger on Robyn. Kim's eruption and hostility had June shrinking back into the couch and also thoroughly upset and confused Amp. The result of this instability is that absent changes, the Friedman's cannot continue to visit June at her home and cannot risk subjecting Amp to more outbursts of this type by Kim.

Granted, Robyn could and will continue to pick up June and take her away from June's house for visits. Leaving June's house and going somewhere else is not always possible or practical, however. Moreover, June should not have to always leave her own home to spend quality time with her extended family. . With COVID-19 on the resurgence, June at exceptionally high-risk, there are only a few places outside the home to which they can go and still keep June safe and abide by Kim's instructions in this regard, They have already visited most of those sight-seeing spots as June cannot enter public places safely use public restrooms which she needs approximately every two hours. They've also simply driven around town with June for hours talking and sightseeing - but driving around for hours in a car together does not really make for a good visit for a grandmother and a 4-year-old. June deserves better. If Kimberly could assist June in determining things she'd like to do or places she'd like to drive to during visits it would be very helpful to further June's enjoyment of this time as June's cognitive disabilities preclude her from often times being able to make suggestions when asked what she'd prefer to do. Leaving all planning up to the very last minute of arrival at the home for pick up severely limits options based on the Friedman's ability to arrange their own busy schedules at the last minute multiple times a week. To avoid or at least lessen the dysfunction and hostility at June's home so that June can continue to have visits there from her daughter and grandson, can't Kim just allow the Friedman's to have unsupervised visits at June's home? As Judge Marquis previously stated during a hearing in this case, most caretakers usually need and welcome a break. It would give Kim time to herself, to run errands, shop, or whatever she may want or need to do.

In any event, please inform us as to your client's proposed changes as to visitation so that June can continue to see the Friedman's absent the unhealthy environment both inside June's home and during pick-ups and drop-offs. We are asking that Kim tell us what is workable. The ball is in your client's court, as she is June's guardian, to find a workable solution to keep June connected to people with whom she repeatedly expresses interest in spending time. Without solutions, Kim will otherwise be alienating and isolating June away from visits from her daughter and grandson. For June and Amp's sake, Robyn and Perry will not risk this kind of blow-up again. The current situation is harmful to June in that it pushes people away from her when she wants to stay connected to her family. This is a tactic Kim has been seen to employ with others June has relationships with as well.

First, do not try to mischaracterize my email on May 19, 2020. The agreement was that June is available during those periods as she desires. I have It is not a visitation schedule, it was an attempt to further appease your client—who is making unreasonable demands and demands to be the center of attention in this case. I don't understand why Robyn can't take June to her house and drop her off.

Kim scuttled June and the Friedman's vacation by going to Arizona with June just days before the vacation was to begin and staying in Arizona two days past the vacation start date.

While June may travel when and where she likes, the utter lack of communication regarding how that trip would impact the vacation planned and agreed upon by Kim since last May was abysmal and in consistent fashion, last minute.

Despite agreeing on May 19, 2020, that the Friedman's could take June on vacation for the last week of July, and despite the vacation having been a subject that Robyn discussed with Kim for weeks, immediately after aggressively demanding that June say whether she wanted to go on vacation to Palm Springs with the Friedman's, without warning to the Friedman's, Kim either took June to Arizona or sent June to Arizona. Robyn only learned June was in Arizona on the night of Friday, July 24, 2020, when June informed Robyn during a phone call. The Friedman's had planned to leave for Palm Springs with June on the morning of Monday, July 27. It was not until the afternoon of Sunday, July 26, that Kim informed Robyn that June would not be back in Las Vegas until the night of Wednesday, July 29.

Kim has done this same kind of thing before, having previously taken June to Arizona and preventing June from participating in a long-planned visit that Donna had confirmed with Kim repeatedly before coming to Las

Vegas. Donna and her family arrived in Las Vegas only to find that Kim had taken mom to Arizona despite knowing about and agreeing previously with Donna's plans. So there is a pattern.

In Robyn's case, however, Kim violated her May 19, 2020 agreement as to Robyn's vacation with June in the last week of July – the very first time the vacation time was supposed to happen.

This is incorrect. June made her wishes very clear to Robyn. They communicated and apparently June expressed she didn't want to go to Utah for a vacation, but wanted to go to Palm Springs. Robyn never provided a specific date and time in which this trip was to occur. On 7/24 June called Robyn at 6:21 to tell her that she was going to Arizona and wouldn't be home to see Robyn for their usual Saturday visit. Thereafter, Robyn contacted Kim and told her that she was taking June on vacation from 7/27 to 8/2. This was done with 3 days' notice, which is a problem when they were in a neighboring state visiting June's other daughter. What ruined the plans after that, was the fact that Mr. Yeoman's attorneys called June's attorney informing her that Mr. Yeoman had "one day to live." This prompted rushed cries for bringing June back. Ultimately, It was confirmed that despite Mr. Yeoman claiming an imminent death—he is not on the verge of dying. Notwithstanding, June's desire was to see him, which she did. Again, she made the decision on who she wants to see.

I can't offer any more on this. June is able to decide on what she wants to do. She has independent counsel, she has a guardian who is caring for her, she is not isolated. The purpose of guardianship is accomplished. Guardianship doesn't offer your clients the ability to benefit themselves—it is not about your clients. If your client wants to put June through the stress of a hearing on these issues, they will be very disappointed. June is very stern on these issues. If your client has a specific date for a vacation, those need to be (1) discussed with June; and (2) set in stone with Kimberly. Kimberly has no issue with this. If you have proposed dates for vacations which June wants to attend, send them to me and they will be calendared. I will also note that June communicates extensively via facetime and phone calls with her children. Simply because a different relationship or line of communication may exist between one child vs another, is not a violation of any guardianship rule—it is simply a family dynamic.

As you are aware from our prior discussions, this is at least the second provision of Kim's May 19 agreement that she has violated, with the first being her commitment to call Robyn each Tuesday and Friday at 6 p.m. Kim has never complied with that provision of her agreement.

This too is incorrect. June freely communicates with her children. She talks to Robyn. June refuses to have a set schedule to "call" her daughter. If Robyn wants to talk to her mom, she can communicate with her and call her. Robyn knows well that June is fully able to communicate socially. June is not a child and she refuses to be treated like one. Maybe Maria can chime in on this. June pushed back when Kimberly attempts to set a schedule for her.

Given that months of discussion have not solved the communication and visitation disputes, and given these recent developments outlined above, we believe we need a court order to enforce the May 19 agreement and to also get a communication/visitation/vacation framework in place for Kim's pending removal of June from Nevada to California.

The Court won't have jurisdiction. There has not been a petition to move June and there are no plans to move June. This is getting absurd. A visitation framework wouldn't be needed even if she was moved, your client has the resources to see her mom anytime she wants. Just like any family relationship, if June wants to see her kids, they are free to see her.

- Is your client willing to consider stipulating to her May 19 terms?

The terms remain as is. June is fully capable of discussing her social life. She is fully capable of deciding what she wants to do. Consistent with the entire purpose of guardianship, June is provided the utmost freedom in making these de minimis life decisions. This includes things like vacations, hanging out, and shopping. Kimberly encourages and is always happy when June leaves to visit her other children. However, it is not Kimberly who is pushing back on arranging June's schedule—it is June. She is a tough person and insists that her children talk to her and plan time with her. Kimberly is not going to stomp on June's wishes. Your client is making this case all about her in focusing on visitation—this case is about June and how to protect her. June takes calls and is happy to talk to her children—she doesn't want to be on a schedule for calls. June is not prisoner. Kimberly remains happy to have straight forward communication with Robyn, with identified pick up dates and times. However, she is not Robyn's chauffeur.

- Is she willing to stipulate to the use of either Family Wizard or Talking Parents to improve communication and calendaring of visitations and vacation?

It will not assist anything. Based on the above, June has stated time and time again she is the keeper of her social schedule. Kimberly is a mere driver and confidant who assists June in making appointments and when she can social visits. Imposing additional work on Kimberly, who is already not being compensated, will not help anything. Again, the Court's only focus is whether June is being cared for and socialized—she is. No calendaring app is necessary.

- Is she willing to stipulate to a communication/visitation/vacation framework that would apply if/when she moves June to California? We understand that situations can change, but in this case, it would be very helpful to set expectations so communication doesn't cease upon a move to CA further isolating June.

No. Consistent with the above. This is a guardianship action to protect June, not establish a visitation schedule for the children. Each child is fully capable of calling and visiting June—regardless of what state. Moving is the last thing on the radar right now. As it stands, because your client pulled funding from litigating the A-Case, everyone's focus is on obtaining her house back and dealing with the fact June's husband is apparently dying. At the same time, as you have seen we are dealing with (1) a house in which is frozen due to a fraudulent claim of ownership by June's husband; and (2) an appeal. As you can imagine, it is a fairly difficult time for June.

- Is Kim willing to stipulate to dropping her mother off at Robyn's house maybe once per month – just as she takes June to doctors' appointments, or to Arizona for visits with Gerry and Teri - so that June can enjoy time with Robyn's family ?

Kim has no problem with Robyn picking June up to visit Robyn. I am sure these children can communicate if dropping June off is convenient. The process of June leaving the house is very simple and has not changed. The process is as follows: (1) June gets invited somewhere after talking with whoever is asking her to go somewhere; (2) June confirms if she wants to go and she asks Kimberly for a ride or arranges transportation with the person who wants to see her; (3) Kimberly is advised of the time and date for any such event, so she can make sure she is available. If Robyn wants to see June, the default option is she should have to drive to pick June up. That makes the most logical sense.

Absent obtaining stipulations, we will be petitioning the Court for such orders.

I don't know what your petition will state. Your client is complaining about non-existent issues. While I don't fault you for having to relay your client's position—the Court has made clear that June is free to make these basic social decisions. June has been out with her family extensively, including Robyn. June has her own attorney – who as I understand has consulted with June on these very issues. Do what you need to, but any petition will be opposed and June will not be happy Robyn is forcing her estate to spend more money to enforce her wishes.

As always, feel free to call me at any time to discuss any aspect of this matter.

I too am always free for a call. However, I want to stress that the estate is burning through money to advance the real claims at issue here. These claims should be the focus, because June continues to suffer financially and mentally from all of this litigation. To add fuel to the fire, her husband is dying, has ignored her, and continues to play mind games with her.

John P. Michaelson, Esq. | MICHAELSON & ASSOCIATES, LTD. | john@michaelsonlaw.com | 702.731.2333

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Maria Parra-Sandoval

From: Maria Parra-Sandoval
Sent: Friday, September 18, 2020 5:17 PM
To: 'John Michaelson'
Cc: 'Patrick McDonnell'
Subject: RE: Kathleen June Jones

Follow Up Flag: Follow up
Flag Status: Flagged

Hi John,

Right now we/Legal Aid Staff has been instructed to avoid in-person communications. I had to get special permission for the upcoming mediation on 9/30 to attend in person. Furthermore, I have spoken to June today, and she is adamant that she doesn't want anything that looks like a "visitation schedule" or "communication schedule." Also, does Robyn videotape June while asking her questions? It makes June uncomfortable.

You mentioned in court yesterday how I'm not "interested" in engaging with you about "visitation issues." Judge Marquis made it very clear she is not inclined to issue visitation orders in adult guardianship cases. I just want to let you know that Legal Aid employs a client-centered model of representation with protected persons. We are to treat them as normal as possible and honor their preferences. June directs me. If you don't think I'm representing my client the way you think I should, I encourage you to bring this up to my supervisors, Jim Berchtold jberchtold@lacs.org and Debra Bookout dbookout@lacs.org.

I would be able to talk to you on the phone for about one hour max on 09/22 at noon. I don't know how fruitful that will be but I am available. My duty is to my client and I will continue to advocate for what she wants. I'm happy to listen to any communication suggestions you may have, but if you're going to suggest protocols that you want the guardian to employ, then this is why you need to file a pleading. Even if I think your suggestions are fantastic ideas, if my client turns them down, I can counsel her but I can't force her to agree to them.

Patrick, I've read your long email. If you wish to discuss the issues you brought up, you can bring those topics up during the conversation too. I do want to add though that relocation of a protected person is very common in many of my cases. As long as a Petition for Relocation is filed and my client consents to the move, I do not object to the move. As I said, Legal Aid attorneys follow a client-centered model.

Maria



Maria Parra-Sandoval, Esq.
Attorney, Consumer Rights Project
Legal Aid Center of Southern Nevada, Inc.
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From: John Michaelson [mailto:john@Michaelsonlaw.com]
Sent: Thursday, September 17, 2020 5:09 PM
To: Maria Parra-Sandoval <MParra@lacsn.org>
Subject: Kathleen June Jones

Maria, I just left you a vm re this. Would you be willing to have a brief in person meeting with me and my clients perhaps this coming Tuesday? We will of course maintain safety protocols and we want to respect your time – we could even agree to a time limit. We are willing to meet you wherever is convenient for you. We would like to have a face to face brief conversation re visitation and communication to see if we can come up with some solutions to make the situation better. Thank you for your consideration.

John P. Michaelson, Esq.
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www.michaelsonlaw.com
Tel. (702) 731-2333
Fax. (702) 731-2337

The District

2200 Paseo Verde Parkway, Suite 160
Henderson, Nevada 89052
*Please send correspondence to Henderson address

Downtown Summerlin

1980 Festival Plaza Drive, Suite 300
Las Vegas, Nevada, 89135

Reno

5470 Kietzke Lane, Suite 300
Reno, Nevada 89511

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To ensure compliance with requirements imposed by the IRS Circular 230, we hereby inform you that any U. S. tax advice contained in this communication (including attachments, if any) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any matter addressed herein.

EXHIBIT B

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): Michael S. Zar, Esq. (SBN 265991) SUNDSTEDT & GOODMAN LAW OFFICES 7755 Center Avenue, 11th Floor Huntington Beach, CA 92647		TELEPHONE NO.: 714-960-9999	FOR COURT USE ONLY
ATTORNEY FOR (Name): Judgment Creditor Robyn Friedman			
NAME OF COURT: Superior Court of California - County of Orange			
STREET ADDRESS: 700 Civic Center Drive West			
MAILING ADDRESS:			
CITY AND ZIP CODE: Santa Ana, CA 92701			
BRANCH NAME: Central Justice Center			
PLAINTIFF: In The Matter of the Guardianship of the Person and Estate of Kathleen June Jones, an Adult Protected Person			
DEFENDANT:			
APPLICATION FOR ENTRY OF JUDGMENT ON SISTER-STATE JUDGMENT			
<input type="checkbox"/> AND ISSUANCE OF WRIT OF EXECUTION OR OTHER ENFORCEMENT			
<input type="checkbox"/> AND ORDER FOR ISSUANCE OF WRIT OR OTHER ENFORCEMENT			
		CASE NUMBER:	30-2020-01163122-CU-EN-CJC

Judgment creditor applies for entry of a judgment based upon a sister-state judgment as follows:

1. Judgment creditor (name and address):
Robyn Friedman
2824 High Sail Court
Las Vegas, NV 89117
2. a. Judgment debtor (name): Guardianship Estate of Kathleen June Jones
- b. ☒ An individual (last known residence address): 6277 Kraft Avenue, Las Vegas, NV 89130
- c. ☐ A corporation of (specify place of incorporation):
 - (1) ☐ Foreign corporation
☐ qualified to do business in California
☐ not qualified to do business in California
- d. ☐ A partnership (specify principal place of business):
 - (1) ☐ Foreign partnership which
☐ has filed a statement under Corp C 15700
☐ has not filed a statement under Corp C 15700
3. a. Sister state (name): Nevada
- b. Sister-state court (name and location): District Court Clark County, Nevada
- c. Judgment entered in sister state on (date): 8/12/2020
4. An authenticated copy of the sister-state judgment is attached to this application. Include accrued interest on the sister-state judgment in the California judgment (item 5c).
 - a. Annual interest rate allowed by sister state (specify): 7.5%
 - b. Law of sister state establishing interest rate (specify): NRS 17.130, et seq.
5. a. Amount remaining unpaid on sister-state judgment: \$ 57,742.16
- b. Amount of filing fee for the application: \$ 40.00
- c. Accrued interest on sister-state judgment: \$ 522.05
- d. Amount of judgment to be entered (total of 5a, b, and c): \$ 58,304.21

(Continued on reverse)

EXHIBIT 3

FFCL

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

In the Matter of the Guardianship of the) Case No.: G-19-052263-A
Person and Estate:) Dept. No.: B
)
Kathleen Jones,)
)
Protected Person(s).)
_____)

**FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ORDER
REGARDING VISITATION, FIRST ANNUAL ACCOUNTING,
GUARDIAN'S FEES, CARETAKING FEES, ATTORNEY'S FEES
AND COSTS, AND REMOVAL OF THE GUARDIAN**

The above-entitled matter having come before this Honorable Court June 8, 2021, and August 12, 2021, Maria Parra-Sandoval, Esq., appearing for Protected Person, James Beckstrom, Esq., appearing on behalf of Guardian Kimberly Jones, Kimberly Jones appearing, John Michaelson, Esq., appearing on behalf of interested parties Robyn Friedman and Donna Simmons, Robyn Friedman and Donna Simmons appearing, Elizabeth Brickfield, Esq., appearing as Court appointed Guardian Ad Litem, for an Evidentiary Hearing, relative to visitation and communication with the Protected Person and the First Annual Accounting, the Court hereby makes the following Findings of Fact and Conclusions of Law and Orders:

1 ***Relevant Procedural History***

2 In September 2019, two of the daughters of the Protected Person, Robyn
3 Friedman and Donna Simmons, petitioned the District Court for guardianship
4 of their mother alleging, in part, that the Proposed Protected Person's Power
5 of Attorney, Kimberly Jones, was unwilling or unable to address serious
6 issues effecting the health and welfare of the Proposed Protected Person.
7 The Proposed Protected Person's Power of Attorney, Kimberly Jones, is the
8 daughter of the Proposed Protected Person and sister to both Robyn and
9 Donna.
10 Donna.

