

1 95. Other courts have removed guardians for restricting visits between the protected person  
2 and other family members for conduct similar to Kim's in this case. In *Schneider*, the lower court  
3 removed a father as guardian of his adult son and appointed a different guardian in part because  
4 the father restricted his adult son's access to the adult son's close family members including his  
5 sister and her family, his brother, his aunt, and familiar relationships at the church the adult son  
6 had attended since 1978. *Estate of Schneider v. Schneider*, 570 S.W.3d 647, 650-51, 2019 Mo.  
7 App. LEXIS 402 \*\*.

8 96. The lower court's decision was upheld by the higher court as it was based upon the advice  
9 and recommendation of a Guardian Ad Litem and its independent review of the father's failure  
10 to comply with statute and father's failure to act in the adult son's best interest. *Schneider*, 570  
11 S.W.3d at 655-57.

12 97. Among the father's many failings as guardian, there were several that are on point in this  
13 case: (1) father isolated his adult son from his siblings because of how the father perceived the  
14 siblings were treating the father and his new wife; (2) the father stopped speaking with the adult  
15 son's sister and refused to allow the sister to come to his home, not because of how the sister  
16 treated the adult son that was under guardianship, but because of how the father perceived the  
17 sister was treating him and his new wife; and (3) the father stopped taking the adult son to the  
18 church the adult son had attended since 1978. *Schneider*, 570 S.W.3d at 656-57.

19 98. Here, Kim isolates June from family members that Kim does not like. As stated above,  
20 Kim restricted visits between Petitioners and June by making it nearly impossible to see June, but  
21 Kim has freely provided visits between June and Teri. Most notably, Kim's "just-call-mom"  
22 approach beginning in May 2020, Kim's refusal to confirm trips that Robyn scheduled with June,  
23 and Kim's blatant silence have (1) precluded Robyn from taking June to Brian Head and Palm  
24  
25

1 Springs, (2) stopped Robyn from the Christmas visit she requested with June and forced Robyn  
2 and her family to have their Christmas visit with June in Robyn's SUV, and (3) entirely precluded  
3 Robyn and her family from an Easter visit with June, among many other examples detailed  
4 above—all because Kim does not like Robyn. Further, Kim's mean-spirited treatment of Donna  
5 (by calling her "stupid" and telling her that she is not "shit" without Robyn's money to hide  
6 behind) was meant to bully Donna into submitting to Kim's will.

7 99. June's desire must be honored to have communication, visits and vacation time with  
8 family in her home, and in their homes, and on vacations. There was no evidence presented at the  
9 evidentiary hearing that showed that June does not want to visit and have vacation time with her  
10 children. The Guardian ad Litem's Report is evidence that June absolutely wants to see her  
11 children and spend time with them. Scott Simmons testified that prior to the guardianship, June  
12 was always welcoming for everyone at any time at her house. Cameron Simmons testified that  
13 prior to the guardianship, June loved having him and his friends around. Cameron further testified  
14 that the recent family gathering for Mother's Day with June was amazing and that he could tell  
15 how happy June was having so much of her family around them. In several of the text messages  
16 between Robyn and Kim, Robyn point-blank asked Kim if June ever told Kim that she did not  
17 want to see Robyn. Kim never responded in the affirmative. Accordingly, June's desire to see her  
18 children must be honored.  
19

20 100. Under the Protected Person's Bill of Rights, to honor her desire, June requires a  
21 guardian who will encourage and facilitate communication and visits. June has the right to be  
22 granted the greatest degree of freedom possible, *consistent with the reasons for the guardianship*,  
23 and exercise control of all aspects of her life *that are not delegated to a guardian specifically by*  
24 *a court order*. Dr. Brown's evaluation of June contains all of the reasons why the guardianship is  
25

1 in place. Namely, June is unable to provide basic information about her life, cannot handle her  
2 finances, is completely unaware of her own medical history and her prescribed medications. This  
3 is because June suffers from Alzheimer's and dementia and profound long-term memory recall  
4 with a "general paucity of detail" that make her "unable to manage her own affairs." As Dr.  
5 Brown found, June's mental health "would prevent her from being able to reasonably process  
6 decision making in multiple domains in life" including effectively communicating with her  
7 family, scheduling visits, and following through with those visits.

8       101.       The status quo is unworkable and untenable. Many members of June's family have  
9 quit trying to see June under the current status quo because Kim makes it nearly impossible to  
10 see June. Kim's status quo allowed her to place unreasonably restrictions on several visits and  
11 vacations between June and Petitioners including: (1) the September 17, 2020, visit between June  
12 and Donna and (2) the preclusion of the Brian Head and Palms Spring trips that Robyn planned  
13 with June caused by Kim's silence and refusal to confirm dates and times or Kim taking June to  
14 Arizona when she knew Robyn was trying to take June on a vacation, (3) very limited visits  
15 between June and Robyn around Halloween and Christmas, (4) preclusion of other visits Robyn  
16 tried to schedule earlier in December at June's home, and (5) the preclusion of a visit between  
17 Robyn and June on Easter weekend. Further, the status quo allowed Kim to broker a visitation  
18 and communication schedule in May 2020 (when she thought it would mean she would get paid  
19 for being guardian) and then immediately refuse to honor the agreement – refusing to make the  
20 phone calls she agreed to make on June's behalf, refusing to keep June available on the  
21 Wednesday and Saturdays when she agreed that Robyn would be free to pick June up, and taking  
22 June to Arizona the last week of July 2020 when Kim knew that Robyn was trying to plan a trip  
23 with June to Brian Head that same week per the terms of the May Agreement.  
24  
25

1           102.       Under the status quo, Kim is isolating June from her family members, restricting  
2 visits without following the appropriate statutory procedures, and favoring certain siblings at the  
3 expense of other siblings. June's wishes and desire to see her children is not happening without  
4 Kim restricting those visits.

5           **B.       The Proposed Schedule is Unworkable and Likely Not Created by the**  
6           **Protected Person**

7           103.       Every single family member testified at the evidentiary hearing that the Legal Aid  
8 Center's proposed schedule is not workable. Moreover, many family members testified that they  
9 could not believe that June was the one that came up with the schedule. Their disbelief was based  
10 on their own experience on how hard it is to get any more than a "yes" or "no" from June and her  
11 prior behavior that her home was always open to any family members at any time. Even Kim  
12 testified that the schedule did not come from Kim and that it did not represent June's wishes.