11 Initially, Kimberly objected to the need for a guardian for her Mother.
12 Later, Kimberly opposed Robyn and Donna's petition and filed her own
13 petition for guardianship. Jerry, the husband of the Proposed Protected
14 Person, objected and filed a counter petition for guardianship. The three
15 competing petitions alleged: elder abuse; financial misconduct; exploitation;
16 isolation; kidnapping; and many other things. See Robyn and Donna's
17 Petition Guardianship, filed September 19, 2019; Kimberly's Opposition and
18 Counter-Petition, filed October 2, 2019; Jerry's Opposition and Counter-
19 Petition, filed October 2, 2019.

20 Ultimately, Robyn and Donna withdrew their Petition and supported
21 Kimberly. Kimberly was appointed guardian of the person and estate of her
22 Mother on October 15, 2020.

1 After the appointment of Kimberly, the guardianship proceedings and
2 related civil proceedings remained actively contentious. Allegations of
3 isolation of the Protected Person from her family by the Guardian persisted,
4 simmering under the surface, while more immediate and complex litigation
5 concerns were addressed.
6

7
8 In December 2020, Robyn and Donna filed a Petition for Communication,
9 Visits, and Vacation Time with the Protected Person. The Petition requested
10 that Kimberly assist the Protected Person to “[r]eceive telephone calls and
11 personal mail and have visitors . . .” consistent with the Protected Person’s
12 Bill of Rights. *See* NRS 159.328(1)(n). Robyn and Donna did not seek “to
13 compel Ms. Jones to visit with them. Rather, they seek a routine or series of
14 windows of opportunity so that all sides can plan to be available to
15 accomplish the visits.” *See* Petition for Communication at page 3.
16

17
18 In their Petition for Communication, Robyn and Donna alleged that the
19 Protected Person needs assistance to receive telephone calls and have visitors
20 because: she cannot operate her telephone without assistance; has severe
21 memory impairment; and is often disoriented as to time. Robyn and Donna
22 further allege many specific instances in which their sister and Guardian,
23 Kimberly, failed to facilitate telephone calls and visitors for the Protected
24 Person.
25
26
27
28

1 The Protected Person, through counsel, vehemently objected to the request
2 for communication. The Protected Person “is clear that she does not want the
3 imposition of anything that looks like a visitation schedule, nor does she
4 want her guardian to be bound by a communication protocol to arrange calls
5 or visitation when June is easily accessible.” *See* Objection filed January 25,
6 2021.
7

8
9 The Guardian, Kimberly, also objected to the Petition for Communication,
10 alleging that she has not restricted communication or visits, presenting her
11 own allegations of specific instances in which she has facilitated
12 communication and visitation. The Guardian further argued that a schedule
13 would be too burdensome for the Guardian because she is busy caring for the
14 Protected Person whose mental and physical health is declining.
15

16
17 The Court appointed a Guardian Ad Litem, Elizabeth Brickfield, Esq.,
18 pursuant to NRS 159.0455, and Nevada Statewide Guardianship Rule 8. *See*
19 Order Appointing Guardian Ad Litem filed February 12, 2021. Ms.
20 Brickfield submitted her Report and Recommendations March 29, 2021.
21

22 While these issues of communication and access to the Protected Person
23 remained pending, issues regarding potential settlement of an associated civil
24 litigation, requiring the Protected Person to promptly vacate her long-time
25 residence, were presented, and mandated immediate attention and multiple
26 hearings. Because the permanent and temporary location of the Protected
27
28

1 Person (California or Nevada) directly impacted issues of communication
2 and visitation, the Court continued the Request for Communication pending
3 the determination of the Protected Person's relocation.
4

5 On April 23, 2021, Robyn filed a Petition for Visitation with the Protected
6 Person relative to Mother's Day 2021.
7

8 On May 5, 2021, the Protected Person dramatically reversed course.
9 Protected Person's Counsel initially objected to the request for
10 communication and visitation by Robyn and Donna. However, Protected
11 Person's Counsel now proposed a restriction for phone calls and in-person
12 visits between the Protected Person and family members. The Protected
13 Person requested limiting all family visits and communications to a two hour
14 window each Friday. Counsel for Protected Person filed a Petition to
15 Approve Proposed Visitation Schedule. In the Petition, the Protected Person
16 argued, "[d]espite her own desired wished and stated preferences, [Protected
17 Person] feels she has been forced by all parties, including the court-appointed
18 Guardian Ad Litem, to concede on the issue of visitation." See Petition at
19 page 3. While maintaining she was still opposed to a Court ordered schedule,
20 the Protected Person proposed the Court order a specific schedule.
21
22
23
24

25 In a Minute Order, the Court vacated the Hearing on the Petition for
26 Visitation (Mother's Day) and the Hearing on the Petition to Approve
27 Protected Person's Proposed Visitation Schedule. The Court ordered all
28

1 pending visitation matters set for Evidentiary Hearing. The Court further
2 ordered that the Parties submit: proposed witness lists; proposed exhibit lists;
3 and briefs by a certain date and time. Importantly, the Court directed that the
4 supplemental legal briefs further examine the issues contained in NRS
5 159.332 through NRS 159.334 (visitation and communication); NRS 159.335
6 through NRS 159.337 (removal of a guardian); and NRS 159.328 (Protected
7 Persons' Bill of Rights). *See* Minute Order filed May 12, 2021.¹

8
9
10 Later the same day, Protected Person filed a Motion for Stay in the District
11 Court, referencing the already pending Nevada Supreme Court case. Exhibits
12 supporting the Motion for Stay and a Notice of Hearing were filed the next
13 day, June 3, 2021. The hearing on the Motion to Stay was scheduled by the
14 Clerk's Office for July 8, 2021. On June 7, 2021, the Court denied the
15 Protected Person's request for stay pending her petition for extraordinary
16 relief and the Evidentiary Hearing went forward.

17
18
19
20 ***Statement of Facts***

21 The Protected Person was not present at the Evidentiary Hearing.

22 Mr. Michaelson, on behalf of Robyn and Donna, called the Protected
23 Person as the first witness. Both Counsel for the Protected Person and
24

25
26

¹ Both the Protected Person and the Guardian failed to comply with the Court's Order.
27 Guardian and Protected Person did not submit legal briefs, proposed exhibits, or proposed
28 witness lists in a timely manner.

1 Counsel for the Guardian objected to the Protected Person being subject to
2 any questions by Counsel and/or the Court. The objection was based upon:
3
4 (1) Protected Person's representations to her attorney that she did not want to
5 participate in the proceeding; and (2) that based on Protected Person's
6 Counsel's observations of the Protected Person, the Protected Person's
7 participation in the proceeding would cause emotional distress.
8

9 The Court declined to ORDER the Protected Person to testify or
10 participate in the proceedings, despite Mr. Michaelson's objection. Mr.
11 Michaelson anticipated that the Protected Person would testify as to her
12 desires for visitation with family members and her personal ability and
13 familiarity with the telephone. See Pre Trial Memorandum filed June 1,
14 2021, at page 10.
15
16

17 Many family members testified that they would like to visit with the
18 Protected Person and/or have communication with the Protected Person.
19 However, the family members did not feel comfortable being around the
20 Guardian or the Guardian's boyfriend for various reasons.
21
22

23 The Protected Person cannot operate a telephone. She cannot answer or
24 place telephone calls. Guardian Kimberly Jones testified that she makes all
25 appointments for the Protected Person. Guardian Kimberly Jones testified
26 that she placed or received all telephone calls on behalf of the Protected
27 Person.
28

1 ***Scott Simmons***

2 Scott Simmons, son of the Protected Person, testified. He last saw his
3
4 Mother on the Saturday before Mother's Day 2021. Prior to that Mother's
5 Day visit, he had not seen his Mother for fifteen to seventeen (15-17) months
6 because he does not want to see or interact with Kimberly, the Guardian,
7
8 and/or Kimberly's boyfriend, Dean. Scott has not tried to call the Protected
9 Person or respond to Kimberly's communication because he does not want to
10 interact with Kimberly or Kimberly's boyfriend, Dean. Approximately 15-
11
12 17 months ago, Kimberly indicated to Scott that she planned to bring
13 Protected Person to his home. Instead, Kimberly brought Dean to the
14 meeting. During the meeting, Scott believes Dean threatened him, saying
15 "things are going to come down hard and come down on you."
16

17 Scott does not have the land line telephone number for his Mother's
18 current residence. Mr. Simmons further testified that he works on Fridays.
19

20 Scott testified that his Mother was unable to verbally answer to questions
21 during his recent visit. Instead, his Mother simply nodded and shook her
22 head in the affirmative or negative. The only thing she verbalized during that
23 visit was that she wanted to take a nap. He assisted her and helped her move
24 to take a nap.
25

26 In his experience, the Protected Person's proposed visitation schedule is
27 inconsistent with her previous attitude toward visitation and communication
28

1 with her family. Scott indicated her door was always open and she was
2 always happy to visit with her entire family.

3
4 Scott indicates that he would like to visit with his Mother at another
5 neutral location, like at his sister's house.

6 Scott was evicted from the Anaheim rental owned by Protected Person.
7
8 Scott paid \$1,200.00 per month for approximately 18 years. The Guardian
9 increased the rent by \$800.00 per month. The home is approximately 60
10 years old.

11
12 ***Cameron Simmons***

13 Cameron Simmons is the son of Scott Simmons and the grandson of the
14 Protected Person. He has a background in IT.

15
16 At the Mother's Day visit, the Protected Person was not talkative. By her
17 face and smile, Mr. Simmons could see she was happy. He showed her
18 pictures and gave her information about new happenings in the family. The
19 Protected Person nodded and smiled. She did verbally ask him to help her
20 lay down to take a nap. Grandmother nodded her head affirming, upon his
21 question if she wanted him to come visit.

22
23
24 Jerry and the Protected Person had a joint cell phone. Cameron and the
25 Protected Person would call and text each other. The last time he FaceTime
26 her, Cameron thought he was at Rodney's wedding, and he thinks the
27 Protected Person used Donna's cell phone.
28

1 Cameron testified that the visitation schedule is inconsistent with her
2 historic desire toward visitation and communication with her family.

3
4 Cameron testified that his Grandmother is unable to effectively communicate
5 via telephone. He does not have Kimberly's cellular number because
6 Kimberly had no assigned cellular phone number. The last he knew,
7
8 Kimberly had three phones dependent upon Wi-Fi. However, he
9 acknowledged that he could have obtained the telephone numbers.

10 Cameron testified he will not go to the Anaheim house because of
11
12 Kimberly's boyfriend, Dean. He is afraid to be around Dean because of his
13 history, an incident with Kimberly, and information and statements provided
14 from the neighbors.

15
16 In an incident, Kimberly requested that Cameron wipe all data from her
17 laptop and make sure there is no tracking devices or location sharing
18 applications on her two cellular telephones or laptop in order to ensure that
19
20 Dean was unable to access information relative to her location. Cameron
21 indicated that the request was a red flag. He does not believe Kimberly feels
22 safe with Dean. He remains concerned for Kimberly's safety.

23
24 Cameron testified that, based upon the Protected Person's mobility, a
25 landline will not assist in communication. Cameron testified that he sent her
26 a Christmas present.
27
28

1 Cameron further testified that he did not receive a text from Kimberly nor
2 his Grandmother at Christmas time.

3
4 ***Samantha Simmons***

5 Samantha Simmons, Granddaughter of the Protected Person and daughter
6 of Donna Simmons, testified. On her 21st birthday, Samantha came to Las
7 Vegas to visit and celebrate with the Protected Person. The night before
8 Samantha visited, she was advised by Kimberly that the Protected Person
9 would be unavailable and was vacationing in Arizona.
10

11
12 Kimberly later reached out to Samantha relative to a visit. Kimberly made
13 a reservation at the restaurant. Kimberly brought Protected Person to
14 Donna's house for a boat ride about eight months ago. Samantha does not
15 have great relationship with Kimberly. She has not reached out to Kimberly
16 relative to visits or communication. Samantha saw her Grandmother in
17 January 2021 and Mother's Day 2021.
18

19
20 ***Donna Simmons***

21 Donna Simmons is the daughter of the Protected Person. Donna worked
22 as a caregiver for many years for two individuals. Donna testified that her
23 Mother, the Protected Person, is hard of hearing and takes a "long time" to
24 process things. Consequently, the Protected Person responds to a lot of
25 conversations with a head nod in the affirmative.
26
27
28

1 Donna testified that the Protected Person cannot operate a cellular phone
2 and cannot answer phone calls. All telephone calls with the Protected Person
3 are made through Kimberly.
4

5 In the last year, Donna has called her Mother at least fifty times. The
6 Protected Person does not answer but sometimes calls back, only with the
7 assistance of Kimberly. Donna receives texts from Kimberly indicating that
8 the Protected Person is trying to call her. Kimberly helps the Protected
9 Person use the cellular telephone. Usually, the speaker is on and Donna can
10 hear Kimberly in the background. Kimberly talks for her Mother and/or
11 interjects in the conversation, denying the opportunity for one-on-one
12 communication between Donna and her mother. Donna testified that she
13 prefers one-on-one communication with her Mother.
14
15
16

17 Approximately six months ago, Donna spoke with her Mother via
18 FaceTime. When Donna speaks to her Mother on the telephone, her Mother
19 is in a rush to get off the phone because she has hearing issues. Donna wishes
20 she could have private conversations with her Mother.
21
22

23 Donna testified that her Mother does not know what day of the week,
24 month of the year, or time of the day it is. The Protected Person cannot
25 schedule or plan a visit. She does not remember plans, nor does she know
26 how to cancel plans.
27
28

1 Donna testified that when she speaks with her Mother, her Mother is
2 unable to discern when she last saw her. Donna testified she thinks her
3 Mother likes her, but is unable to remember that she is supposed to call.
4

5 Donna testified that Kimberly is not trustworthy.

6 Donna testified that, instead of permitting phone calls with the Protected
7 Person, Kimberly tries to force Donna into communicating with the Protected
8 Person via text messages in order to show the Judge. Donna prefers to
9 communicate with her own mother via telephone.
10
11

12 Most of the time that Donna has seen her Mother, Kimberly asks Donna to
13 watch her Mother. Most of the time, Kimberly contacts Donna last minute
14 for the same.
15

16 In one instance, just before a hearing in September 2020, Kimberly called
17 Donna at the last minute with no advance notice and indicated to Donna that
18 she was in California. Donna dropped everything and met Kimberly on the
19 side of the road so that she could see her Mother. As they met, Donna and
20 Kimberly discussed where to go and eat. There were several fast foods
21 restaurants nearby. Donna asked her Mother which one she wanted to eat at.
22
23 Kimberly told Donna that the Protected Person is unable to make decisions,
24 and that Donna needed to “just tell her where you were going.”
25
26
27
28

1 Relative to the Report of the Guardian Ad Litem, Donna believes the
2 Report is an accurate description of her Mother's wishes. The Protected
3 person has never said that she does not want to see Donna.
4

5 Previously, Jerry, the Protected Person's late husband, facilitated
6 telephone calls from his telephone to ensure that the Protected Person was
7 speaking with her family. Donna desires that Kimberly facilitate
8 communication as was previously done.
9

10 Donna would further like to drive the Protected Person to the beach, visit
11 people, visit in the area, and get her nails done, all in the best interest and
12 happiness of the Protected Person.
13

14 Donna does not feel safe visiting with her Mother at the house if Dean,
15 Kimberly's boyfriend, is living at the house or is at the house. Donna
16 describes a suspicious instance involving keys that were missing from her
17 purse. Donna does not want to be around Dean and his associates. Donna is
18 worried that someone will come after her.
19

20 Donna is unable to accommodate the family visits at her residence on
21 Fridays because Donna works on Friday. Donna believed things would be
22 easier once the Protected Person moved to Anaheim, California. However,
23 communication and visitation remain difficult.
24

25 Donna does not believe that the Protected Person's proposed schedule was
26 created or drafted by her Mother.
27
28

1 The Protected Person has hearing aids, however, she will not wear them
2 because she hears background noises. Donna has talked to Kimberly about
3 assisting Protected Person with the hearing aids.
4

5 Donna indicated that she never asked Kimberly to leave the room so that
6 Donna and her Mother could have a private conversation. Donna testified
7 that Kimberly has never said “no, you cannot see her.” However, Donna
8 indicates that Kimberly has made it hard or impossible to see or
9 communicate with the Protected Person.
10
11

12 Kimberly only offers an opportunity to see her Mother before a Court
13 hearing. Donna testified that she would like to stop by her Mother’s house at
14 any time.
15

16 ***Robyn Friedman***

17 Robyn Friedman, daughter of the Protected Person, similarly testified that
18 her telephone calls with the Protected Person are limited by Kimberly.
19

20 For a period during the guardianship, Robyn and Kimberly reached an
21 agreement or understanding allowing Robyn to visit with her Mother every
22 Wednesday and every other Saturday, have FaceTime communication one
23 time per week, twice weekly telephone communication, and scheduled
24 vacations. The agreement lasted only a short period of time and resulted in
25 significant attorney’s fees.
26
27
28

1 At one scheduled visit in June 2020, Kimberly brought out a wheelchair.
2 Robyn indicated that she did not need the wheelchair during the visit as she
3 planned to take her Mother on a scenic drive.
4

5 Robyn took her Mother on a scenic drive to Mt. Charleston and returned
6 approximately two hours later. Upon their return to the Protected Person's
7 home, there was no answer at the door. Robyn took her Mother, the
8 Protected Person, and her four year old son to a neighbor's home so that they
9 both could utilize the restroom.
10
11

12 Robyn used her Mother's phone to call Kimberly. Kimberly indicated that
13 she could be there in thirty minutes, or she could pick her up at Robyn's
14 house.
15

16 Kimberly texted Robyn that the key to the front door was in the
17 wheelchair. However, Kimberly had not advised Robyn that the keys were in
18 the wheelchair when Robyn picked up her Mother.
19

20 Robyn believes that Kimberly's intentional failure to assist and support the
21 Protected Person in facilitating communication and visitation is hurting the
22 Protected Person. The Protected Person is unable to make and execute plans,
23 which is stressful to the Protected Person. Robyn believes that it is especially
24 cruel of Kimberly to require the Protected Person to manage her own
25 schedule and execute plans without the assistance of Kimberly.
26
27
28

1 Robyn testified about the trouble she encountered with Kimberly when
2 wanting to bring her four-year-old son over to the Protected Person's home,
3 so that the Protected Person could see him in his Halloween costume.
4

5 Robyn testified about the difficulty in getting Kimberly to confirm a flower
6 delivery for the Protected Person.
7

8 Robyn testified about problems associated with spending time with her
9 Mother around the Christmas season to exchange gifts. The first floor of
10 Robyn's home was inaccessible because the flooring was being redone. The
11 Protected Person could not easily access the second floor via a spiral
12 staircase. Robyn wanted to visit alone with her Mother for an hour.
13 Kimberly would not leave her home so that Robyn could spend time alone
14 with her Mother. Instead, Kimberly drove her Mother forty-five minutes to
15 Robyn's residence. Robyn visited with her Mother inside Robyn's car, in
16 front of her house, and exchanged gifts. Robyn pretended everything was ok
17 so that her Mother would not be upset.
18
19
20

21 Robyn testified about the events surrounding Easter 2021. Robyn had an
22 Easter Basket delivered to the Protected Person's home and was advised that
23 the residence was empty and vacant. Robyn knew the Protected Person's
24 housing situation was unstable and she would likely move to California.
25 However, Robyn did not know where her Mother was at that time.
26
27
28

1 Robyn testified that 48 hours before the Protected Person's birthday,
2 Kimberly advised that she and the Protected Person *might* be going to
3 Arizona the next day. Robyn believed the trip to Arizona was an effort by
4 Kimberly to avoid visitation between the Protected Person and Robyn.
5

6 Robyn has contacted Kimberly very few times in the last few months.
7
8 Robyn has not attempted to see her Mother in Anaheim based on Kimberly's
9 actions. Kimberly's actions and inactions have resulted in a restriction of
10 visitation, communication, or interaction between the family and the
11 Protected Person.
12

13 ***Kimberly Jones, Guardian***

14 Kimberly testified that she cares for her Mother, the Protected Person,
15 twenty-four hours per day. She lives with the Protected Person, in the
16 Protected Person's home. Kimberly cooks, manages medication, schedules
17 all appointments, and must assist the Protected Person in answering incoming
18 telephone calls and placing outgoing telephone calls.
19
20

21 Kimberly testified that she believes her Mother, the Protected Person,
22 wants to communicate and visit with all of her family members.
23

24 Kimberly testified that she never refused a request for visitation with her
25 Mother. Kimberly acknowledged that she refuses to leave the Protected
26 Person's residence so that family may have private visits with the Protected
27 Person.
28

1 Kimberly testified that her boyfriend, Dean, is at the Protected Person's
2 home quite often, but Dean does not live at the home. Dean stays overnight
3 sometimes.
4

5 Kimberly testified that she has never not allowed her Mother to answer the
6 telephone. Yet, concedes her Mother requires assistance to operate the
7 telephone.
8

9 Kimberly does not want a visitation schedule imposed.

10 ***Guardian Ad Litem***
11

12 The Court appointed a Guardian Ad Litem pursuant to Nevada
13 Guardianship Rule 8. The Court appointed attorney Elizabeth Brickfield
14 who has practiced in the area of probate, trust, and guardianship for over
15 twenty-five years. In her March 29, 2021, Report, Guardian Ad Litem
16 Brickfield stated that: it is in the best interest of the Protected Person for the
17 Protected Person to visit and communicate with her children and
18 grandchildren; Guardian Kimberly Jones has not encouraged or facilitated
19 visits and communications between the Protected Person and her family; and
20 that Guardian Kimberly Jones is unlikely to encourage and facilitate visits
21 without supervision by the Court.
22
23
24

25 Specifically, Guardian Ad Litem Brickfield indicates, given the Protected
26 Person's unique abilities and need for assistance, the Guardian should be
27
28

1 facilitating and encouraging the mutual desire of parent and child to visit and
2 communicate with each other on a regular basis.

3
4 ***Annual Accounting***

5 The Annual Accounting in this matter was due within sixty (60) days of
6 the anniversary date and must include those items mandated by statute. *See*
7
8 NRS 159.176; NRS 159.177; NRS 159.179.

9 Here, the first accounting was filed by the Guardian Kimberly Jones on
10 December 21, 2020. The relevant accounting period is October 15, 2019,
11 through October 15, 2020.

13 The Eighth Judicial District Court Guardianship Compliance Division's
14 reviewed the First Annual Accounting and filed an Accounting Review on
15 January 8, 2021. The Accounting Review noted the following issues: time
16 missing between prior accounting; account summary is not consistent with
17 information on supporting worksheets; ending balance does not equal the
18 assets listed; starting balance is inconsistent with past filings; ending balance
19 is inconsistent with transactions; starting balance does not match various
20 inventories filed; assets do not match recap; income is not itemized and in
21 depth analysis is not available; expenditures are not itemized; expenses not
22 itemized and in depth analysis is not available.

26 On June 3, 2021, Guardian Kimberly Jones filed an Amended First
27 Accounting, and an Accounting Review was filed on June 7, 2021. The
28

1 Accounting Review indicated the following issues: contains mathematical
2 errors; is not consistent with information in supporting worksheets; assets do
3 not total the amount listed in Account Summary Starting or Ending Balances;
4 the starting balance is inconsistent with past filings; the ending balance is
5 inconsistent with transactions; income is not itemized and in depth analysis
6 of income is not available; expenditures not itemized; expenses not itemized
7 and in depth analysis of the appropriateness of the expenses is not available.
8

9
10 On June 16, 2021, the Guardian Kimberly Jones filed a Notice of Hearing,
11 six months after the first accounting was filed, and set the Accounting
12 Hearing for July 15, 2021. The Accounting Hearing was continued, pursuant
13 to stipulation.
14

15
16 On July 15, 2021, Robyn Friedman and Donna Simmons filed an objection
17 to the Guardian's Accounting and First Amended Accounting.
18

19 On August 9, 2021, the Guardian filed a Second Amendment to the First
20 Accounting, just days prior to Accounting Hearing scheduled for August 12,
21 2021.
22

23 The Guardian's Second Amendment to the First Accounting purports to
24 correct and recalculate based upon CPA's omission of credit card
25 transactions and replaces all prior versions of first annual accounting. *See*
26 Guardian's Second Amendment, filed August 9, 2021, at footnote 1.
27
28

1 After the August 9, 2021, Accounting Hearing, the Court ordered the
2 Guardian Kimberly Jones to produce all receipts or vouchers that support the
3 accounting pursuant to NRS 159.179(5) on or before September 14, 2021.
4
5 See Order to Produce filed August 31, 2021.

6 On September 16, 2021, Guardian Kimberly Jones filed Receipts and/or
7
8 Vouchers in Support of the First Accounting. The documents provided in
9 support of the First Accounting include the following: (1) statements from
10 Bank of American XX7492, approximately August 2019 through October
11 2020; (2) statements from Citibank Credit Card XX1157, approximately
12 September 2019 through November 2020; and (3) statements from Bank of
13 American XX8243, approximately August 2020 through November 2020.
14
15

16 Despite the title of Guardian Kimberly Jones' pleading, the documents
17 filed do not include any receipts. Instead, the documents are bank statements
18 and credit card statements.
19

20 The Bank of America records indicate that there was a withdrawal on
21 September 11, 2020, of \$15,215.15. See Production at Jones 000857. The
22 withdrawal was made just days after the proceeds from the refinance were
23 deposited into the Bank of America account. The Accounting contains no
24 information or itemization relative to this large withdrawal.
25

26 After the Guardian's production of "receipts and/or vouchers" pursuant to
27 NRS 159.179, an Accounting Review was again conducted at the direction of
28

1 the Court. *See* Accounting Review filed November 16, 2021. The
2 Accounting Review identified the following issues relative to Worksheet A:

3
4 The starting balance is inconsistent with past filings;
5 The ending balance is inconsistent with the transactions; and
6 The starting balance used for the 8/9/2021 Supplement does not reflect the
7 actual balances of the listed assets. The bank accounts listed in the
8 9/16/2021 Support total \$2,549.34 as of the accounting starting date. The
9 8/9/2021 Supplements lists \$98.00 as the accounting starting balance. The
10 real and personal property total either \$478,247.89 or \$485,247.89. The
11 actual total is unknown because the personal property is listed as \$21,000
12 when in fact the itemized values total only \$14,000. This value was not
13 adjusted in the accounting. It is unknown which value is correct.

14 The Accounting Review further states, in reference to Worksheet C:

15 There were seven payments to a Citibank credit card totaling \$1,108.62.
16 The credit card was not in the name of the protected person. It is not
17 known if these payments are for the benefit of the protected person.
18 There were five cash withdrawals in the account totaling \$8,100. The
19 statements provided also show other cash withdrawals of \$1,550.00 prior
20 to the start of the accounting period.
21 There are multiple expenses related to an automobile and auto fuel. No
22 automobile is listed in the starting or ending balance.

23 Another Notice of Accounting Review was filed on December 2, 2021,
24 and highlights six cash withdrawals, totaling \$23,300.00 which include:
25 Customer Withdrawal Image on September 11, 2020, of \$15,230.00; branch
26 withdrawal on April 2, 2020, of \$5,000.00; branch withdrawal on September
27 21, 2020, of \$2,260.00; and cash withdrawals of \$1,550.00 prior to the start
28 of the accounting period.

The Guardian's Second Supplement indicates that the Estate received
\$88,011.00 and expended \$56,018.88 during the accounting period. The

Guardian alleges that the Protected Person received \$18,381.00 in Social Security income and \$13,500.00 in income relative to a rental property. The largest source of income for the Protected Person's Estate was \$54,345.00, which was received as a result of the real property refinance. The Guardian alleges that \$22,870.56 was expended on the remodel of the real property. However, the expenditures relative to the remodel were not itemized and only a handful of receipts provided.

After a careful review of the Debit Card and Credit Card records provided in the Production of Documents, approximately \$4,000.00 can arguably be categorized as expended relative to a renovation because the purchases were made at Home Depot, Lowes, and a paint store.

Some of the small number of receipts provided by the Guardian do not coincide with the relevant accounting period. Exhibit 1 to the Second Amendment provides receipts and invoices for expenditures as follows:

Document	Dated	Amount
American Vision Windows, Inc. Invoice Windows/Sliding Doors Marked "Paid 12/10/2020"	11/24/2020	740.00
American Vision Windows, Inc. Invoice Windows/Sliding Doors Marked "Paid 12/10/2020"	11/30/3020	2,960.00
American Vision Windows, Inc. Invoice Windows/Sliding Doors \$3,700.00 Permit fee 190.91	03/03/2021	3,965.91

1	Service Pulled fee 75.00		
2	Home Depot Receipt Garden Grove	07/25/2020	146.52
3			
4	Home Depot Cut Merchandise Ticket		
5	Laminate 23.69		
6	60 cases		
7	13 under		
8	Vinyl 20.8, \$51.79		
9	66 case		
10	“Not to be used as a Release of Merchandise. This does not constitute a sales receipt unless Register Receipt attached”		
11	Home Depot Receipt Orange County	07/25/2020	65.87
12	Home Depot Quote	07/27/2020	1,070.11
13	19 HDC Baneberry Oak 20.8, \$51.79		
14	Home Depot Customer Receipt		2,654.00
15	Costco Receipt (Costco Visa X1157)	07/03/2020	265.29
16	Walmart Receipt (US Debit 2282)	03/24/2020	304.33
17	Walmart Receipt (US Debit 2282)	03/05/2020	385.51
18	Walmart Receipt (US Debit 2282)	02/04/2020	376.74
19	Walmart Receipt (US Debit 2282)	12/10/2019	281.68
20	Walmart Receipt (US Debit 2282)	11/05/2019	349.24
21	Walmart Receipt (US Debit 2282)	11/16/2019	379.99
22			
23			

24 The accounting period for the first accounting should be October 15, 2019,
25 through October 15, 2020. All three of the American Vision Windows
26 Invoices are dated and paid outside the accounting period. Two of the
27
28

1 American Vision Invoices, dated 11/24/2020 and 11/30/2020, are stamped
2 “Paid.” The “Paid” date on both Invoices is 12/10/2020.

3
4 The notations on the first two American Vision Invoices, dated 11/24/2020
5 and 11/30/2020, are for “Windows/Sliding Doors.” The first, dated
6 11/24/2020, totals \$740.00. The second, dated 11/30/2020, totals \$2,960.00.
7
8 The third American Vision Invoice, dated 03/03/2021, seems to represent a
9 summary of all charges and incorporates the earlier Invoices. The third
10 Invoice notes, “Windows/Sliding Doors” \$3,700.00, which is coincidentally
11 the exact sum of the first two Invoices for the identical item (11/24/2020
12 Invoice \$740.00, plus 11/30/2020 Invoice \$2,960.00, equals the 3/03/2021
13 Invoice \$3,700.00). The 03/03/2021 Invoice also adds the permit fee
14 (\$190.91) and the service charge for pulled fee (\$75.00).
15
16

17 ***Financial History***

18 A Financial Forensic Audit, filed March 13, 2020, revealed that Kimberly
19 Jones withdrew \$4,836.00 from Bank of American Account X6668 in August
20 2019 and placed the cash in a Safe Deposit Box. The Audit further revealed,
21 consistent with allegations by the Protected Person’s late husband that
22 Kimberly Jones was utilizing the Protected Person’s accounts. Kimberly
23 Jones withdrew \$2,652.82 from Bank of America x7492 in July 2019. At the
24 time of the Audit, Kimberly Jones provided an accounting of the \$2,652.82
25 withdrawn by her from Bank of America x7492 and indicated that she paid
26
27
28

1 for a Safety Deposit Box. *See* Financial Forensic Audit filed March 13, 2020
2 at page 6, 7, 10, and Exhibit E.