13          104.       The Legal Aid Center's proposed schedule would do no good. It would do no good  
14 to have a schedule that no family members could make work. Moreover, the proposed schedule  
15 would preclude visits such as the Mother's Day outing that the Court heard went over very well  
16 with June and the family that was present. It would also preclude other visits occurring on  
17 holidays and birthdays that do not fall on Fridays even though the testimony at the evidentiary  
18 hearing was that June and her family have had some visits on non-Fridays that June had fun and  
19 enjoyed.  
20

21           **C.       Kim is Untruthful, Not a Credible Witness, and Acts in Bad Faith**

- 22          f) Kim provided doctored text messages even though her attorney stated at the evidentiary  
23 hearing that the text messages were a complete set of messages for the time covered.  
24 Kim's bad faith and untrustworthiness are clearly shown by the 91 *deleted* text messages  
25 she took out of her exhibits, including messages that were central to the evidentiary  
hearing, as stated above in paragraph 82. Kim's bad faith and untrustworthiness is also  
shown by the fact that she constantly monitors June's contacts with visitors by ghosting  
June's visits and refusing to leave the residence allow others time alone with June.

1       105.       Moreover, Kim clearly lied under oath during the evidentiary hearing. Robyn  
2 received several text messages from Kim's work cell phone number while Robyn was testifying  
3 during the evidentiary hearing. Those text messages are disclosed in Petitioners' Supplement to  
4 Pre-Trial Exhibits. Kim was asked at the hearing whether she was texting Robyn during the  
5 hearing. Kim testified "no" even though she confirmed the number was her work cell phone  
6 number. It is important for the Court to consider that Kim is on her best behavior in front of the  
7 Court. She was frustrating and evasive during the evidentiary hearing and is monumentally more  
8 so when she believes the Court is not watching. She has lied and misrepresented to the Court and  
9 has done the same with her family.  
10

11       106.       As Robyn testified at the evidentiary hearing, Petitioners filed this Petition for  
12 access to their mother that was being blatantly restricted by Kim. However, Petitioners believe  
13 Kim's conduct proven at the evidentiary hearing and discussed in this brief requires removal due  
14 to Kim's ongoing isolation of June defended and excused by Kim's counsel and even June's  
15 court-appointed counsel.  
16

17       **D.       June's Counsel Appears to be Out of Touch with her Proposed Schedule**

18       107.       The testimony and evidence at the evidentiary hearing clearly showed that June  
19 could not handle scheduling her own visits with family members. In fact, all of the Petitioners'  
20 witnesses testified that they know trying to schedule visits through June is nearly impossible.  
21 However, they also testified that Kim currently makes it very difficult if not impossible to  
22 schedule visits.

23       108.       Moreover, Ms. Parra-Sandoval, in error, had no objection to Kim's doctored text  
24 messages, but objected, in error, to Petitioners supplementing with a complete set of text  
25 messages to fix the record. It is inconceivable why, among other things, Ms. Para-Sandoval is

1 not concerned about Kim's doctoring of the record that conceals Kim's misconduct towards the  
2 protected person.

3 **E. The Investigator's Report is Incorrect and Inaccurate**

4 109. As stated in Petitioners' June 7, 2021 Partial Opposition to Declaration of  
5 Investigation, Petitioners take issue with some glaring mistakes in the Declaration that are clearly  
6 incorrect. The testimony from the evidentiary hearing supported the Partial Opposition.

7 110. Contrary to the Declaration, the evidence and testimony at the evidentiary hearing  
8 showed:

- 9
- 10 a. That Kim has not provided the landline telephone number for June to all of June's  
11 family. Scott Simmons, Cameron Simmons, Samantha Ihrig-Simmons, and  
12 Donna Simmons all testified that they do not have that number.
  - 13 b. That Robyn did not get a visit with June on Easter Sunday.
  - 14 c. That Robyn never replied "no" when asked if she had ever been denied the  
15 opportunity to visit with June. Robyn testified about several incidents in which  
16 she was restricted visits with her mother.
  - 17 d. Robyn did not state that she does not want a schedule because of June's medical  
18 condition. Robyn absolutely made it clear at the evidentiary hearing (and  
19 throughout this matter in all of her pleadings and at hearings) that she needs a  
20 schedule of opportunities to visit and communicate with June.
  - 21 e. Robyn did not indicate that she is okay with LACSN's proposed schedule, as she  
22 testified the schedule does not work for her.
  - 23 f. Donna did not say "no" when asked if she had ever been denied an opportunity to  
24 visit with June. Donna testified that Kim has denied opportunities to visit with  
25 June by: taking June to Arizona after Donna had plans confirmed that June would  
be in Las Vegas for Samantha's 21<sup>st</sup> birthday, Kim and June had been in California  
more than once without telling Donna, and other time when Kim gave her last-  
minute notice of a potential visit.
  - g. Donna did not say that she does not have any concerns with visiting with June.  
Donna testified that if Kim cannot handle being guardian and continues to make  
visits and communication difficult, then Donna would drop everything (including  
her job and relationship) to be June's guardian.


22 **IV. CONCLUSION**

23 111. This Court should enter an order governing communications, visits and vacation  
24 time between family member and/or interested parties and June that includes an admonishment  
25

1 to the guardian and that warns of meaningful sanctions for non-compliance. In addition, or in the  
2 alternative, if the Court is persuaded by the vast record in this matter and the testimony and  
3 evidence at the evidentiary hearing that Kim has weaponized her power as guardian, or in other  
4 ways harmed the protected person and/or depleted the protected person's estate by  
5 inappropriately preventing or undermining visitation and communication, and/or that despite any  
6 order from this Court, Kim is substantially unlikely to properly encourage or facilitate  
7 communication, visits and vacation time to promote June's best interest, then removal pursuant  
8 to NRS 159.185 or other parts of NRS 159 may be appropriate.

9 DATED: June 18, 2021.

10 MICHAELSON & ASSOCIATES, LTD.

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**CERTIFICATE OF SERVICE**

Pursuant to Nevada Rule of Civil Procedure 5(b) and NEFCR 9 the undersigned hereby certifies that on June 18, 2021 a copy of **ROBYN FRIEDMAN'S AND DONNA SIMMONS' CLOSING ARGUMENT BRIEF** were e-served and/or mailed by USPS regular Mail, postage prepaid, in a sealed envelope in Henderson, Nevada to the following individuals and/or entities at the following addresses: on the following individuals and/or entities at the following addresses:

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8  
9  
10 **DISTRICT COURT**  
11  
12 **CLARK COUNTY, NEVADA**

10 IN THE MATTER OF THE GUARDIANSHIP  
11 OF THE PERSON AND ESTATE OF:

12 KATHLEEN JUNE JONES

13 An Adult Protected Person.

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

14  
15 **KIMBERLY JONES' CLOSING BRIEF FOLLOWING EVIDENTIARY HEARING**

16 Plaintiff, Kimberly Jones, as Guardian of the Person and Estate of Kathleen June Jones,  
17 through the law firm of Marquis Aurbach Coffing, hereby submits this closing brief following  
18 the evidentiary hearing.

19 **MEMORANDUM OF POINTS AND AUTHORITIES**

20 **I. INTRODUCTION**

21 The Court set the scope of this hearing on the issue of whether Petitioners, Donna  
22 Simmons ("Donna") and Robyn Friedman ("Robyn") were unlawfully restricted by Kimberly  
23 Jones ("Kimberly") from communicating with their mother, the Protected Person Kathleen June  
24 Jones ("June"). The relevant time period set by the Court was the first day Kimberly was  
25 appointed as Guardian to present day. The Court patiently allowed Petitioners to present a parade  
26 of witnesses, who offered not a single relevant fact in support a claim of "unlawful restriction."

1 The hearing changed nothing and confirmed Petitioners maintain no actionable claim for  
2 relief under NRS 159.332—which requires a showing a guardian has restricted the right of a  
3 protected person to communicate, visit or interact with a relative or person of natural affection,  
4 including, without limitation, by telephone, mail or electronic communication. The hearing also  
5 confirmed that Petitioners, nor any other family member who attended the hearing could identify  
6 a single instance where they sought access to June, through whatever medium, and were denied  
7 or restricted access.

8 What the hearing did reveal is that Petitioners have failed to contact June or Kimberly in  
9 over six months and instead focused their time spreading disinformation to other members within  
10 June’s family. Petitioners’ witnesses were clueless as to the visitation plan proposed by June and  
11 were clearly provided a one-sided false narrative. The testimony from every witness who  
12 testified on behalf of Petitioners was unorganized, irrelevant, conflicting, and belied by the  
13 documentary evidence before the Court.

14 More importantly, the testimony at the hearing and the uncontroverted documentary  
15 evidence provided by Kimberly, in the form of text messages and phone records, confirm that  
16 throughout this Guardianship Kimberly has gone above and beyond to coordinate and assist June  
17 in regularly communicating and visiting with Petitioners and other members of her family,  
18 despite the lack of effort by Petitioners. Finally, the hearing confirmed that Petitioners brought  
19 their petition in bad faith basis under NRS 159.332 and cemented the fact that fees should be  
20 levied against Petitioners in favor of the Guardian and June’s legal counsel.

## 21 **II. LEGAL STANDARD.**

### 22 **A. THE GUARDIAN DOES NOT HAVE THE BURDEN OF PROOF.**

23 First and foremost, Petitioners’ counsel must be corrected—the Guardian does not bear  
24 the burden of proof in this proceeding. This issue requires careful statutory interpretation by the  
25 Court of a statute that is very clear when broken down.

26 NRS 159.337 is the only applicable statute within NRS 159 setting forth the burden of  
27 proof in complaints of communication, visitation, and interaction between a protective person  
28 and relatives. NRS 159.337 **does not** shift the burden to any allegation raised under NRS

1 159.332. Rather, the statute applies only to certain enumerated instances where a Guardian  
 2 makes an affirmative decision to restrict communication, visitation, or interaction with the  
 3 protective person through the Court, or the guardian believes it is in the best interest of the  
 4 protected person to restrict communication, visitation, or interaction due to alleged abuse. NRS  
 5 159.337 states and is broken down as follows:

6 **NRS 159.337 Burden of proof.** In a proceeding held pursuant to NRS 159.331 to 159.338, inclusive:  
 7 1. The guardian has the burden of proof if he or she:  
 8 ~~(a) Petitions the court to restrict the ability of a relative or person of natural affection to communicate,~~  
~~visit or interact with a protected person pursuant to subsection 1 of NRS 159.333;~~  
 9 ~~(b) Petitions the court to modify or rescind an order pursuant to subsection 5 of NRS 159.333; or~~  
 10 **(c) Opposes a petition filed pursuant to NRS 159.335.**  
 11 2. A relative or person of natural affection has the burden of proof if he or she petitions the court to  
 12 modify or rescind an order pursuant to subsection 5 of NRS 159.333.

13 As the Guardian has never petitioned the Court to take action under subsection 1(a)-(b), the only  
 14 potentially applicable portion of NRS 159.337 is subsection (c), which states the guardian must be  
 15 opposing a petition filed under NRS 159.335. However, NRS 159.335 is entirely inapplicable to  
 16 this case. To avoid doubt, NRS 159.335 states and is broken down as follows:

17 **NRS 159.335 Petition for certain relief upon reasonable belief of abuse of discretion or violation**  
**of court order by guardian.**  
 18 1. If any person, including, without limitation, a protected person, reasonably believes that a  
 19 guardian has committed an abuse of discretion in making a determination pursuant to paragraph (b) of  
subsection 1 or subsection 3 of NRS 159.332 or has violated a court order issued pursuant to NRS  
159.333, the person may petition the court to:  
 20 (a) Require the guardian to grant the relative or person of natural affection access to the protected  
 21 person;  
 22 (b) Restrict or further restrict the access of the relative or person of natural affection to the protected  
 23 person;  
 24 (c) Modify the duties of the guardian; or  
 25 (d) Remove the guardian pursuant to NRS 159.185.  
 26 2. A guardian who violates any provision of NRS 159.331 to 159.338, inclusive, is subject to  
 27 removal pursuant to NRS 159.185.

28 Following the statutory chain and applying it to the facts of this case, there has been no  
 violation of a court order under NRS 159.333, indeed there has never been a court order on this  
 issue. It follows that the only basis sufficient for a burden shift lies within two specifically stated  
 subsections of NRS 159.332, subsection 1 and subsection 3. These respective sections focus on

1 specific instances of an explicit and stated withholding of the protected person based on  
2 allegations of abuse reported to law enforcement and an explicit restriction on visitation and  
3 communication by the guardian asserted to be in the best interest of the protected person within a  
4 petition to the Court. *See* NRS 159.332(1)(b) and (3). As none of these explicit statutory  
5 provisions apply to the facts of the evidentiary hearing, which is one of mere conclusory  
6 allegations under NRS 159.332(1)—no burden shift applies and the burden of showing a  
7 violation falls squarely on Petitioners.