3
4 The Guardian's Inventory, filed before the March 2020 Forensic Audit,
5 does not reference a Safe Deposit Box or cash on hand. The three versions of
6 accountings, filed before and after the Forensic Audit, also fail to reference
7 cash held in a Safe Deposit Box. However, the records produced from Bank
8 of America note \$100 paid on August 5, 2020, toward a Safe Box rental. *See*
9 Production filed on 9/16/21 at Jones 000853.
10

11 ***Conclusions of Law***

12 ***Communication and Visitation***

13
14 A guardian may not restrict communication or visitation between a
15 protected person and the protected person's family. A protected person is
16 entitled to *unrestricted* contact with their family. If a guardian opposes a
17 request from a family member for communication and contact with the
18 Protected Person, the guardian bears the burden of proof.
19

20
21 Only a guardian may request a restriction of a family member's
22 communication and contact with the Protected Person. Here, Nevada
23 Guardianship statutes require that protected people be allowed
24 communication and visitation with their families. A guardian is specifically
25 prohibited from restricting communication and visits. *See* NRS 159.332.
26

27
28 Only under specific circumstances may a guardian seek to limit or restrict

1 contact through the court. The procedure and evidence necessary to restrict
2 contact is clearly detailed within the statute. *See* NRS 159.332.

3
4 The Protected Person’s Bill of Rights is codified in NRS 159.328.
5 However, the rights enumerated do not abrogate any remedies provided by
6 law. *See* NRS 159.328(2). A protected person is to be granted the greatest
7 degree of freedom possible, consistent with the reasons for guardianship, and
8 exercise control of all aspects of his or her life that are not delegated to a
9 guardian specifically by a court order. NRS 159.328(1)(i).

10
11 A protected person may receive telephone calls and have visitors, unless
12 her guardian and the court determine that particular correspondence, or a
13 particular visitor will cause harm to the protected person. NRS
14
15 159.328(1)(n).

16
17 Each protected person has a right to “[r]emain as independent as possible,
18 including, without limitation to have his or her preference honored regarding
19 his or her residence and standard of living, either as expressed or
20 demonstrated before a determination was made relating to capacity or as
21 currently expressed, if the preference is reasonable under the circumstances.”
22
23 NRS 159.328(h).

24
25 Each protected person has a “right to have a family member . . . raise any
26 issues of concern on behalf of the protected person during a court hearing,
27
28

1 either orally or in writing, including without limitation, issues relating to a
2 conflict with a guardian.”

3
4 Communication, visitation, and interaction between a protected person and
5 a relative is governed by NRS 159.331 through NRS 159.338. A guardian is
6 prohibited from restricting communication, visitation, or interaction between
7 a protected person and a relative. *See* NRS 159.332. NRS 159.332 provides
8 as follows:
9

10 1. A guardian shall not restrict the right of a protected person to
11 communicate, visit or interact with a relative or person of natural
12 affection, including, without limitation, by telephone, mail or
13 electronic communication, unless:

14 (a) The protected person expresses to the guardian and
15 at least one other independent witness who is not affiliated
16 with or related to the guardian or the protected person that the
17 protected person does not wish to communicate, visit or
18 interact with the relative or person of natural affection;

19 (b) There is currently an investigation of the relative or
20 person of natural affection by law enforcement or a court
21 proceeding concerning the alleged abuse of the protected
22 person and the guardian determines that it is in the best
23 interests of the protected person to restrict the
24 communication, visitation or interaction between the
25 protected person and the relative or person of natural
26 affection because of such an investigation or court
27 proceeding;

28 (c) The restriction on the communication, visitation or
interaction with the relative or person of natural affection is
authorized by a court order;

(d) Subject to the provisions of subsection 2, the
guardian determines that the protected person is being
physically, emotionally or mentally harmed by the relative or
person of natural affection; or

(e) Subject to the provisions of subsection 3, a
determination is made that, as a result of the findings in a plan

1 for the care or treatment of the protected person, visitation,
2 communication or interaction between the protected person
3 and the relative or person of natural affection is detrimental to
the health and well-being of the protected person.

4 2. Except as otherwise provided in this subsection, if a guardian
5 restricts communication, visitation or interaction between a
6 protected person and a relative or person of natural affection
7 pursuant to paragraph (d) of subsection 1, the guardian shall file a
8 petition pursuant to NRS 159.333 not later than 10 days after
9 restricting such communication, visitation or interaction. A guardian
10 is not required to file such a petition if the relative or person of
natural affection is the subject of an investigation or court
proceeding pursuant to paragraph (b) of subsection 1 or a pending
petition filed pursuant to NRS 159.333.

11 3. A guardian may consent to restricting the communication,
12 visitation or interaction between a protected person and a relative or
13 person of natural affection pursuant to paragraph (e) of subsection 1
14 if the guardian determines that such a restriction is in the best
15 interests of the protected person. If a guardian makes such a
16 determination, the guardian shall file a notice with the court that
17 specifies the restriction on communication, visitation or interaction
18 not later than 10 days after the guardian is informed of the findings
in the plan for the care or treatment of the protected person. The
guardian shall serve the notice on the protected person, the attorney
of the protected person and any person who is the subject of the
restriction on communication, visitation or interaction.

19 In any proceeding held pursuant to NRS 159.331 to 159.338, the guardian
20 has the burden of proof, if a guardian opposes a petition filed pursuant to
21 NRS 159.335.
22

23 Here, in response to a request for communication and visitation by the
24 Protected Person's two daughters, the Guardian and the Protected Person
25 propose a visitation schedule that would allow family members to visit and
26 call the Protected Person during a two-hour window one time per week.
27
28

1 However, the Protected Person is entitled to *unrestricted* communication
2 and visitation with her family. The Guardian and Protected Person have
3 failed to meet the statutory requirements that would allow the Court to
4 restrict communication with the Protected Person.
5

6 Robyn and Donna's Petition for Communication filed December 30, 2020,
7 and Petition for Visitation filed April 23, 2021, were both filed pursuant to
8 NRS 159.335 and requested that the Court grant a relative access to the
9 Protected Person and removal of the guardian. *See* Verified Petition for
10 Communication, Visits, and Vacation Time with Protected Person, filed
11 December 30, 2020, at page 20, paragraph 62.
12

13 Kimberly has the burden of proof, as she opposes Robyn and Donna's
14 petition for communication. *See* Kimberly's Opposition filed January 25,
15 2021; Kimberly's Pre-Trial Memorandum filed June 7, 2021.
16

17 No care plan has suggested that interaction between any family members
18 is detrimental to the health and well-being of the Protected Person. Kimberly
19 has not filed any petition with the Court advising that she has restricted
20 interaction. Only *a guardian* may file a petition for order restricting
21 communication, visitation, or interaction between a protected person and a
22 relative. *See* NRS 159.333 [emphasis added].
23

24 Here, the Guardian, Kimberly, did not file a petition for order restricting
25 communication. Instead, the Protected Person has filed a petition for
26
27
28

1 visitation order. This request by the protected person is a request for a court
2 order restricting. *See* Petition to Approve Kathleen June Jones' Visitation
3 Schedule filed May 5, 2021.
4

5 The request to restrict communication does not contain any Affidavit or
6 Declaration executed by the Protected Person. At the Evidentiary Hearing,
7 Counsel for Protected Person failed to present evidence or testimony through
8 an independent statement by an unrelated party. The argument by Counsel
9 for the Protected Person does not represent a statement by witness who is not
10 affiliated with the Protected Person.
11
12

13 If the Guardian believed that she was restricting interaction between
14 Protected Person and her relatives based upon the Protected Person's wishes,
15 the Guardian would be required to file a petition with the Court within ten
16 days of the restriction pursuant to NRS 159.332(2). No such petition was
17 filed by the Guardian.
18
19

20 ***Annual Accounting***

21 NRS 159.179 governs the contents of an annual accounting and requires a
22 guardian to retain receipts or vouchers for all expenditures. The statute also
23 provides a pathway to prove payment when a receipt or voucher is lost. NRS
24 159.179 provides as follows:
25

- 26 1. An account made and filed by a guardian of the estate or
27 special guardian who is authorized to manage the property of a
28

1 protected person must include, without limitation, the following
2 information:

3 (a) The period covered by the account.

4 (b) The assets of the protected person at the beginning and
5 end of the period covered by the account, including the
6 beginning and ending balances of any accounts.

7 (c) All cash receipts and disbursements during the period
8 covered by the account, including, without limitation, any
9 disbursements for the support of the protected person or other
10 expenses incurred by the estate during the period covered by
11 the account.

12 (d) All claims filed and the action taken regarding the
13 account.

14 (e) Any changes in the property of the protected person due to
15 sales, exchanges, investments, acquisitions, gifts, mortgages
16 or other transactions which have increased, decreased or
17 altered the property holdings of the protected person as
18 reported in the original inventory or the preceding account,
19 including, without limitation, any income received during the
20 period covered by the account.

21 (f) Any other information the guardian considers necessary to
22 show the condition of the affairs of the protected person.

23 (g) Any other information required by the court.

24 2. All expenditures included in the account must be itemized.

25 3. If the account is for the estates of two or more protected persons,
26 it must show the interest of each protected person in the receipts,
27 disbursements and property. As used in this subsection, "protected
28 person" includes a protected minor.

4. Receipts or vouchers for all expenditures must be retained by the
guardian for examination by the court or an interested person. A
guardian shall produce such receipts or vouchers upon the request of
the court, the protected person to whom the receipt or voucher
pertains, the attorney of such a protected person or any interested
person. The guardian shall file such receipts or vouchers with the
court only if the court orders the filing.

5. On the court's own motion or on ex parte application by an
interested person which demonstrates good cause, the court may:

(a) Order production of the receipts or vouchers that support
the account; and

(b) Examine or audit the receipts or vouchers that support the
account.

1 6. If a receipt or voucher is lost or for good reason cannot be
2 produced on settlement of an account, payment may be proved by
3 the oath of at least one competent witness. The guardian must be
4 allowed expenditures if it is proven that:
5 (a) the receipt or voucher for any disbursement has been lost or
6 destroyed so that it is impossible to obtain a duplicate of the receipt
7 or voucher; and
8 (b) Expenses were paid in good faith and were valid charges against
9 the estate.

10 Here, the Guardian failed to itemize all expenditures. Further, the
11 Guardian failed to retain receipts and vouchers. If the receipts and vouchers
12 were lost, the Guardian failed to establish that it is impossible to obtain a
13 duplicate and that the expenses were paid in good faith and were valid
14 charges.

15 The Court details herein the failure of the Guardian to account for the
16 approximately \$22,000.00 expended in a home renovation. Further, the
17 Guardian fails to account for a significant amount of funds withdrawn.

18 ***Removal***

19 NRS 159.185 governs the conditionals for removal of a guardian and
20 provides as follows:
21

22 1. The court may remove a guardian if the court determines that:

23 (a) The guardian has become mentally incapacitated, unsuitable or
24 otherwise incapable of exercising the authority and performing the
25 duties of a guardian as provided by law;

26 (b) The guardian is no longer qualified to act as a guardian pursuant
27 to NRS 159.0613;

28 (c) The guardian has filed for bankruptcy within the previous 5
years;

1 (d) The guardian of the estate has mismanaged the estate of the
2 protected person;

3 (e) The guardian has negligently failed to perform any duty as
4 provided by law or by any order of the court and:

5 (1) The negligence resulted in injury to the protected person or
6 the estate of the protected person; or

7 (2) There was a substantial likelihood that the negligence
8 would result in injury to the protected person or the estate of the
9 protected person;

10 (f) The guardian has intentionally failed to perform any duty as
11 provided by law or by any lawful order of the court, regardless of
12 injury;

13 (g) The guardian has violated any right of the protected person that
14 is set forth in this chapter;

15 (h) The guardian has violated a court order or committed an abuse
16 of discretion in making a determination pursuant to paragraph (b) of
17 subsection 1 or subsection 3 of NRS 159.332;

18 (i) The guardian has violated any provision of NRS
19 159.331 to 159.338, inclusive, or a court order issued pursuant to NRS
20 159.333;

21 (j) The best interests of the protected person will be served by the
22 appointment of another person as guardian; or

23 (k) The guardian is a private professional guardian who is no
24 longer qualified as a private professional guardian pursuant to NRS
25 159.0595 or 159A.0595.

26 2. A guardian may not be removed if the sole reason for removal
27 is the lack of money to pay the compensation and expenses of the
28 guardian.

Here, Kimberly has negligently failed to assist the Protected Person to
have visitation and communication with her family. Kimberly through her
actions and inactions has created an environment in which the Protected
Person has been isolated from her family. Kimberly has made it difficult for
the family to have visitation and communication with the Protected Person.

1 In addition, Kimberly has failed to provide the required annual accounting.
2 Specifically, Kimberly failed to itemize all expenditures and retain receipts
3 and/or vouchers for expenses related to the guardianship estate, as required
4 by NRS 159.179.
5

6 ***Successor Guardian***
7

8 Pursuant to NRS 159.1871, the Court may appoint a successor guardian at
9 any time to serve immediately or when a designated event occurs. The
10 revocation of letters of guardianship by the court or any other court action to
11 suspend the authority of a guardian may be considered to be a designated
12 event for the purposes of NRS 159.1871 if the revocation or suspension of
13 authority is based on the guardian's noncompliance with his or her duties and
14 responsibilities as provided by law.
15
16

17 ***Guardian's Request for Caregiver and Guardians Fees***
18

19 Guardian, Kimberly Jones, requests caregiver fees and guardian fees.
20 Kimberly requests \$90,000 in past caregiver fees for the services she
21 rendered during the first eighteen months of the guardianship.
22

23 Kimberly also requests that the Court prospectively approve and allow
24 Kimberly to bill the Guardianship Estate for both caregiver fees and
25 guardianship fees in the future. Kimberly requests the Court approve
26 caregiver fees of \$21.00 per hour, ten hours per day, five days a week.
27
28

1 Kimberly requests the Court approve guardianship fees of \$100 per hour for
2 up to five hours each week.

3
4 NRS159.183 governs compensation of a guardian and allows
5 compensation, subject to the discretion and approval of the court, of expenses
6 incurred. Here, Kimberly requests compensation for work already completed
7 (\$90,000 in caregiving fees for the first eighteen months of the guardianship)
8 and compensation for work to be completed in the future (\$500 per week in
9

10 The petition is insufficient to establish, pursuant to NRS 159.183, that the
11 caregiver fees requested were reasonable and necessary in exercising the
12 authority and performing the duties of a guardian. Further, the petition is
13 insufficient to establish the type, duration, and complexity of the services
14 rendered. The petition makes general statements about the type of duties and
15 services that the Guardian has undertaken. Additionally, the petition is
16 insufficient to establish that future caregiver fees and guardianship fees can
17 be approved. The statute allows for the payment of expenses incurred. The
18 statute does not allow for anticipated or future expenses to be pre-approved.
19
20
21

22 ***Guardian's Request for Attorney's Fees***

23
24 Guardian, Kimberly Jones, requests the Court approve the payment of
25 attorney's fees and costs in the amount of \$101,558.24 from the
26 Guardianship Estate for fees and costs incurred from December 31, 2019,
27
28

1 through February 25, 2021. Kimberly's Counsel also submitted a *Brunzell*
2 Affidavit in support of the request for fees.