8 **B. PETITIONERS HAVE PRESENTED NO EVIDENCE OF ANY TYPE OF**  
9 **“RESTRICTION” OF THE PROTECTED PERSON.**

10 NRS 159.332 was not drafted nor intended to provide Petitioners (nor anyone else) a  
11 private right of action to prosecute their desired *preferential* visitation schedule at the expense of  
12 the protected person’s estate. NRS 159.332 is clear and focuses on *express restrictions enacted*  
13 *by a Guardian* to restrict a protected person from communicating, visiting, or interacting with a  
14 relative or person of natural affection. NRS 159.332(1). In other words, absent the Guardian  
15 conveying a restriction or acting overtly to restrict the protected person from communication—  
16 NRS 159.332(1) is not implicated. Notably, NRS 159.332(1)-(3) all deal with specific instances  
17 where restriction of visitation or communication is overt. In short, what Petitioners complain of  
18 is some newly crafted claim that if the Guardian doesn’t coordinate calls on a daily or weekly  
19 basis or kow tow to Petitioners demands to see June on a specific date or time—then  
20 “restriction” exists. Such an argument is not supported in law and factually absurd.

21 The factual evidence presented herein proves beyond a doubt the Guardian was making  
22 extensive attempts at communication to coordinate visits with June through phone and text  
23 messages. Likewise, not a single witness set forth by Petitioners, inclusive of Petitioners  
24 themselves, could provide a single instance in which they were “restricted” from communicating  
25 with June. Rather, the complaints were those of rampant speculation resulting from schedules  
26 Petitioners asserted “didn’t work well with their lives.”

27 The evidence also showed that Petitioners rarely, if ever, attempted to communicate with  
28 June. Instead, Petitioners maintain that a one-way street of communication applies with their

1 mother—June calls or no one calls. This mentality is opposite of what June desires. June has  
2 made clear to her independent counsel that she wants to see her family and wants to be involved  
3 in her social life. June has repeatedly expressed the same position to Kimberly. The result has  
4 been a very simple path to communication and visitation— involve June *and* Kimberly in  
5 discussions and attempts at visitation and communication. While the documentary evidence in  
6 the form of call logs and text messages overwhelmingly demonstrates Kimberly has been the  
7 party actively assisting June in calling and visiting Petitioners, the crux of the issue before the  
8 Court is what entitles Petitioners to sit back and demand that their mother calls them? The phone  
9 goes two ways, as to visits. Petitioners have utterly failed to show a restriction and likewise have  
10 failed to even make a threshold showing that they made good faith attempts to actually  
11 communicate with June.

12 Second, despite the issue of restriction having died at the door, both legally and factually,  
13 this Court must analyze this case under the canopy of what the protected person has stated her  
14 desires are. June has stated she doesn't want a visitation schedule and that she wants to be  
15 involved in her social life. This has been made clear time and time again through her attorney.  
16 The evidence is clear that *Kimberly in an attempt to appease Petitioners—did attempt to force*  
17 *June to make scheduled calls and visits*. The result was June refusing to make the calls and  
18 visits and demanding that she be included in such decisions. Such a request is consistent with the  
19 driving force behind the Guardianship Bill of Rights, which reserves to protected persons the  
20 utmost freedom possible in participating with social aspects of their life. Kimberly was put in a  
21 position in this instance and walked a fine line—respect June's wishes while also attempting to  
22 appease Petitioners (who admittedly have "very busy schedules"), appease June's now deceased  
23 husband (with visits and communication). These tasks were also accompanied by ensuring June  
24 was cared for and communicated with her other family members—such as her daughter Teri who  
25 she regularly visits and communicates with.

26 Overall, this Court cannot allow financially equipped parties and constant complaints to  
27 overtake and usurp the free-will of the protected person and the good faith effort Kimberly has  
28

1 taken since she was appointed Guardian. This is not a case of concealing or restricting the  
2 protected person—it is a battle of egos which have been made clear to this Court.

3 **C. KIMBERLY DID NOT CREATE JUNE’S PROPOSED SCHEDULE AND**  
4 **THE SCHEDULING DEBACLE IS THE FAULT OF PETITIONERS**  
5 **ABSURD REQUESTS.**

6 While the evidentiary hearing was focused more on “opinions” of June’s proposed  
7 schedule and these opinions had nothing to do with any type of “restriction” of communication  
8 or visitation, it must be again noted that Kimberly did not propose this schedule. Indeed,  
9 Kimberly originally was against a schedule because June was clear she didn’t want one. It  
10 remains the position of Kimberly that she has no preference on a schedule. Likewise, Kimberly  
11 has made clear that to the extent June’s schedule is implemented or modified, she welcomes and  
12 desires for her entire family to see June. Whether at her house, another location, or through the  
13 phone—there is no opposition to visitation. This is a stark contrast to affirmative claims of  
14 restriction memorialized within NRS 159.332.

15 As far as the type of schedule imposed, Kimberly has clearly stated (which has been  
16 misstated by the GAL), that she is open to anything, but does not want to be forced to leave the  
17 place she lives. Kimberly is happy to leave to run errands when visitors come, but it is  
18 unreasonable to require her to be locked out of the house when someone wants to visit her  
19 mother. Likewise, Kimberly has never had an issue with staying in her own room if visitors want  
20 to have private time with June in her house.

21 It is also important to note that *Petitioners’ narrative continually has changed* since they  
22 filed their Petition. The Court recalls that Petitioners originally requested a rigid schedule with  
23 relief unavailable under NRS 159.332. What Petitioners seek is a preferential schedule that fits  
24 best for them. Included is a requirement for the Guardian to affirmatively take steps that are not a  
25 grant of access to the protective person. For example, they want an online communication app to  
26 be used. This application is not a request for communication with June, it is an imposition on the  
27 Guardian. *Petitioners also asked this Court to “canvass the protected person” on desires to*  
28 *“terminate the Guardianship” and allow the family to ask June proposed questions on her*

1 *“financial situation, social issues, safety, self-care, and legal situation [sic].”*<sup>1</sup> Once again,  
2 none of this relief is available under NRS 159.32 and Petitioners stated goals have nothing to do  
3 with “restricted visitation.”

4 Similarly, the Court can look to Petitioners motives by examining the overreaching  
5 requests they demanded in their visitation schedule: (1) require Kimberly to facilitate all  
6 scheduled communications, visits, and vacations; (2) force Kim is to drive Ms. Jones to the local  
7 family visits 50% of the time. (¶ 83(b)); (3) make June call her family “one to two times a week  
8 at set times when the family members are likely to answer” (¶ 83(d)); (4) have a “standing call  
9 time to check-in with family once or twice a week, or ten minutes set aside each week where  
10 “Kim calls all of Ms. Jones’ family, including the grandchildren” (¶ 83(e)); (5) “mandate Kim to  
11 provide weekly updated to Petitioners regarding Ms. Jones’ physical travel plans . . .”; (6) direct  
12 Kim to provide ‘straightforward answers’ to questions raised in text messages ‘promptly.’; and  
13 (7) impose a visitation schedule and apply it to “all Ms. Jones’ family” (Pet. at ¶ 83(k)).

14 The point is Petitioners have transcended the bounds of reasonableness. While Kimberly  
15 remains open to a visitation plan to end the constant attacks, Petitioners need to understand that  
16 they are not the center of the universe

17 **D. THE PROTECTED PERSON IS STATUTORILY ENTITLED TO HAVE**  
18 **HER PREFERENCE AS TO VISITATION HONORED AND THE LAW**  
19 **OF “VISITATION” AGAINST THE WILL OF AN ADULT WARD IS**  
20 **NON-EXISTENT.**

21 Counsel for Kimberly understands the hearing was supposed to be limited to the claimed  
22 issues of “restriction.” Despite this, the hearing was almost exclusively dedicated to complaints  
23 about June’s visitation schedule. In an abundance of caution, to the extent the Court desires  
24 briefing on this issue. Kimberly incorporates her argument within Pretrial Memorandum at  
25 Section IV(B) which sets forth authority restricting this Court from forcing June from a visitation  
26 schedule contrary to her desires.

27 \_\_\_\_\_  
28 <sup>1</sup> Petitioners Petition for Visitation at ¶ 76, on file.

1           **E.       PETITIONERS SHOULD BE RESPONSIBLE FOR THE GUARDIAN**  
2           **AND PROTECTED PERSON’S ATTORNEY FEES.**

3           NRS 159.338 authorizes this Court to award attorney fees to the party opposing a petition  
4           for claimed “restriction.” Attorney fees are appropriate when a petition is filed in bad faith. NRS  
5           159.338(1). Here, Petitioners fabricated facts to obtain an evidentiary hearing to do nothing more  
6           than continue to demean the Guardian. The hearing was a textbook example of bad faith, with  
7           not a single witness confirming they have ever attempted to see or communicate with June and  
8           had those efforts restricted. Likewise, the documentary evidence in the form of text messages  
9           and phone records confirm that Petitioners haven’t even attempted to contact Kimberly or June  
10          in nearly six months and Kimberly throughout this guardianship has maintained consistent  
11          communication with Petitioners regarding visitation. In short, Petitioners used their money to  
12          misrepresent facts to the GAL and the Court. The result was an evidentiary hearing that did  
13          nothing to advance the interests of the protected person. Likewise, Petitioner Friedman admitted  
14          her intent was a back-door attempt to remove Kimberly as guardian. Accordingly, fees should be  
15          entered in favor of the Guardian and June’s attorney.

16          **III.       OBJECTIONS TO EVIDENCE.**

17          The following objections should be sustained or acknowledged by the Court:

18          1. **Petitioners’ Exhibit 11:** Petitioners disclosed this Exhibit on June 16, 2021. The  
19          Exhibit lacks foundation and authentication. To the extent this is a series of text messages  
20          already produced between Kimberly and Robyn, the Court can view all of the text messages  
21          from the parties and provide the weight it deems appropriate. No evidence produced is  
22          admissible to support the ad hominem attacks that Kimberly “modified” messages.

23          2. **Petitioners’ Exhibit 12:** Petitioners disclosed this Exhibit on June 16, 2021. The  
24          Exhibit contains a text thread between Robyn and Kimberly. This thread was referenced in a  
25          question to Kimberly during the hearing, where she was asked if she was texting Robyn during  
26          the hearing. Kimberly responded “no.” The reason for the response is the texts was intended to  
27          go to her legal counsel—which is clear from the content of the texts. The communications, while  
28          irrelevant and insignificant are subject to attorney client privilege. Nonetheless, this confusion is

1 clarified for the Court. Kimberly discovered this upon looking at her phone after the hearing  
2 concluded, noticing the message was sent to Robyn and not her counsel.

3       **3. Petitioners' Exhibit 4:** Petitioners disclosed an incomplete, self-constructed chart of  
4 incoming calls to Robyn Friedman. The summary is incomplete and violative of NRS 52.275,  
5 which allows summaries of voluminous writings, only if the originals are made available to the  
6 opposing party. Original phone records of Robyn Friedman were not made available, though  
7 Kimberly provided phone records in full transparency to the Court. The Court should give little  
8 weight to this exhibit, which doesn't reflect the utter lack of calls Robyn made to June or  
9 Kimberly. Likewise, M&A 00016 is misleading and lacks foundation, as it summarizes calls  
10 received to Robyn for the months of October thru February 2020, but the data provided reflects  
11 calls only through September 2020 (no data supports months November 20 thru February 21).

12 **IV. PROPOSED FINDINGS OF FACT.**

13       1. Kimberly was appointed Guardian on November 25, 2019.<sup>2</sup>

14       2. Since being appointed Guardian, Kimberly has facilitated text messages, calls,  
15 and facetime calls to June's family—specifically Robyn Friedman and Donna Simmons.<sup>3</sup>

16 **CONFIDENTIAL REPORT OF INVESTIGATION**

17       1. The Court appointed the Guardianship Compliance Office to provide the Court  
18 with a report regarding Petitioners' complaints of "restricting" June from visiting with them.<sup>4</sup>

19       2. Investigator Carroll noted that Robyn's complains as to Kimberly was that

20       3. Investigator Carroll asked counsel for Robyn and Donna to forward a proposed  
21 visitation schedule to her, which he agreed. Despite this, no proposed schedule was forwarded.

22       4. Investigator Carroll asked Donna if "*she has ever been denied the opportunity to*  
23 *visit with June and she replied, 'No.'*"<sup>5</sup>

24 \_\_\_\_\_  
25 <sup>2</sup> Letters of Guardianship, on file.

26 <sup>3</sup> Trial Testimony, June 8, 2021; *See also*, Guardian's Exhibits 1 thru 6.

27 <sup>4</sup> Guardianship Compliance Report of LaChasity Carroll June 7, 2021, on file.

28 <sup>5</sup> *Id.* at p.4 ¶ 4.