3
4 Kimberly failed to file a timely notice of intent to seek reimbursement of
5 attorney's fees pursuant to NRS 159.344. Kimberly filed a Notice of Intent
6 to seek reimbursement of attorney's fees on January 15, 2020, well after her
7 first appearance in this matter on October 2, 2019. The Protected Person
8 initially objected to the untimely notice. *See* Objection filed February 11,
9 2020.
10

11
12 On February 21, 2020, new attorneys for Kimberly, Marquis Aurbach
13 Coffing, filed a "Notice of Intent to Seek Payment of Attorneys' Fees and
14 Costs from Guardianship Case" on behalf of themselves, not on behalf of
15 Kimberly.
16

17 Nevertheless, the petition fails to address all of the fourteen factors, which
18 include *Brunzell* factors, the Court may consider in determining whether
19 attorney's fees are just, reasonable, and necessary in NRS 159.344(5).
20

21 Certainly, Counsel for Kimberly is well qualified, and the difficult work
22 performed required skill. However, the Court is very concerned about the
23 ability of the estate to pay, considering: the value of the estate; the nature,
24 extent, and liquidity of the assets of the estate; the disposable net income of
25 the estate; the anticipated future needs of the protected person; and other
26 foreseeable expenses. The value of the Guardianship Estate, based upon the
27
28

1 recent accounting and production of documents, is fuzzy. The Guardian's
2 lack of receipts and failure to itemize expenses, do not allow the Court to
3 reasonably rely upon the Guardian's representations relative to the value of
4 the estate. The income each month is minimal, and the largest asset is the
5 California residence. The estate is unable to cover the current needs of the
6 Protected Person. The Guardian requests approximately \$190,000.00 be
7 paid from the Estate to cover past expenses. The Estate will be unable to
8 provide for the future needs of the Protected Person given the enormity of
9 these expenses.
10
11
12

13 Further, the Court cannot say given the totality of litigation to this point
14 that Kimberly has conferred any actual benefit upon the Protected Person or
15 attempted to advance the best interest of the Protected Person pursuant to
16 NRS 159.344(5)(b). Kimberly has not made efforts to reduce and minimize
17 issues in this guardianship litigation. *See* NRS 159.344(5)(k). Further, the
18 Court cannot find that Kimberly has acted in good faith during her time
19 managing the Guardianship Estate.
20
21
22

23 Kimberly initially objected to the guardianship and then petitioned for
24 guardianship. She withheld medications and information from the
25 Temporary Guardians. She created an environment in which the Protected
26 Person was isolated from her family. She withdrew approximately
27 \$23,000.00 from the Estate without the required detailed explanation. She
28

1 failed, despite many opportunities, to provide a sufficient accounting. Many
2 statements by Kimberly are a combination of double-talk and feigned
3 confusion.
4

5 NRS 159.183(5) does not allow compensation or expenses incurred as a
6 result of petition to have a guardian removed, if the court removes the
7 guardian.
8

9 NRS 159.338 allows a court to impose sanctions and award attorney's fees
10 against a guardian, if the court finds a guardian has acted frivolously or in
11 bad faith in restricting communication between a protected person and a
12 family member.
13

14 ***Findings of Fact***
15

16 THE COURT HEREBY FINDS that in the instant case, the
17 statutory requirements relative to restriction of visitation and communication
18 were not met by the Guardian in restricting access to the Protected Person.
19

20 THE COURT FURTHER FINDS that the Protected Person failed to
21 establish the statutory requirements necessary in order to restrict visitation
22 and communication with her family members.
23

24 THE COURT FURTHER FINDS Kimberly had difficulty
25 answering questions and difficulty understanding questions related to
26 visitation and communication between the Protected Person and her family.
27

28 The Court finds that Kimberly's testimony was not credible.

1 THE COURT FURTHER FINDS that the Guardian through her
2 actions and inactions restricted the Protected Person's communication,
3 visitation, and access to her relatives contrary to the Protected Person's Bill
4 of Rights and NRS 159.331 to NRS 159.338.
5

6 THE COURT FURTHER FINDS that the Guardian, Kimberly
7 Jones, in violation of NRS 159.179: failed to itemize all expenditures in the
8 annual accounting; failed to retain receipts and/or vouchers related to
9 expenditures to support the annual accounting; and failed to retain receipts
10 relative to cash and disbursements.
11
12

13 THE COURT FURTHER FINDS that pursuant to NRS 159.185(i),
14 the conditions for removal of the Guardian have been met because the
15 Guardian has violated provisions of NRS 159.331 to 159.338, inclusive,
16 relative to communication and visitation.
17

18 THE COURT FURTHER FINDS that pursuant to NRS 159.185(e),
19 the conditions for removal of the Guardian have been met because the
20 Guardian has negligently failed to perform a duty as provided by law and
21 there is a substantial likelihood that the negligence would result in injury to
22 the Protected Person's estate, relative to failure to itemize expenditures,
23 retain cash and disbursement receipts, and retain receipts relating to
24 expenditures.
25
26
27
28

1 THE COURT FURTHER FINDS that pursuant to NRS 159.185(d),
2 the conditions for removal of the Guardian have been met because the
3 Guardian of the Estate has mismanaged the estate of the Protected Person.
4

5 THE COURT FURTHER FINDS that pursuant to NRS 159.185(j),
6 the conditions for removal of the Guardian have been met because the best
7 interest of the Protected Person will be served by the appointment of another
8 person as guardian.
9

10 THE COURT FURTHER FINDS that pursuant to NRS 159.1871, a
11 Successor Guardian shall be appointed. A designated event has occurred,
12 specifically, the revocation of Kimberly Jones' letters of guardianship,
13 herein.
14

15 THE COURT FURTHER FINDS that pursuant to NRS 159.199,
16 Kimberly Jones shall not be discharged as Guardian or relieved from liability
17 as she has not had an Accounting approved by this Court, and has not filed
18 receipts or vouchers showing compliance with the orders of the court in
19 winding up the affairs of the guardianship.
20

21 ***Orders***
22

23 IT IS HEREBY ORDERED that the Request for Our Family Wizard
24 or Talking Parents is DENIED.
25

26 IT IS FURTHER ORDERED that the request for Family Mediation
27 is DENIED.
28

1 IT IS FURTHER ORDERED that the request for communication
2 and visitation is GRANTED. Pursuant to the Protected Person's Bill of
3 Rights, the Protected Person shall have unrestricted access to all family
4 members. The Guardian shall support, assist, and facilitate communication
5 and visitation with family as necessary based upon the Protected Person's
6 unique abilities.
7

8
9 IT IS FURTHER ORDERED that the Protected Person's request to
10 limit all communication and visitation with family members to a two hour
11 window one day per week is DENIED.
12

13 IT IS FURTHER ORDERED the Guardian Kimberly Jones' request
14 for caregiver fees already incurred is DENIED.
15

16 IT IS FURTHER ORDERED that Guardian Kimberly Jones'
17 request for attorneys' fees and costs from the Guardianship Estate is
18 DENIED.
19

20 IT IS FURTHER ORDERED that Guardian Kimberly Jones'
21 request for pre-approval to bill caregiver and guardianship fees from the
22 Guardianship Estate in the future is DENIED.
23

24 IT IS FURTHER ORDERED that the request to remove Kimberly
25 Jones as guardian of the person and estate is GRANTED.
26
27
28

1 IT IS FURTHER ORDERED that pursuant to NRS 159.185,
2 Kimberly Jones SHALL be removed as Guardian over the Person and Estate
3 of Protected Person, Kathleen Jones.
4

5 IT IS FURTHER ORDERED that the Letters of Guardianship
6 issued to Kimberly Jones are hereby REVOKED.
7

8 IT IS FURTHER ORDERED that pursuant to NRS 159.1871,
9 Robyn Friedman SHALL be appointed as Successor Guardian of the Person
10 and Estate of Kathleen Jones. An Order Appointing Successor Guardian
11 shall issue, along with Letters of Guardianship.
12

13 IT IS FURTHER ORDERED that Successor Guardian, Robyn
14 Friedman, SHALL file an Inventory of the Estate with sixty (60) days of the
15 Order Appointing Guardian.
16

17 IT IS FURTHER ORDERED that the Successor Guardian, Robyn
18 Friedman, file a proposed care plan within ninety (90) days of the Order
19 Appointing Guardian, after review of medical records, medical evaluation,
20 and consultation with medical professionals.
21

22 IT IS FURTHER ORDERED that the Successor Guardian, Robyn
23 Friedman, file a proposed budget within ninety (90) days of the Order
24 Appointing Guardian, considering the Inventory and the proposed Care Plan.
25
26
27
28

1 IT IS FURTHER ORDERED that the Successor Guardian, Robyn
2 Friedman, shall not move the Protected Person's temporary residence without
3 permission from the Court.
4

5 IT IS FURTHER ORDERED that a forensic financial investigation
6 shall be ordered relative to the management of the Guardianship Estate by
7 former Guardian Kimberly Jones to include the personal finances of former
8 Guardian Kimberly Jones. An Order Appointing Investigator shall issue and
9 a return for Investigator's Report scheduled on the Court's Chambers
10 Calendar set for March 2, 2022, at 5:00 AM.
11

12 IT IS SO ORDERED.
13

14 Dated this 6th day of December, 2021

15 
16

17 0B8 D29 E25A C6A5
18 Linda Marquis
19 District Court Judge
20
21
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23
24
25
26
27
28

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

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5
6 In the Matter of the Guardianship CASE NO: G-19-052263-A
7 of:
8 Kathleen Jones, Protected
9 Person(s)

DEPT. NO. Department B

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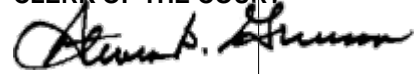
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12 **EIGHTH JUDICIAL DISTRICT COURT**
13 **FAMILY DIVISION**
14 **CLARK COUNTY, NEVADA**

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

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

19 **KATHLEEN J. JONES,**

20 **An Adult Protected Person.**

21 **NOTICE OF ENTRY OF ORDER**

22 YOU AND EACH OF YOU WILL PLEASE TAKE NOTICE that the attached
23 **FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ORDER REGARDING**
24 **VISITATION, FIRST ANNUAL ACCOUNTING, GUARDIAN'S FEES, CARETAKING**
25 **FEES, ATTORNEY'S FEES AND COSTS, AND REMOVAL OF THE GUARDIAN** in
26 the above captioned matter was entered on the 6th day of December 2021.

27 DATED this 10th day of December, 2021.

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

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FFCL

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

In the Matter of the Guardianship of the) Case No.: G-19-052263-A
Person and Estate:) Dept. No.: B
)
Kathleen Jones,)
)
Protected Person(s).)
_____)

**FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ORDER
REGARDING VISITATION, FIRST ANNUAL ACCOUNTING,
GUARDIAN'S FEES, CARETAKING FEES, ATTORNEY'S FEES
AND COSTS, AND REMOVAL OF THE GUARDIAN**

The above-entitled matter having come before this Honorable Court June 8, 2021, and August 12, 2021, Maria Parra-Sandoval, Esq., appearing for Protected Person, James Beckstrom, Esq., appearing on behalf of Guardian Kimberly Jones, Kimberly Jones appearing, John Michaelson, Esq., appearing on behalf of interested parties Robyn Friedman and Donna Simmons, Robyn Friedman and Donna Simmons appearing, Elizabeth Brickfield, Esq., appearing as Court appointed Guardian Ad Litem, for an Evidentiary Hearing, relative to visitation and communication with the Protected Person and the First Annual Accounting, the Court hereby makes the following Findings of Fact and Conclusions of Law and Orders:

1 ***Relevant Procedural History***

2 In September 2019, two of the daughters of the Protected Person, Robyn
3 Friedman and Donna Simmons, petitioned the District Court for guardianship
4 of their mother alleging, in part, that the Proposed Protected Person's Power
5 of Attorney, Kimberly Jones, was unwilling or unable to address serious
6 issues effecting the health and welfare of the Proposed Protected Person.
7 The Proposed Protected Person's Power of Attorney, Kimberly Jones, is the
8 daughter of the Proposed Protected Person and sister to both Robyn and
9 Donna.
10 Donna.

11 Initially, Kimberly objected to the need for a guardian for her Mother.
12 Later, Kimberly opposed Robyn and Donna's petition and filed her own
13 petition for guardianship. Jerry, the husband of the Proposed Protected
14 Person, objected and filed a counter petition for guardianship. The three
15 competing petitions alleged: elder abuse; financial misconduct; exploitation;
16 isolation; kidnapping; and many other things. See Robyn and Donna's
17 Petition Guardianship, filed September 19, 2019; Kimberly's Opposition and
18 Counter-Petition, filed October 2, 2019; Jerry's Opposition and Counter-
19 Petition, filed October 2, 2019.

20 Ultimately, Robyn and Donna withdrew their Petition and supported
21 Kimberly. Kimberly was appointed guardian of the person and estate of her
22 Mother on October 15, 2020.

1 After the appointment of Kimberly, the guardianship proceedings and
2 related civil proceedings remained actively contentious. Allegations of
3 isolation of the Protected Person from her family by the Guardian persisted,
4 simmering under the surface, while more immediate and complex litigation
5 concerns were addressed.
6

7
8 In December 2020, Robyn and Donna filed a Petition for Communication,
9 Visits, and Vacation Time with the Protected Person. The Petition requested
10 that Kimberly assist the Protected Person to “[r]eceive telephone calls and
11 personal mail and have visitors . . .” consistent with the Protected Person’s
12 Bill of Rights. *See* NRS 159.328(1)(n). Robyn and Donna did not seek “to
13 compel Ms. Jones to visit with them. Rather, they seek a routine or series of
14 windows of opportunity so that all sides can plan to be available to
15 accomplish the visits.” *See* Petition for Communication at page 3.
16

17
18 In their Petition for Communication, Robyn and Donna alleged that the
19 Protected Person needs assistance to receive telephone calls and have visitors
20 because: she cannot operate her telephone without assistance; has severe
21 memory impairment; and is often disoriented as to time. Robyn and Donna
22 further allege many specific instances in which their sister and Guardian,
23 Kimberly, failed to facilitate telephone calls and visitors for the Protected
24 Person.
25
26
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28

1 The Protected Person, through counsel, vehemently objected to the request
2 for communication. The Protected Person “is clear that she does not want the
3 imposition of anything that looks like a visitation schedule, nor does she
4 want her guardian to be bound by a communication protocol to arrange calls
5 or visitation when June is easily accessible.” *See* Objection filed January 25,
6 2021.
7

8
9 The Guardian, Kimberly, also objected to the Petition for Communication,
10 alleging that she has not restricted communication or visits, presenting her
11 own allegations of specific instances in which she has facilitated
12 communication and visitation. The Guardian further argued that a schedule
13 would be too burdensome for the Guardian because she is busy caring for the
14 Protected Person whose mental and physical health is declining.
15

16
17 The Court appointed a Guardian Ad Litem, Elizabeth Brickfield, Esq.,
18 pursuant to NRS 159.0455, and Nevada Statewide Guardianship Rule 8. *See*
19 Order Appointing Guardian Ad Litem filed February 12, 2021. Ms.
20 Brickfield submitted her Report and Recommendations March 29, 2021.
21

22 While these issues of communication and access to the Protected Person
23 remained pending, issues regarding potential settlement of an associated civil
24 litigation, requiring the Protected Person to promptly vacate her long-time
25 residence, were presented, and mandated immediate attention and multiple
26 hearings. Because the permanent and temporary location of the Protected
27
28

1 Person (California or Nevada) directly impacted issues of communication
2 and visitation, the Court continued the Request for Communication pending
3 the determination of the Protected Person's relocation.
4

5 On April 23, 2021, Robyn filed a Petition for Visitation with the Protected
6 Person relative to Mother's Day 2021.
7

8 On May 5, 2021, the Protected Person dramatically reversed course.
9 Protected Person's Counsel initially objected to the request for
10 communication and visitation by Robyn and Donna. However, Protected
11 Person's Counsel now proposed a restriction for phone calls and in-person
12 visits between the Protected Person and family members. The Protected
13 Person requested limiting all family visits and communications to a two hour
14 window each Friday. Counsel for Protected Person filed a Petition to
15 Approve Proposed Visitation Schedule. In the Petition, the Protected Person
16 argued, "[d]espite her own desired wished and stated preferences, [Protected
17 Person] feels she has been forced by all parties, including the court-appointed
18 Guardian Ad Litem, to concede on the issue of visitation." See Petition at
19 page 3. While maintaining she was still opposed to a Court ordered schedule,
20 the Protected Person proposed the Court order a specific schedule.
21
22
23
24

25 In a Minute Order, the Court vacated the Hearing on the Petition for
26 Visitation (Mother's Day) and the Hearing on the Petition to Approve
27 Protected Person's Proposed Visitation Schedule. The Court ordered all
28

1 pending visitation matters set for Evidentiary Hearing. The Court further
2 ordered that the Parties submit: proposed witness lists; proposed exhibit lists;
3 and briefs by a certain date and time. Importantly, the Court directed that the
4 supplemental legal briefs further examine the issues contained in NRS
5 159.332 through NRS 159.334 (visitation and communication); NRS 159.335
6 through NRS 159.337 (removal of a guardian); and NRS 159.328 (Protected
7 Persons' Bill of Rights). *See* Minute Order filed May 12, 2021.¹

8
9
10 Later the same day, Protected Person filed a Motion for Stay in the District
11 Court, referencing the already pending Nevada Supreme Court case. Exhibits
12 supporting the Motion for Stay and a Notice of Hearing were filed the next
13 day, June 3, 2021. The hearing on the Motion to Stay was scheduled by the
14 Clerk's Office for July 8, 2021. On June 7, 2021, the Court denied the
15 Protected Person's request for stay pending her petition for extraordinary
16 relief and the Evidentiary Hearing went forward.

17
18
19
20 ***Statement of Facts***

21 The Protected Person was not present at the Evidentiary Hearing.

22 Mr. Michaelson, on behalf of Robyn and Donna, called the Protected
23 Person as the first witness. Both Counsel for the Protected Person and
24

25
26

¹ Both the Protected Person and the Guardian failed to comply with the Court's Order.
27 Guardian and Protected Person did not submit legal briefs, proposed exhibits, or proposed
28 witness lists in a timely manner.