1           5.       Investigator Carroll confirmed “Donna stated that she really does not have any  
2 issues; however, she is concerned about the way Kim is treating Robyn.”<sup>6</sup> Donna never  
3 referenced any fear of visiting June.<sup>7</sup>

4           6.       Investigator Carroll confirmed June’s daughter Teri Butler “has never been denied  
5 the opportunity to visit with June.”<sup>8</sup>

6           7.       Investigator Carroll reviewed text messages between Kimberly and Robyn  
7 between September 25, 2019 and April 21, 2021. In doing so, Investigator Carroll noted  
8 verbatim:

9                   a.       Communication was constant between Robyn and Kimberly regarding  
10 June’s care;

11                   b.       Kim informed Robyn of all of June’s doctor appointments;

12                   c.       Robyn had many in person visits with June;

13                   d.       Kim attempted to schedule many visits with Robyn’s family;

14                   e.       Robyn responds to Kim’s attempts [at visitation] with extremely long text  
15 messages that does not pertain to the actual visitation;

16                   f.       Kim began to ignore Robyn’s long messages and requests to respond to  
17 the messages and Kim only focus on the visitation.”<sup>9</sup>

18                   g.       Investigator Carroll concluded “Kathleen “June” Jones has not been  
19 denied the opportunity to visit with the interviewed parties within this report.”<sup>10</sup>

20       ///

21       ///

22       ///

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23       <sup>6</sup> *Id.* at p.5 ¶ 1.

24       <sup>7</sup> *See id.*

25       <sup>8</sup> *Id.* at p.5 ¶ 2.

26       <sup>9</sup> *Id.* at p.7.

27       <sup>10</sup> *Id.* at p.7.

**REPORT OF GUARDIAN AD LITEM**

8. This Court appointed Elizabeth Brickfield, Esq. to serve as Guardian Ad Litem (“GAL”). The GAL filed a report and recommendation on March 29, 2021 after meeting with June for two short period, only one being in person.<sup>11</sup>

9. The GAL report did not reference a single instance of the Guardian restricting June from seeing her family. While the report made various conclusions, there was no reference, not inference the Guardian was unlawfully restricting June from communicating with her family.<sup>12</sup>

10. Notably, the GAL made various conclusions regarding facilitated communication by the Guardian, *but was not privy to the contradicting evidence supporting the fact that communication among the Guardian and Petitioners was extensive during the complained of period.*<sup>13</sup> This includes phone records and text message records produced by Kimberly, which as discussed herein reflect substantial communication efforts regarding visitation with Petitioners.<sup>14</sup>

11. To the extent the GAL made thoughtful, but incomplete conclusions as a result of not reviewing undeniable documentary evidence regarding the extensive efforts Kimberly made to coordinate communication and visitation with Donna and Robyn, the GAL’s report should be given little weight. Conclusions and opinions lacking any factual basis are improper for consideration of this Court.

**SCOTT SIMMONS**

12. Scott is the son of June and has not attempted to call or visit June in over 15 months, either directly through June or indirectly through Kimberly.<sup>15</sup>

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<sup>11</sup> Report to Court of Elizabeth Brickfield, Esq., on file.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> See Guardian Exs. 1-6 (comprises of text messages between Kimberly Jones and Robyn Friedman, Kimberly Jones and Donna Simmons, June Jones’s call logs, and Kimberly Jones’s call logs), on file.

<sup>15</sup> Testimony of Scott Simmons, June 8, 2021.

1           13.    Scott confirmed point blank he has never been denied access to June by  
2 Kimberly.<sup>16</sup>

3           14.    Scott could not testify to one instance in which he was restricted access from  
4 June, whether by telephone, mail, or in person visits.<sup>17</sup>

5           15.    Scott has not firsthand knowledge of Kimberly restricting June from  
6 communicating with family.

7           16.    Scott has never attempted to contact June's appointed attorney Maria Parra-  
8 Sandoval, Esq., whether to coordinate a visit with June or speak to June.<sup>18</sup>

9           17.    As of February 22, 2020, Robyn characterized Scott as someone "who never  
10 answers or replies back" to calls.<sup>19</sup>

11           18.    Scott is "afraid" of Kimberly's boyfriend Dean Loggans, but has never asked to  
12 see his mother at his house or any other location since Kimberly has served as Guardian,  
13 likewise, Scott had no explanation as to why calling June would subject him to fear from Mr.  
14 Loggans.<sup>20</sup>

15           19.    Scott spent Mother's Day with June, without Kimberly present. On this day, June  
16 visited with Donna, Scott Simmons, Cameron Simmons, Robyn Friedman, and Samantha  
17 Simmons, and other family members.<sup>21</sup>

18           20.    Scott testified June needed help from her Guardian using the phone. Despite this,  
19 Scott admits he has never during this Guardianship attempted to call or text Kimberly to  
20 coordinate a call or visit with June.<sup>22</sup>

21 \_\_\_\_\_  
22 <sup>16</sup> *Id.*

23 <sup>17</sup> *Id.*

24 <sup>18</sup> *Id.*

25 <sup>19</sup> Respondents' Ex. 11 at M&A 00390.

26 <sup>20</sup> *Id.*

27 <sup>21</sup> *Id.*

28 <sup>22</sup> *Id.*

## CAMERON SIMMONS

**SAMANTHA SIMMONS**

DONNA SIMMONS

37. Donna Simmons testified she has never been restricted from seeing June. Likewise.

38. Donna testified she has never asked to see June and had that request denied, nor has Donna ever attempted to contact June and not been able to do so.

39. Donna has no first-hand knowledge of Kimberly ever denying anyone in his family (including her) access to June or restricting June from communicating with family.<sup>37</sup>

40.

41. Donna, like her siblings, agree that June requires assistance using the telephone.<sup>38</sup>

42. Donna, admitted that regardless of who is the guardian of June, coordinating telephone calls with June would require contacting the June's guardian.<sup>39</sup>

43. Despite acknowledging this, during the time period in which Donna complains June has been restricted from communicating with her, Donna has rarely attempted to communicate with June through Kimberly. (*Id.*; *See also* Guardian Exs. 2,3,5 and 6).

44. Donna has been contacted by Kimberly over the course of the Guardianship extensively. The Contact has been so constant, that the instances of Kimberly attempting to coordinate calls between Donna and June are overwhelming. Instances of these attempts are clear from the text messages with the following bates labels:

a. On 12/18/19 Donna texted Kimberly canceling a trip Donna had planned for her and June to Hawaii, confirming Donna had a confirmed trip with June in the forthcoming months. (Guardian Ex 3 at GUARD 372).