1 Counsel for the Guardian objected to the Protected Person being subject to
2 any questions by Counsel and/or the Court. The objection was based upon:
3
4 (1) Protected Person's representations to her attorney that she did not want to
5 participate in the proceeding; and (2) that based on Protected Person's
6 Counsel's observations of the Protected Person, the Protected Person's
7 participation in the proceeding would cause emotional distress.
8

9 The Court declined to ORDER the Protected Person to testify or
10 participate in the proceedings, despite Mr. Michaelson's objection. Mr.
11 Michaelson anticipated that the Protected Person would testify as to her
12 desires for visitation with family members and her personal ability and
13 familiarity with the telephone. See Pre Trial Memorandum filed June 1,
14 2021, at page 10.
15
16

17 Many family members testified that they would like to visit with the
18 Protected Person and/or have communication with the Protected Person.
19 However, the family members did not feel comfortable being around the
20 Guardian or the Guardian's boyfriend for various reasons.
21

22 The Protected Person cannot operate a telephone. She cannot answer or
23 place telephone calls. Guardian Kimberly Jones testified that she makes all
24 appointments for the Protected Person. Guardian Kimberly Jones testified
25 that she placed or received all telephone calls on behalf of the Protected
26 Person.
27
28

1 ***Scott Simmons***

2 Scott Simmons, son of the Protected Person, testified. He last saw his
3
4 Mother on the Saturday before Mother's Day 2021. Prior to that Mother's
5 Day visit, he had not seen his Mother for fifteen to seventeen (15-17) months
6 because he does not want to see or interact with Kimberly, the Guardian,
7
8 and/or Kimberly's boyfriend, Dean. Scott has not tried to call the Protected
9 Person or respond to Kimberly's communication because he does not want to
10 interact with Kimberly or Kimberly's boyfriend, Dean. Approximately 15-
11
12 17 months ago, Kimberly indicated to Scott that she planned to bring
13 Protected Person to his home. Instead, Kimberly brought Dean to the
14 meeting. During the meeting, Scott believes Dean threatened him, saying
15 "things are going to come down hard and come down on you."
16

17 Scott does not have the land line telephone number for his Mother's
18 current residence. Mr. Simmons further testified that he works on Fridays.
19

20 Scott testified that his Mother was unable to verbally answer to questions
21 during his recent visit. Instead, his Mother simply nodded and shook her
22 head in the affirmative or negative. The only thing she verbalized during that
23 visit was that she wanted to take a nap. He assisted her and helped her move
24 to take a nap.
25

26 In his experience, the Protected Person's proposed visitation schedule is
27 inconsistent with her previous attitude toward visitation and communication
28

1 with her family. Scott indicated her door was always open and she was
2 always happy to visit with her entire family.

3
4 Scott indicates that he would like to visit with his Mother at another
5 neutral location, like at his sister's house.

6 Scott was evicted from the Anaheim rental owned by Protected Person.
7
8 Scott paid \$1,200.00 per month for approximately 18 years. The Guardian
9 increased the rent by \$800.00 per month. The home is approximately 60
10 years old.

11
12 ***Cameron Simmons***

13 Cameron Simmons is the son of Scott Simmons and the grandson of the
14 Protected Person. He has a background in IT.

15
16 At the Mother's Day visit, the Protected Person was not talkative. By her
17 face and smile, Mr. Simmons could see she was happy. He showed her
18 pictures and gave her information about new happenings in the family. The
19 Protected Person nodded and smiled. She did verbally ask him to help her
20 lay down to take a nap. Grandmother nodded her head affirming, upon his
21 question if she wanted him to come visit.

22
23
24 Jerry and the Protected Person had a joint cell phone. Cameron and the
25 Protected Person would call and text each other. The last time he FaceTime
26 her, Cameron thought he was at Rodney's wedding, and he thinks the
27 Protected Person used Donna's cell phone.
28

1 Cameron testified that the visitation schedule is inconsistent with her
2 historic desire toward visitation and communication with her family.

3
4 Cameron testified that his Grandmother is unable to effectively communicate
5 via telephone. He does not have Kimberly's cellular number because
6 Kimberly had no assigned cellular phone number. The last he knew,
7
8 Kimberly had three phones dependent upon Wi-Fi. However, he
9 acknowledged that he could have obtained the telephone numbers.

10 Cameron testified he will not go to the Anaheim house because of
11
12 Kimberly's boyfriend, Dean. He is afraid to be around Dean because of his
13 history, an incident with Kimberly, and information and statements provided
14 from the neighbors.

15
16 In an incident, Kimberly requested that Cameron wipe all data from her
17 laptop and make sure there is no tracking devices or location sharing
18 applications on her two cellular telephones or laptop in order to ensure that
19
20 Dean was unable to access information relative to her location. Cameron
21 indicated that the request was a red flag. He does not believe Kimberly feels
22 safe with Dean. He remains concerned for Kimberly's safety.

23
24 Cameron testified that, based upon the Protected Person's mobility, a
25 landline will not assist in communication. Cameron testified that he sent her
26 a Christmas present.

27
28

1 Cameron further testified that he did not receive a text from Kimberly nor
2 his Grandmother at Christmas time.

3
4 ***Samantha Simmons***

5 Samantha Simmons, Granddaughter of the Protected Person and daughter
6 of Donna Simmons, testified. On her 21st birthday, Samantha came to Las
7 Vegas to visit and celebrate with the Protected Person. The night before
8 Samantha visited, she was advised by Kimberly that the Protected Person
9 would be unavailable and was vacationing in Arizona.
10

11
12 Kimberly later reached out to Samantha relative to a visit. Kimberly made
13 a reservation at the restaurant. Kimberly brought Protected Person to
14 Donna's house for a boat ride about eight months ago. Samantha does not
15 have great relationship with Kimberly. She has not reached out to Kimberly
16 relative to visits or communication. Samantha saw her Grandmother in
17 January 2021 and Mother's Day 2021.
18

19
20 ***Donna Simmons***

21 Donna Simmons is the daughter of the Protected Person. Donna worked
22 as a caregiver for many years for two individuals. Donna testified that her
23 Mother, the Protected Person, is hard of hearing and takes a "long time" to
24 process things. Consequently, the Protected Person responds to a lot of
25 conversations with a head nod in the affirmative.
26
27
28

1 Donna testified that the Protected Person cannot operate a cellular phone
2 and cannot answer phone calls. All telephone calls with the Protected Person
3 are made through Kimberly.
4

5 In the last year, Donna has called her Mother at least fifty times. The
6 Protected Person does not answer but sometimes calls back, only with the
7 assistance of Kimberly. Donna receives texts from Kimberly indicating that
8 the Protected Person is trying to call her. Kimberly helps the Protected
9 Person use the cellular telephone. Usually, the speaker is on and Donna can
10 hear Kimberly in the background. Kimberly talks for her Mother and/or
11 interjects in the conversation, denying the opportunity for one-on-one
12 communication between Donna and her mother. Donna testified that she
13 prefers one-on-one communication with her Mother.
14
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17 Approximately six months ago, Donna spoke with her Mother via
18 FaceTime. When Donna speaks to her Mother on the telephone, her Mother
19 is in a rush to get off the phone because she has hearing issues. Donna wishes
20 she could have private conversations with her Mother.
21
22

23 Donna testified that her Mother does not know what day of the week,
24 month of the year, or time of the day it is. The Protected Person cannot
25 schedule or plan a visit. She does not remember plans, nor does she know
26 how to cancel plans.
27
28

1 Donna testified that when she speaks with her Mother, her Mother is
2 unable to discern when she last saw her. Donna testified she thinks her
3 Mother likes her, but is unable to remember that she is supposed to call.
4

5 Donna testified that Kimberly is not trustworthy.

6 Donna testified that, instead of permitting phone calls with the Protected
7 Person, Kimberly tries to force Donna into communicating with the Protected
8 Person via text messages in order to show the Judge. Donna prefers to
9 communicate with her own mother via telephone.
10
11

12 Most of the time that Donna has seen her Mother, Kimberly asks Donna to
13 watch her Mother. Most of the time, Kimberly contacts Donna last minute
14 for the same.
15

16 In one instance, just before a hearing in September 2020, Kimberly called
17 Donna at the last minute with no advance notice and indicated to Donna that
18 she was in California. Donna dropped everything and met Kimberly on the
19 side of the road so that she could see her Mother. As they met, Donna and
20 Kimberly discussed where to go and eat. There were several fast foods
21 restaurants nearby. Donna asked her Mother which one she wanted to eat at.
22
23 Kimberly told Donna that the Protected Person is unable to make decisions,
24 and that Donna needed to “just tell her where you were going.”
25
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1 Relative to the Report of the Guardian Ad Litem, Donna believes the
2 Report is an accurate description of her Mother's wishes. The Protected
3 person has never said that she does not want to see Donna.
4

5 Previously, Jerry, the Protected Person's late husband, facilitated
6 telephone calls from his telephone to ensure that the Protected Person was
7 speaking with her family. Donna desires that Kimberly facilitate
8 communication as was previously done.
9

10 Donna would further like to drive the Protected Person to the beach, visit
11 people, visit in the area, and get her nails done, all in the best interest and
12 happiness of the Protected Person.
13

14 Donna does not feel safe visiting with her Mother at the house if Dean,
15 Kimberly's boyfriend, is living at the house or is at the house. Donna
16 describes a suspicious instance involving keys that were missing from her
17 purse. Donna does not want to be around Dean and his associates. Donna is
18 worried that someone will come after her.
19

20 Donna is unable to accommodate the family visits at her residence on
21 Fridays because Donna works on Friday. Donna believed things would be
22 easier once the Protected Person moved to Anaheim, California. However,
23 communication and visitation remain difficult.
24

25 Donna does not believe that the Protected Person's proposed schedule was
26 created or drafted by her Mother.
27
28

1 The Protected Person has hearing aids, however, she will not wear them
2 because she hears background noises. Donna has talked to Kimberly about
3 assisting Protected Person with the hearing aids.
4

5 Donna indicated that she never asked Kimberly to leave the room so that
6 Donna and her Mother could have a private conversation. Donna testified
7 that Kimberly has never said “no, you cannot see her.” However, Donna
8 indicates that Kimberly has made it hard or impossible to see or
9 communicate with the Protected Person.
10
11

12 Kimberly only offers an opportunity to see her Mother before a Court
13 hearing. Donna testified that she would like to stop by her Mother’s house at
14 any time.
15

16 ***Robyn Friedman***

17 Robyn Friedman, daughter of the Protected Person, similarly testified that
18 her telephone calls with the Protected Person are limited by Kimberly.
19

20 For a period during the guardianship, Robyn and Kimberly reached an
21 agreement or understanding allowing Robyn to visit with her Mother every
22 Wednesday and every other Saturday, have FaceTime communication one
23 time per week, twice weekly telephone communication, and scheduled
24 vacations. The agreement lasted only a short period of time and resulted in
25 significant attorney’s fees.
26
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1 At one scheduled visit in June 2020, Kimberly brought out a wheelchair.
2 Robyn indicated that she did not need the wheelchair during the visit as she
3 planned to take her Mother on a scenic drive.
4

5 Robyn took her Mother on a scenic drive to Mt. Charleston and returned
6 approximately two hours later. Upon their return to the Protected Person's
7 home, there was no answer at the door. Robyn took her Mother, the
8 Protected Person, and her four year old son to a neighbor's home so that they
9 both could utilize the restroom.
10
11

12 Robyn used her Mother's phone to call Kimberly. Kimberly indicated that
13 she could be there in thirty minutes, or she could pick her up at Robyn's
14 house.
15

16 Kimberly texted Robyn that the key to the front door was in the
17 wheelchair. However, Kimberly had not advised Robyn that the keys were in
18 the wheelchair when Robyn picked up her Mother.
19

20 Robyn believes that Kimberly's intentional failure to assist and support the
21 Protected Person in facilitating communication and visitation is hurting the
22 Protected Person. The Protected Person is unable to make and execute plans,
23 which is stressful to the Protected Person. Robyn believes that it is especially
24 cruel of Kimberly to require the Protected Person to manage her own
25 schedule and execute plans without the assistance of Kimberly.
26
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1 Robyn testified about the trouble she encountered with Kimberly when
2 wanting to bring her four-year-old son over to the Protected Person's home,
3 so that the Protected Person could see him in his Halloween costume.
4

5 Robyn testified about the difficulty in getting Kimberly to confirm a flower
6 delivery for the Protected Person.
7

8 Robyn testified about problems associated with spending time with her
9 Mother around the Christmas season to exchange gifts. The first floor of
10 Robyn's home was inaccessible because the flooring was being redone. The
11 Protected Person could not easily access the second floor via a spiral
12 staircase. Robyn wanted to visit alone with her Mother for an hour.
13 Kimberly would not leave her home so that Robyn could spend time alone
14 with her Mother. Instead, Kimberly drove her Mother forty-five minutes to
15 Robyn's residence. Robyn visited with her Mother inside Robyn's car, in
16 front of her house, and exchanged gifts. Robyn pretended everything was ok
17 so that her Mother would not be upset.
18
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21 Robyn testified about the events surrounding Easter 2021. Robyn had an
22 Easter Basket delivered to the Protected Person's home and was advised that
23 the residence was empty and vacant. Robyn knew the Protected Person's
24 housing situation was unstable and she would likely move to California.
25 However, Robyn did not know where her Mother was at that time.
26
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1 Robyn testified that 48 hours before the Protected Person's birthday,
2 Kimberly advised that she and the Protected Person *might* be going to
3 Arizona the next day. Robyn believed the trip to Arizona was an effort by
4 Kimberly to avoid visitation between the Protected Person and Robyn.
5

6 Robyn has contacted Kimberly very few times in the last few months.
7
8 Robyn has not attempted to see her Mother in Anaheim based on Kimberly's
9 actions. Kimberly's actions and inactions have resulted in a restriction of
10 visitation, communication, or interaction between the family and the
11 Protected Person.
12

13 ***Kimberly Jones, Guardian***

14 Kimberly testified that she cares for her Mother, the Protected Person,
15 twenty-four hours per day. She lives with the Protected Person, in the
16 Protected Person's home. Kimberly cooks, manages medication, schedules
17 all appointments, and must assist the Protected Person in answering incoming
18 telephone calls and placing outgoing telephone calls.
19
20

21 Kimberly testified that she believes her Mother, the Protected Person,
22 wants to communicate and visit with all of her family members.
23

24 Kimberly testified that she never refused a request for visitation with her
25 Mother. Kimberly acknowledged that she refuses to leave the Protected
26 Person's residence so that family may have private visits with the Protected
27 Person.
28

1 Kimberly testified that her boyfriend, Dean, is at the Protected Person's
2 home quite often, but Dean does not live at the home. Dean stays overnight
3 sometimes.
4

5 Kimberly testified that she has never not allowed her Mother to answer the
6 telephone. Yet, concedes her Mother requires assistance to operate the
7 telephone.
8

9 Kimberly does not want a visitation schedule imposed.

10 ***Guardian Ad Litem***
11

12 The Court appointed a Guardian Ad Litem pursuant to Nevada
13 Guardianship Rule 8. The Court appointed attorney Elizabeth Brickfield
14 who has practiced in the area of probate, trust, and guardianship for over
15 twenty-five years. In her March 29, 2021, Report, Guardian Ad Litem
16 Brickfield stated that: it is in the best interest of the Protected Person for the
17 Protected Person to visit and communicate with her children and
18 grandchildren; Guardian Kimberly Jones has not encouraged or facilitated
19 visits and communications between the Protected Person and her family; and
20 that Guardian Kimberly Jones is unlikely to encourage and facilitate visits
21 without supervision by the Court.
22
23
24

25 Specifically, Guardian Ad Litem Brickfield indicates, given the Protected
26 Person's unique abilities and need for assistance, the Guardian should be
27
28

1 facilitating and encouraging the mutual desire of parent and child to visit and
2 communicate with each other on a regular basis.

3
4 ***Annual Accounting***

5 The Annual Accounting in this matter was due within sixty (60) days of
6 the anniversary date and must include those items mandated by statute. *See*
7
8 NRS 159.176; NRS 159.177; NRS 159.179.

9 Here, the first accounting was filed by the Guardian Kimberly Jones on
10 December 21, 2020. The relevant accounting period is October 15, 2019,
11 through October 15, 2020.

13 The Eighth Judicial District Court Guardianship Compliance Division's
14 reviewed the First Annual Accounting and filed an Accounting Review on
15 January 8, 2021. The Accounting Review noted the following issues: time
16 missing between prior accounting; account summary is not consistent with
17 information on supporting worksheets; ending balance does not equal the
18 assets listed; starting balance is inconsistent with past filings; ending balance
19 is inconsistent with transactions; starting balance does not match various
20 inventories filed; assets do not match recap; income is not itemized and in
21 depth analysis is not available; expenditures are not itemized; expenses not
22 itemized and in depth analysis is not available.