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<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

- 1                   b.       On 12/27/19 Kimberly texted Donna informing her that June was in the  
2 hospital after she passed out on the toilet. This was followed by a call to Donna. (Guardian Ex 3  
3 at GUARD 372).
- 4                   c.       On 12/29/19 Donna was in Las Vegas for a concert, Kimberly coordinated  
5 and offered Donna time with June at the hotel she was staying. Donna canceled dinner with June,  
6 but picked up June for a full day visit the next day at Green Valley Hotel—without Kimberly.  
7 Kimberly offered Donna another day with June, Donna said she was not going to take her,  
8 because it was way to “chaotic” of a day with “everyone needing her” and that she “needed a day  
9 to rest.” (Guardian Ex 3 at GUARD 375).
- 10                  d.       On 1/13/20, Kimberly informed Donna she was going to Orange County  
11 the next Tuesday and asked if Donna wanted to spend the day with Donna. Donna did and Donna  
12 saw June for the day. (Guardian Ex 3 at GUARD 377-78).
- 13                  e.       On 1/16/20, Donna took June to a cocktail bar in California. (Guardian Ex  
14 3 at GUARD 379).
- 15                  f.       On 2/22/20, Kimberly texted Donna that she would be in Orange County  
16 the next week and wanted to see if she could drop June off with Donna. Calls were exchanged to  
17 discuss timing and details. Donna concluded that she couldn’t “commit” unless it was an  
18 emergency and informed Kimberly that her weekends were busy staying at the lake and her  
19 weekday were busy working. Kimberly asked Donna what “month” she could see June. Donna  
20 replied “you aren’t going to get me to commit to something.” (Guardian Ex 3 at GUARD 382-  
21 83).
- 22                  g.       On 2/25/20, Kimberly texted Donna stating June wanted to see if Donna  
23 could go to Red Lobster. Donna responded she couldn’t, she was still working. (Guardian Ex 3 at  
24 GUARD 383).
- 25                  h.       On 2/26/20, Kimberly texted Donna twice, informing her June called her  
26 and asking Donna if she wanted to see June. (Guardian Ex 3 at GUARD 383).
- 27                  i.       On 4/12/20, Kimberly texted Donna that June tried calling her and had left  
28 her a message. Donna did not respond back. (Guardian Ex 3 at GUARD 384).

1 j. On 5/10/20, Kimberly texted Donna that June was trying to Facetime  
2 Donna and left her a message. Donna did not respond back. (Guardian Ex 3 at GUARD 384).

3 k. On 5/11/20, Kimberly texted Donna that June was trying to call her,  
4 Donna replied, I can't talk—tell mom I will Facetime her later. (Guardian Ex 3 at GUARD 384).

5 l. On 9/17/20, Kimberly texted Donna stating she was in Orange County and  
6 offering to meet Donna for dinner, breakfast, or coordinate another time. Kimberly also  
7 facilitated a call between June and Donn, but Donna didn't answer. Kimberly then coordinated to  
8 drive June toward Donna's house for a visit. (Guardian Ex 3 at GUARD 384-85).

9 m. On 9/18/20, Kimberly texted Donna to se if she could bring June to visit  
10 with her when she had jury duty the week of October 19-21. Donna responded that she would let  
11 Kimberly know. (Guardian Ex 3 at GUARD 386).

12 n. On 10/9/20, Kimberly texted Donna that June was trying to Facetime  
13 Donna and left her a message. Donna did not respond back. (Guardian Ex 3 at GUARD 386).

14 o. On 10/13/20 and 10/14/20, Kimberly attempted to call Donna to  
15 coordinate a visit with June, this was confirmed by a text message. (Guardian Ex 3 at GUARD  
16 388).

17 p. On 10/20/20, Kimberly dropped June off at Donna's house. (Guardian Ex  
18 2 at GUARD 360).

19 q. On 11/30/20, Kimberly took June to Donna's house for a visit. (Guardian  
20 Ex 2 at GUARD 362).

21 r. On 12/3/20 Kimberly texted Donna stating June was trying to Facetime  
22 her. Donna responded "I can't take calls! Don't call me please!" (Guardian Ex 2 at GUARD 362-  
23 63).

24 s. On 12/5/20 Kimberly texted Donna stating June was trying to call her.  
25 (Guardian Ex 2 at GUARD 363).

26 t. On 12/24/21 Kimberly texted Donna stating June was trying to call her.  
27 Donna responded that same day claiming she missed the call because she left her phone in her  
28 trailer all day. (Guardian Ex 2 at GUARD 364).

1           u.       On 1/16/21 Kimberly texted informing her it was June's birthday on  
2 Wednesday and offered to bring June to California to see her. Donna responded stating "I can't  
3 take time away from the house right now. We have so much going on with the house right now. .  
4 . If you come down, can you stop by so I can give mom a present?" During this same thread  
5 Donna acknowledges that June (through Kimberly) has called Donna several times since  
6 Christmas, but has been unable to get in touch with Donna. (Guardian Ex 2 at GUARD 364).

7           v.       On 1/25/21, 1/26/20, and 1/28/20, Kimberly texted Donna "mom is trying  
8 to call you" "mom left you a message" and "mom said call her." (Guardian Ex 2 at GUARD  
9 365).

10          w.       On 2/3/21 Kimberly texted Donna stating June was trying to call her.  
11 (Guardian Ex 2 at GUARD 365).

12          x.       On 3/10/21 Kimberly texted Donna stating June was trying to call her.  
13 Donna responded she couldn't talk because she was with an inspector all day. (Guardian Ex 2 at  
14 GUARD 365).

15          y.       On 4/2/21 Kimberly texted Donna stating she could take June to Donna's  
16 house for Easter and was flexible on date and time. Donna responded that she was tired from just  
17 being in Las Vegas and had no business having anyone over—she needed "a day to relax."  
18 (Guardian Ex 2 at GUARD 366).

19          z.       On 5/13/21 Kimberly texted Donna stating she could take June to Donna's  
20 house for over the next two weekends and informed Donna that June just left her a voice  
21 message. (Guardian Ex 2 at GUARD 366).

22          45.      In total, not a single month exists where Kimberly did not make affirmative steps  
23 to coordinate communication between Donna and June.

24          46.      *Donna provided no documentary evidence regarding her communication with*  
25 *Kimberly or June.* This was not supplemented after the hearing.

26          47.      From 12/4/20 to 5/31/20, Donna has attempted to call June twice. (Guardian Ex.  
27 5) (e.g. Guardian Ex. 6 at GUARD 231; 250; 268; 294).

1 48. Donna has not once tried calling Kimberly or June to initiate a visit that has been  
2 denied and no such request has occurred in over 9 months. (Guardian Ex. 5).