26 On June 3, 2021, Guardian Kimberly Jones filed an Amended First
27 Accounting, and an Accounting Review was filed on June 7, 2021. The
28

1 Accounting Review indicated the following issues: contains mathematical
2 errors; is not consistent with information in supporting worksheets; assets do
3 not total the amount listed in Account Summary Starting or Ending Balances;
4 the starting balance is inconsistent with past filings; the ending balance is
5 inconsistent with transactions; income is not itemized and in depth analysis
6 of income is not available; expenditures not itemized; expenses not itemized
7 and in depth analysis of the appropriateness of the expenses is not available.
8

9
10 On June 16, 2021, the Guardian Kimberly Jones filed a Notice of Hearing,
11 six months after the first accounting was filed, and set the Accounting
12 Hearing for July 15, 2021. The Accounting Hearing was continued, pursuant
13 to stipulation.
14

15
16 On July 15, 2021, Robyn Friedman and Donna Simmons filed an objection
17 to the Guardian's Accounting and First Amended Accounting.
18

19 On August 9, 2021, the Guardian filed a Second Amendment to the First
20 Accounting, just days prior to Accounting Hearing scheduled for August 12,
21 2021.
22

23 The Guardian's Second Amendment to the First Accounting purports to
24 correct and recalculate based upon CPA's omission of credit card
25 transactions and replaces all prior versions of first annual accounting. *See*
26 Guardian's Second Amendment, filed August 9, 2021, at footnote 1.
27
28

1 After the August 9, 2021, Accounting Hearing, the Court ordered the
2 Guardian Kimberly Jones to produce all receipts or vouchers that support the
3 accounting pursuant to NRS 159.179(5) on or before September 14, 2021.
4
5 See Order to Produce filed August 31, 2021.

6 On September 16, 2021, Guardian Kimberly Jones filed Receipts and/or
7
8 Vouchers in Support of the First Accounting. The documents provided in
9 support of the First Accounting include the following: (1) statements from
10 Bank of American XX7492, approximately August 2019 through October
11 2020; (2) statements from Citibank Credit Card XX1157, approximately
12 September 2019 through November 2020; and (3) statements from Bank of
13 American XX8243, approximately August 2020 through November 2020.
14
15

16 Despite the title of Guardian Kimberly Jones' pleading, the documents
17 filed do not include any receipts. Instead, the documents are bank statements
18 and credit card statements.
19

20 The Bank of America records indicate that there was a withdrawal on
21 September 11, 2020, of \$15,215.15. See Production at Jones 000857. The
22 withdrawal was made just days after the proceeds from the refinance were
23 deposited into the Bank of America account. The Accounting contains no
24 information or itemization relative to this large withdrawal.
25

26 After the Guardian's production of "receipts and/or vouchers" pursuant to
27 NRS 159.179, an Accounting Review was again conducted at the direction of
28

1 the Court. *See* Accounting Review filed November 16, 2021. The
2 Accounting Review identified the following issues relative to Worksheet A:

3
4 The starting balance is inconsistent with past filings;
5 The ending balance is inconsistent with the transactions; and
6 The starting balance used for the 8/9/2021 Supplement does not reflect the
7 actual balances of the listed assets. The bank accounts listed in the
8 9/16/2021 Support total \$2,549.34 as of the accounting starting date. The
9 8/9/2021 Supplements lists \$98.00 as the accounting starting balance. The
10 real and personal property total either \$478,247.89 or \$485,247.89. The
11 actual total is unknown because the personal property is listed as \$21,000
12 when in fact the itemized values total only \$14,000. This value was not
13 adjusted in the accounting. It is unknown which value is correct.

14 The Accounting Review further states, in reference to Worksheet C:

15 There were seven payments to a Citibank credit card totaling \$1,108.62.
16 The credit card was not in the name of the protected person. It is not
17 known if these payments are for the benefit of the protected person.
18 There were five cash withdrawals in the account totaling \$8,100. The
19 statements provided also show other cash withdrawals of \$1,550.00 prior
20 to the start of the accounting period.
21 There are multiple expenses related to an automobile and auto fuel. No
22 automobile is listed in the starting or ending balance.

23 Another Notice of Accounting Review was filed on December 2, 2021,
24 and highlights six cash withdrawals, totaling \$23,300.00 which include:
25 Customer Withdrawal Image on September 11, 2020, of \$15,230.00; branch
26 withdrawal on April 2, 2020, of \$5,000.00; branch withdrawal on September
27 21, 2020, of \$2,260.00; and cash withdrawals of \$1,550.00 prior to the start
28 of the accounting period.

The Guardian's Second Supplement indicates that the Estate received
\$88,011.00 and expended \$56,018.88 during the accounting period. The

Guardian alleges that the Protected Person received \$18,381.00 in Social Security income and \$13,500.00 in income relative to a rental property. The largest source of income for the Protected Person's Estate was \$54,345.00, which was received as a result of the real property refinance. The Guardian alleges that \$22,870.56 was expended on the remodel of the real property. However, the expenditures relative to the remodel were not itemized and only a handful of receipts provided.

After a careful review of the Debit Card and Credit Card records provided in the Production of Documents, approximately \$4,000.00 can arguably be categorized as expended relative to a renovation because the purchases were made at Home Depot, Lowes, and a paint store.

Some of the small number of receipts provided by the Guardian do not coincide with the relevant accounting period. Exhibit 1 to the Second Amendment provides receipts and invoices for expenditures as follows:

Document	Dated	Amount
American Vision Windows, Inc. Invoice Windows/Sliding Doors Marked "Paid 12/10/2020"	11/24/2020	740.00
American Vision Windows, Inc. Invoice Windows/Sliding Doors Marked "Paid 12/10/2020"	11/30/3020	2,960.00
American Vision Windows, Inc. Invoice Windows/Sliding Doors \$3,700.00 Permit fee 190.91	03/03/2021	3,965.91

1	Service Pulled fee 75.00		
2	Home Depot Receipt Garden Grove	07/25/2020	146.52
3			
4	Home Depot Cut Merchandise Ticket		
5	Laminate 23.69		
6	60 cases		
7	13 under		
8	Vinyl 20.8, \$51.79		
9	66 case		
10	“Not to be used as a Release of Merchandise. This does not constitute a sales receipt unless Register Receipt attached”		
11	Home Depot Receipt Orange County	07/25/2020	65.87
12	Home Depot Quote	07/27/2020	1,070.11
13	19 HDC Baneberry Oak 20.8, \$51.79		
14	Home Depot Customer Receipt		2,654.00
15	Costco Receipt (Costco Visa X1157)	07/03/2020	265.29
16	Walmart Receipt (US Debit 2282)	03/24/2020	304.33
17	Walmart Receipt (US Debit 2282)	03/05/2020	385.51
18	Walmart Receipt (US Debit 2282)	02/04/2020	376.74
19	Walmart Receipt (US Debit 2282)	12/10/2019	281.68
20	Walmart Receipt (US Debit 2282)	11/05/2019	349.24
21	Walmart Receipt (US Debit 2282)	11/16/2019	379.99
22			
23			

24 The accounting period for the first accounting should be October 15, 2019,

25 through October 15, 2020. All three of the American Vision Windows

26 Invoices are dated and paid outside the accounting period. Two of the

27

28

1 American Vision Invoices, dated 11/24/2020 and 11/30/2020, are stamped
2 “Paid.” The “Paid” date on both Invoices is 12/10/2020.

3
4 The notations on the first two American Vision Invoices, dated 11/24/2020
5 and 11/30/2020, are for “Windows/Sliding Doors.” The first, dated
6 11/24/2020, totals \$740.00. The second, dated 11/30/2020, totals \$2,960.00.
7
8 The third American Vision Invoice, dated 03/03/2021, seems to represent a
9 summary of all charges and incorporates the earlier Invoices. The third
10 Invoice notes, “Windows/Sliding Doors” \$3,700.00, which is coincidentally
11 the exact sum of the first two Invoices for the identical item (11/24/2020
12 Invoice \$740.00, plus 11/30/2020 Invoice \$2,960.00, equals the 3/03/2021
13 Invoice \$3,700.00). The 03/03/2021 Invoice also adds the permit fee
14 (\$190.91) and the service charge for pulled fee (\$75.00).
15
16

17 ***Financial History***

18 A Financial Forensic Audit, filed March 13, 2020, revealed that Kimberly
19 Jones withdrew \$4,836.00 from Bank of American Account X6668 in August
20 2019 and placed the cash in a Safe Deposit Box. The Audit further revealed,
21 consistent with allegations by the Protected Person’s late husband that
22 Kimberly Jones was utilizing the Protected Person’s accounts. Kimberly
23 Jones withdrew \$2,652.82 from Bank of America x7492 in July 2019. At the
24 time of the Audit, Kimberly Jones provided an accounting of the \$2,652.82
25 withdrawn by her from Bank of America x7492 and indicated that she paid
26
27
28

1 for a Safety Deposit Box. *See* Financial Forensic Audit filed March 13, 2020
2 at page 6, 7, 10, and Exhibit E.

3
4 The Guardian's Inventory, filed before the March 2020 Forensic Audit,
5 does not reference a Safe Deposit Box or cash on hand. The three versions of
6 accountings, filed before and after the Forensic Audit, also fail to reference
7 cash held in a Safe Deposit Box. However, the records produced from Bank
8 of America note \$100 paid on August 5, 2020, toward a Safe Box rental. *See*
9 Production filed on 9/16/21 at Jones 000853.
10

11 ***Conclusions of Law***

12 ***Communication and Visitation***

13
14 A guardian may not restrict communication or visitation between a
15 protected person and the protected person's family. A protected person is
16 entitled to *unrestricted* contact with their family. If a guardian opposes a
17 request from a family member for communication and contact with the
18 Protected Person, the guardian bears the burden of proof.
19

20
21 Only a guardian may request a restriction of a family member's
22 communication and contact with the Protected Person. Here, Nevada
23 Guardianship statutes require that protected people be allowed
24 communication and visitation with their families. A guardian is specifically
25 prohibited from restricting communication and visits. *See* NRS 159.332.
26

27
28 Only under specific circumstances may a guardian seek to limit or restrict

1 contact through the court. The procedure and evidence necessary to restrict
2 contact is clearly detailed within the statute. *See* NRS 159.332.

3
4 The Protected Person’s Bill of Rights is codified in NRS 159.328.
5 However, the rights enumerated do not abrogate any remedies provided by
6 law. *See* NRS 159.328(2). A protected person is to be granted the greatest
7 degree of freedom possible, consistent with the reasons for guardianship, and
8 exercise control of all aspects of his or her life that are not delegated to a
9 guardian specifically by a court order. NRS 159.328(1)(i).

10
11 A protected person may receive telephone calls and have visitors, unless
12 her guardian and the court determine that particular correspondence, or a
13 particular visitor will cause harm to the protected person. NRS
14
15 159.328(1)(n).

16
17 Each protected person has a right to “[r]emain as independent as possible,
18 including, without limitation to have his or her preference honored regarding
19 his or her residence and standard of living, either as expressed or
20 demonstrated before a determination was made relating to capacity or as
21 currently expressed, if the preference is reasonable under the circumstances.”
22
23 NRS 159.328(h).

24
25 Each protected person has a “right to have a family member . . . raise any
26 issues of concern on behalf of the protected person during a court hearing,
27
28

1 either orally or in writing, including without limitation, issues relating to a
2 conflict with a guardian.”

3
4 Communication, visitation, and interaction between a protected person and
5 a relative is governed by NRS 159.331 through NRS 159.338. A guardian is
6 prohibited from restricting communication, visitation, or interaction between
7 a protected person and a relative. *See* NRS 159.332. NRS 159.332 provides
8 as follows:
9

10 1. A guardian shall not restrict the right of a protected person to
11 communicate, visit or interact with a relative or person of natural
12 affection, including, without limitation, by telephone, mail or
13 electronic communication, unless:

14 (a) The protected person expresses to the guardian and
15 at least one other independent witness who is not affiliated
16 with or related to the guardian or the protected person that the
17 protected person does not wish to communicate, visit or
18 interact with the relative or person of natural affection;

19 (b) There is currently an investigation of the relative or
20 person of natural affection by law enforcement or a court
21 proceeding concerning the alleged abuse of the protected
22 person and the guardian determines that it is in the best
23 interests of the protected person to restrict the
24 communication, visitation or interaction between the
25 protected person and the relative or person of natural
26 affection because of such an investigation or court
27 proceeding;

28 (c) The restriction on the communication, visitation or
interaction with the relative or person of natural affection is
authorized by a court order;

(d) Subject to the provisions of subsection 2, the
guardian determines that the protected person is being
physically, emotionally or mentally harmed by the relative or
person of natural affection; or

(e) Subject to the provisions of subsection 3, a
determination is made that, as a result of the findings in a plan

1 for the care or treatment of the protected person, visitation,
2 communication or interaction between the protected person
3 and the relative or person of natural affection is detrimental to
the health and well-being of the protected person.

4 2. Except as otherwise provided in this subsection, if a guardian
5 restricts communication, visitation or interaction between a
6 protected person and a relative or person of natural affection
7 pursuant to paragraph (d) of subsection 1, the guardian shall file a
8 petition pursuant to NRS 159.333 not later than 10 days after
9 restricting such communication, visitation or interaction. A guardian
10 is not required to file such a petition if the relative or person of
natural affection is the subject of an investigation or court
proceeding pursuant to paragraph (b) of subsection 1 or a pending
petition filed pursuant to NRS 159.333.

11 3. A guardian may consent to restricting the communication,
12 visitation or interaction between a protected person and a relative or
13 person of natural affection pursuant to paragraph (e) of subsection 1
14 if the guardian determines that such a restriction is in the best
15 interests of the protected person. If a guardian makes such a
16 determination, the guardian shall file a notice with the court that
17 specifies the restriction on communication, visitation or interaction
18 not later than 10 days after the guardian is informed of the findings
in the plan for the care or treatment of the protected person. The
guardian shall serve the notice on the protected person, the attorney
of the protected person and any person who is the subject of the
restriction on communication, visitation or interaction.

19 In any proceeding held pursuant to NRS 159.331 to 159.338, the guardian
20 has the burden of proof, if a guardian opposes a petition filed pursuant to
21 NRS 159.335.
22

23 Here, in response to a request for communication and visitation by the
24 Protected Person's two daughters, the Guardian and the Protected Person
25 propose a visitation schedule that would allow family members to visit and
26 call the Protected Person during a two-hour window one time per week.
27
28

1 However, the Protected Person is entitled to *unrestricted* communication
2 and visitation with her family. The Guardian and Protected Person have
3 failed to meet the statutory requirements that would allow the Court to
4 restrict communication with the Protected Person.
5

6 Robyn and Donna's Petition for Communication filed December 30, 2020,
7 and Petition for Visitation filed April 23, 2021, were both filed pursuant to
8 NRS 159.335 and requested that the Court grant a relative access to the
9 Protected Person and removal of the guardian. *See* Verified Petition for
10 Communication, Visits, and Vacation Time with Protected Person, filed
11 December 30, 2020, at page 20, paragraph 62.
12

13 Kimberly has the burden of proof, as she opposes Robyn and Donna's
14 petition for communication. *See* Kimberly's Opposition filed January 25,
15 2021; Kimberly's Pre-Trial Memorandum filed June 7, 2021.
16

17 No care plan has suggested that interaction between any family members
18 is detrimental to the health and well-being of the Protected Person. Kimberly
19 has not filed any petition with the Court advising that she has restricted
20 interaction. Only *a guardian* may file a petition for order restricting
21 communication, visitation, or interaction between a protected person and a
22 relative. *See* NRS 159.333 [emphasis added].
23

24 Here, the Guardian, Kimberly, did not file a petition for order restricting
25 communication. Instead, the Protected Person has filed a petition for
26
27
28

1 visitation order. This request by the protected person is a request for a court
2 order restricting. *See* Petition to Approve Kathleen June Jones' Visitation
3 Schedule filed May 5, 2021.
4

5 The request to restrict communication does not contain any Affidavit or
6 Declaration executed by the Protected Person. At the Evidentiary Hearing,
7 Counsel for Protected Person failed to present evidence or testimony through
8 an independent statement by an unrelated party. The argument by Counsel
9 for the Protected Person does not represent a statement by witness who is not
10 affiliated with the Protected Person.
11
12

13 If the Guardian believed that she was restricting interaction between
14 Protected Person and her relatives based upon the Protected Person's wishes,
15 the Guardian would be required to file a petition with the Court within ten
16 days of the restriction pursuant to NRS 159.332(2). No such petition was
17 filed by the Guardian.
18
19

20 ***Annual Accounting***

21 NRS 159.179 governs the contents of an annual accounting and requires a
22 guardian to retain receipts or vouchers for all expenditures. The statute also
23 provides a pathway to prove payment when a receipt or voucher is lost. NRS
24 159.179 provides as follows:
25

- 26 1. An account made and filed by a guardian of the estate or
27 special guardian who is authorized to manage the property of a
28

protected person must include, without limitation, the following information:

(a) The period covered by the account.

(b) The assets of the protected person at the beginning and end of the period covered by the account, including the beginning and ending balances of any accounts.

(c) All cash receipts and disbursements during the period covered by the account, including, without limitation, any disbursements for the support of the protected person or other expenses incurred by the estate during the period covered by the account.

(d) All claims filed and the action taken regarding the account.

(e) Any changes in the property of the protected person due to sales, exchanges, investments, acquisitions, gifts, mortgages or other transactions which have increased, decreased or altered the property holdings of the protected person as reported in the original inventory or the preceding account, including, without limitation, any income received during the period covered by the account.

(f) Any other information the guardian considers necessary to show the condition of the affairs of the protected person.

(g) Any other information required by the court.

2. All expenditures included in the account must be itemized.

3. If the account is for the estates of two or more protected persons, it must show the interest of each protected person in the receipts, disbursements and property. As used in this subsection, "protected person" includes a protected minor.

4. Receipts or vouchers for all expenditures must be retained by the guardian for examination by the court or an interested person. A guardian shall produce such receipts or vouchers upon the request of the court, the protected person to whom the receipt or voucher pertains, the attorney of such a protected person or any interested person. The guardian shall file such receipts or vouchers with the court only if the court orders the filing.

5. On the court's own motion or on ex parte application by an interested person which demonstrates good cause, the court may:

(a) Order production of the receipts or vouchers that support the account; and

(b) Examine or audit the receipts or vouchers that support the account.

1 6. If a receipt or voucher is lost or for good reason cannot be
2 produced on settlement of an account, payment may be proved by
3 the oath of at least one competent witness. The guardian must be
4 allowed expenditures if it is proven that:
5 (a) the receipt or voucher for any disbursement has been lost or
6 destroyed so that it is impossible to obtain a duplicate of the receipt
7 or voucher; and
8 (b) Expenses were paid in good faith and were valid charges against
9 the estate.

10 Here, the Guardian failed to itemize all expenditures. Further, the
11 Guardian failed to retain receipts and vouchers. If the receipts and vouchers
12 were lost, the Guardian failed to establish that it is impossible to obtain a
13 duplicate and that the expenses were paid in good faith and were valid
14 charges.

15 The Court details herein the failure of the Guardian to account for the
16 approximately \$22,000.00 expended in a home renovation. Further, the
17 Guardian fails to account for a significant amount of funds withdrawn.

18 ***Removal***

19 NRS 159.185 governs the conditionals for removal of a guardian and
20 provides as follows:
21

22 1. The court may remove a guardian if the court determines that:

23 (a) The guardian has become mentally incapacitated, unsuitable or
24 otherwise incapable of exercising the authority and performing the
25 duties of a guardian as provided by law;

26 (b) The guardian is no longer qualified to act as a guardian pursuant
27 to NRS 159.0613;

28 (c) The guardian has filed for bankruptcy within the previous 5
years;

1 (d) The guardian of the estate has mismanaged the estate of the
2 protected person;

3 (e) The guardian has negligently failed to perform any duty as
4 provided by law or by any order of the court and:

5 (1) The negligence resulted in injury to the protected person or
6 the estate of the protected person; or

7 (2) There was a substantial likelihood that the negligence
8 would result in injury to the protected person or the estate of the
9 protected person;

10 (f) The guardian has intentionally failed to perform any duty as
11 provided by law or by any lawful order of the court, regardless of
12 injury;

13 (g) The guardian has violated any right of the protected person that
14 is set forth in this chapter;

15 (h) The guardian has violated a court order or committed an abuse
16 of discretion in making a determination pursuant to paragraph (b) of
17 subsection 1 or subsection 3 of NRS 159.332;

18 (i) The guardian has violated any provision of NRS
19 159.331 to 159.338, inclusive, or a court order issued pursuant to NRS
20 159.333;

21 (j) The best interests of the protected person will be served by the
22 appointment of another person as guardian; or

23 (k) The guardian is a private professional guardian who is no
24 longer qualified as a private professional guardian pursuant to NRS
25 159.0595 or 159A.0595.

26 2. A guardian may not be removed if the sole reason for removal
27 is the lack of money to pay the compensation and expenses of the
28 guardian.

Here, Kimberly has negligently failed to assist the Protected Person to
have visitation and communication with her family. Kimberly through her
actions and inactions has created an environment in which the Protected
Person has been isolated from her family. Kimberly has made it difficult for
the family to have visitation and communication with the Protected Person.

1 In addition, Kimberly has failed to provide the required annual accounting.
2 Specifically, Kimberly failed to itemize all expenditures and retain receipts
3 and/or vouchers for expenses related to the guardianship estate, as required
4 by NRS 159.179.
5

6 ***Successor Guardian***
7

8 Pursuant to NRS 159.1871, the Court may appoint a successor guardian at
9 any time to serve immediately or when a designated event occurs. The
10 revocation of letters of guardianship by the court or any other court action to
11 suspend the authority of a guardian may be considered to be a designated
12 event for the purposes of NRS 159.1871 if the revocation or suspension of
13 authority is based on the guardian's noncompliance with his or her duties and
14 responsibilities as provided by law.
15
16

17 ***Guardian's Request for Caregiver and Guardians Fees***
18

19 Guardian, Kimberly Jones, requests caregiver fees and guardian fees.
20 Kimberly requests \$90,000 in past caregiver fees for the services she
21 rendered during the first eighteen months of the guardianship.
22

23 Kimberly also requests that the Court prospectively approve and allow
24 Kimberly to bill the Guardianship Estate for both caregiver fees and
25 guardianship fees in the future. Kimberly requests the Court approve
26 caregiver fees of \$21.00 per hour, ten hours per day, five days a week.
27
28

1 Kimberly requests the Court approve guardianship fees of \$100 per hour for
2 up to five hours each week.

3
4 NRS159.183 governs compensation of a guardian and allows
5 compensation, subject to the discretion and approval of the court, of expenses
6 incurred. Here, Kimberly requests compensation for work already completed
7 (\$90,000 in caregiving fees for the first eighteen months of the guardianship)
8 and compensation for work to be completed in the future (\$500 per week in
9

10 The petition is insufficient to establish, pursuant to NRS 159.183, that the
11 caregiver fees requested were reasonable and necessary in exercising the
12 authority and performing the duties of a guardian. Further, the petition is
13 insufficient to establish the type, duration, and complexity of the services
14 rendered. The petition makes general statements about the type of duties and
15 services that the Guardian has undertaken. Additionally, the petition is
16 insufficient to establish that future caregiver fees and guardianship fees can
17 be approved. The statute allows for the payment of expenses incurred. The
18 statute does not allow for anticipated or future expenses to be pre-approved.
19
20
21

22 ***Guardian's Request for Attorney's Fees***

23
24 Guardian, Kimberly Jones, requests the Court approve the payment of
25 attorney's fees and costs in the amount of \$101,558.24 from the
26 Guardianship Estate for fees and costs incurred from December 31, 2019,
27
28

1 through February 25, 2021. Kimberly's Counsel also submitted a *Brunzell*
2 Affidavit in support of the request for fees.

3
4 Kimberly failed to file a timely notice of intent to seek reimbursement of
5 attorney's fees pursuant to NRS 159.344. Kimberly filed a Notice of Intent
6 to seek reimbursement of attorney's fees on January 15, 2020, well after her
7 first appearance in this matter on October 2, 2019. The Protected Person
8 initially objected to the untimely notice. *See* Objection filed February 11,
9 2020.
10

11
12 On February 21, 2020, new attorneys for Kimberly, Marquis Aurbach
13 Coffing, filed a "Notice of Intent to Seek Payment of Attorneys' Fees and
14 Costs from Guardianship Case" on behalf of themselves, not on behalf of
15 Kimberly.
16

17 Nevertheless, the petition fails to address all of the fourteen factors, which
18 include *Brunzell* factors, the Court may consider in determining whether
19 attorney's fees are just, reasonable, and necessary in NRS 159.344(5).
20

21 Certainly, Counsel for Kimberly is well qualified, and the difficult work
22 performed required skill. However, the Court is very concerned about the
23 ability of the estate to pay, considering: the value of the estate; the nature,
24 extent, and liquidity of the assets of the estate; the disposable net income of
25 the estate; the anticipated future needs of the protected person; and other
26 foreseeable expenses. The value of the Guardianship Estate, based upon the
27
28

1 recent accounting and production of documents, is fuzzy. The Guardian's
2 lack of receipts and failure to itemize expenses, do not allow the Court to
3 reasonably rely upon the Guardian's representations relative to the value of
4 the estate. The income each month is minimal, and the largest asset is the
5 California residence. The estate is unable to cover the current needs of the
6 Protected Person. The Guardian requests approximately \$190,000.00 be
7 paid from the Estate to cover past expenses. The Estate will be unable to
8 provide for the future needs of the Protected Person given the enormity of
9 these expenses.
10
11
12

13 Further, the Court cannot say given the totality of litigation to this point
14 that Kimberly has conferred any actual benefit upon the Protected Person or
15 attempted to advance the best interest of the Protected Person pursuant to
16 NRS 159.344(5)(b). Kimberly has not made efforts to reduce and minimize
17 issues in this guardianship litigation. *See* NRS 159.344(5)(k). Further, the
18 Court cannot find that Kimberly has acted in good faith during her time
19 managing the Guardianship Estate.
20
21
22

23 Kimberly initially objected to the guardianship and then petitioned for
24 guardianship. She withheld medications and information from the
25 Temporary Guardians. She created an environment in which the Protected
26 Person was isolated from her family. She withdrew approximately
27 \$23,000.00 from the Estate without the required detailed explanation. She
28

1 failed, despite many opportunities, to provide a sufficient accounting. Many
2 statements by Kimberly are a combination of double-talk and feigned
3 confusion.
4

5 NRS 159.183(5) does not allow compensation or expenses incurred as a
6 result of petition to have a guardian removed, if the court removes the
7 guardian.
8

9 NRS 159.338 allows a court to impose sanctions and award attorney's fees
10 against a guardian, if the court finds a guardian has acted frivolously or in
11 bad faith in restricting communication between a protected person and a
12 family member.
13

14 ***Findings of Fact***
15

16 THE COURT HEREBY FINDS that in the instant case, the
17 statutory requirements relative to restriction of visitation and communication
18 were not met by the Guardian in restricting access to the Protected Person.
19

20 THE COURT FURTHER FINDS that the Protected Person failed to
21 establish the statutory requirements necessary in order to restrict visitation
22 and communication with her family members.
23

24 THE COURT FURTHER FINDS Kimberly had difficulty
25 answering questions and difficulty understanding questions related to
26 visitation and communication between the Protected Person and her family.
27 The Court finds that Kimberly's testimony was not credible.
28

1 THE COURT FURTHER FINDS that the Guardian through her
2 actions and inactions restricted the Protected Person's communication,
3 visitation, and access to her relatives contrary to the Protected Person's Bill
4 of Rights and NRS 159.331 to NRS 159.338.
5

6 THE COURT FURTHER FINDS that the Guardian, Kimberly
7 Jones, in violation of NRS 159.179: failed to itemize all expenditures in the
8 annual accounting; failed to retain receipts and/or vouchers related to
9 expenditures to support the annual accounting; and failed to retain receipts
10 relative to cash and disbursements.
11
12

13 THE COURT FURTHER FINDS that pursuant to NRS 159.185(i),
14 the conditions for removal of the Guardian have been met because the
15 Guardian has violated provisions of NRS 159.331 to 159.338, inclusive,
16 relative to communication and visitation.
17

18 THE COURT FURTHER FINDS that pursuant to NRS 159.185(e),
19 the conditions for removal of the Guardian have been met because the
20 Guardian has negligently failed to perform a duty as provided by law and
21 there is a substantial likelihood that the negligence would result in injury to
22 the Protected Person's estate, relative to failure to itemize expenditures,
23 retain cash and disbursement receipts, and retain receipts relating to
24 expenditures.
25
26
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28

1 THE COURT FURTHER FINDS that pursuant to NRS 159.185(d),
2 the conditions for removal of the Guardian have been met because the
3 Guardian of the Estate has mismanaged the estate of the Protected Person.
4

5 THE COURT FURTHER FINDS that pursuant to NRS 159.185(j),
6 the conditions for removal of the Guardian have been met because the best
7 interest of the Protected Person will be served by the appointment of another
8 person as guardian.
9

10 THE COURT FURTHER FINDS that pursuant to NRS 159.1871, a
11 Successor Guardian shall be appointed. A designated event has occurred,
12 specifically, the revocation of Kimberly Jones' letters of guardianship,
13 herein.
14

15 THE COURT FURTHER FINDS that pursuant to NRS 159.199,
16 Kimberly Jones shall not be discharged as Guardian or relieved from liability
17 as she has not had an Accounting approved by this Court, and has not filed
18 receipts or vouchers showing compliance with the orders of the court in
19 winding up the affairs of the guardianship.
20

21 ***Orders***
22

23 IT IS HEREBY ORDERED that the Request for Our Family Wizard
24 or Talking Parents is DENIED.
25

26 IT IS FURTHER ORDERED that the request for Family Mediation
27 is DENIED.
28

1 IT IS FURTHER ORDERED that the request for communication
2 and visitation is GRANTED. Pursuant to the Protected Person's Bill of
3 Rights, the Protected Person shall have unrestricted access to all family
4 members. The Guardian shall support, assist, and facilitate communication
5 and visitation with family as necessary based upon the Protected Person's
6 unique abilities.
7

8
9 IT IS FURTHER ORDERED that the Protected Person's request to
10 limit all communication and visitation with family members to a two hour
11 window one day per week is DENIED.
12

13 IT IS FURTHER ORDERED the Guardian Kimberly Jones' request
14 for caregiver fees already incurred is DENIED.
15

16 IT IS FURTHER ORDERED that Guardian Kimberly Jones'
17 request for attorneys' fees and costs from the Guardianship Estate is
18 DENIED.
19

20 IT IS FURTHER ORDERED that Guardian Kimberly Jones'
21 request for pre-approval to bill caregiver and guardianship fees from the
22 Guardianship Estate in the future is DENIED.
23

24 IT IS FURTHER ORDERED that the request to remove Kimberly
25 Jones as guardian of the person and estate is GRANTED.
26
27
28

1 IT IS FURTHER ORDERED that pursuant to NRS 159.185,
2 Kimberly Jones SHALL be removed as Guardian over the Person and Estate
3 of Protected Person, Kathleen Jones.
4

5 IT IS FURTHER ORDERED that the Letters of Guardianship
6 issued to Kimberly Jones are hereby REVOKED.
7

8 IT IS FURTHER ORDERED that pursuant to NRS 159.1871,
9 Robyn Friedman SHALL be appointed as Successor Guardian of the Person
10 and Estate of Kathleen Jones. An Order Appointing Successor Guardian
11 shall issue, along with Letters of Guardianship.
12

13 IT IS FURTHER ORDERED that Successor Guardian, Robyn
14 Friedman, SHALL file an Inventory of the Estate with sixty (60) days of the
15 Order Appointing Guardian.
16

17 IT IS FURTHER ORDERED that the Successor Guardian, Robyn
18 Friedman, file a proposed care plan within ninety (90) days of the Order
19 Appointing Guardian, after review of medical records, medical evaluation,
20 and consultation with medical professionals.
21

22 IT IS FURTHER ORDERED that the Successor Guardian, Robyn
23 Friedman, file a proposed budget within ninety (90) days of the Order
24 Appointing Guardian, considering the Inventory and the proposed Care Plan.
25
26
27
28

1 IT IS FURTHER ORDERED that the Successor Guardian, Robyn
2 Friedman, shall not move the Protected Person's temporary residence without
3 permission from the Court.
4

5 IT IS FURTHER ORDERED that a forensic financial investigation
6 shall be ordered relative to the management of the Guardianship Estate by
7 former Guardian Kimberly Jones to include the personal finances of former
8 Guardian Kimberly Jones. An Order Appointing Investigator shall issue and
9 a return for Investigator's Report scheduled on the Court's Chambers
10 Calendar set for March 2, 2022, at 5:00 AM.
11

12 IT IS SO ORDERED.
13

14 Dated this 6th day of December, 2021

15 
16

17 0B8 D29 E25A C6A5
18 Linda Marquis
19 District Court Judge
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28

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 In the Matter of the Guardianship CASE NO: G-19-052263-A
7 of:
8 Kathleen Jones, Protected
9 Person(s)

DEPT. NO. Department B

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
13 Court. The foregoing Findings of Fact, Conclusions of Law and Judgment was served via the
14 court's electronic eFile system to all recipients registered for e-Service on the above entitled
15 case as listed below:

16 Service Date: 12/6/2021

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15 If indicated below, a copy of the above mentioned filings were also served by mail
16 via United States Postal Service, postage prepaid, to the parties listed below at their last
17 known addresses on 12/7/2021

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