3 49. Kimberly has coordinated in person visits with Donna on a number of occasions,  
4 as confirmed via text messages. (Guardian Exs. 2 &3).

5 50. According to text messages from Robyn to Kimberly, on or about February 23,  
6 2020, Kimberly was trying to coordinate visits between June and Donna.<sup>40</sup> Donna passed up on  
7 the opportunity stating her “life was totally chaotic” and she would not “commit to something”  
8 in the future, such as a planned time to see June.<sup>41</sup>

9 51. Donna has stated in writing to Kimberly that “she is just too busy” to plan to visit  
10 June

11 52. Donna spent Mother’s Day with June, without Kimberly present. On this day,  
12 June visited with Donna, Scott Simmons, Cameron Simmons, Robyn Friedman, and Samantha  
13 Simmons.

14 53. Donna’s attorney John Michelson, Esq. was provided June’s landline number in  
15 April 2021. Despite this, Donna testified she never (1) attempted to call June on that line; and (2)  
16 wasn’t even aware the number existed.<sup>42</sup>

17 54. The documentary evidence and oral testimony failed to establish a single instance  
18 where Kimberly unlawfully restrained June from communicating with Donna.

19 **ROBYN FRIEDMAN**

20 55. Robyn testified she has never been restricted from seeing June. Likewise, Robyn  
21 testified she has never asked to see June and had that request denied, nor has she ever attempted  
22 to contact June and not been able to do so.<sup>43</sup>

23  
24 <sup>40</sup> Respondents’ Ex. 11 at M&A 00390.

25 <sup>41</sup> *Id.*; see also, Guardian Ex. 3 at GUARD 000382.

26 <sup>42</sup> *Id.*; See also April 27, 2021 E-Mail from Maria Parra-Sandoval to John Michelson, Esq., Elizabeth  
27 Brickfield, Esq., and James Beckstrom, Esq., attached as **Exhibit 1**.

28 <sup>43</sup> Testimony of Robyn Friedman, June 8, 2021.

1           56.     Robyn maintains animus towards Kimberly and admitted her desire is to remove  
2 Kimberly as Guardian.<sup>44</sup>

3           57.     Robyn, like her siblings, agree that June requires assistance using the telephone.<sup>45</sup>

4           58.     Robyn, admitted that regardless of who is the guardian of June, coordinating  
5 telephone calls with June would require contacting the June's guardian.<sup>46</sup>

6           59.     Despite acknowledging this, during the time period in which Robyn complains  
7 June has been restricted from communicating with her, Robyn has rarely attempted to  
8 communicate with June through Kimberly. (*Id.*; *See also* Guardian Ex. 6).

9           60.     Robyn filed a Petition for Visitation on Mother's Day without attempting to text,  
10 call, or e-mail Kimberly to coordinate the visit.<sup>47</sup>

11           61.     Robyn spent Mother's Day with June, without Kimberly present. On this day,  
12 Kimberly prepared June to spend the day with Robyn and her family and there was no incident  
13 regarding this outing.<sup>48</sup>

14           62.     Robyn presented incomplete and misleading phone records within her Exhibit 4.  
15 Notably absent were any call logs showing calls Robyn made to June or Kimberly. (Petitioners  
16 Ex. 4). This shortcoming is despite the fact Robyn testified she combed through her phone  
17 records to obtain calls made to her from Kimberly and June. As a result, the Court should  
18 provide these exhibits minimal weight.

19           63.     In the last ten (10) months, Robyn has attempted to call Kimberly approximately  
20 1 time. (Guardian Ex. 6).

21           64.     Robyn has been contacted by Kimberly over the course of the Guardianship  
22 extensively. The Contact has been so constant, that the instances of Kimberly attempting to

23 \_\_\_\_\_  
24 <sup>44</sup> *Id.*

25 <sup>45</sup> *Id.*

26 <sup>46</sup> *Id.*

27 <sup>47</sup> *Id.*

28 <sup>48</sup> *Id.*

1 coordinate calls between Robyn and June are overwhelming. Instances of these attempts are clear  
2 from the text messages with the following bates labels:

3 a. Robin and Kimberly communicated by text message and phone  
4 consistently from September 25, 2019 to December 29, 2019. During these communications,  
5 June was discussed and visitation was memorialized. (Guardian Ex 1 at GUARD 1-85).

6 b. On 12/29/19, Kimberly exchanged text messages with Robyn regarding  
7 June being in the hospital and Donna failing to honor her commitments to see June. (Guardian  
8 Ex 1 at GUARD 86-90).

9 c. On 1/9/20 Kimberly updated Robyn regarding June's doctor  
10 appointments. (Guardian Ex 1 at GUARD 97-98).

11 d. On 1/20/20, Kimberly took June to meet Robyn for dinner. (Guardian Ex 1  
12 at GUARD 116-17).

13 e. On 1/26/20, Kimberly texted Robyn to ask if she wanted to spend time  
14 with June. June ended up going to Cracker Barrel with Robyn and her family. (Guardian Ex 1 at  
15 GUARD 121).

16 f. On 3/7/20, Kimberly coordinated Robyn going to lunch with June at Olive  
17 Garden by text message. (Guardian Ex 1 at GUARD 129).

18 g. On 4/10/20, Kimberly facilitated a call to Robyn to thank her for a gift.  
19 (Guardian Ex 1 at GUARD 163).

20 h. On 4/11/20, Kimberly facilitated a call to Robyn to talk after Robyn  
21 exchanged an Easter picture with Kimberly to show June. (Guardian Ex 1 at GUARD 169).

22 i. On 4/22/20, Kimberly texted Robyn to see if they could come to the Kraft  
23 house for lunch to discuss June's adversary claims against Yeoman and discuss Kimberly's  
24 compensation. Robyn declined lunch due to social distancing but coordinated a Zoom meeting.  
25 On 4/10/20, Kimberly facilitated a call to Robyn to thank her for a gift. (Guardian Ex 1 at  
26 GUARD 169).

1 j. On 5/7/20, Kimberly facilitated a Facetime call to Robyn ton June's  
2 behalf, Robyn didn't answer and said she couldn't take any calls. (Guardian Ex 1 at GUARD  
3 172).

4 k. On 5/10/20, Kimberly assisted Robyn in coordinating a surprise singing  
5 telegram to June. (Guardian Ex 1 at GUARD 174).

6 l. On 5/29/20, Robyn texted Kimberly to confirm she would be picking up  
7 June for a visit. Kimberly responded to confirm the visit with June, as June was sitting in the  
8 living room with Teri and had her phone. Kimberly offered Robyn to also Facetime her through  
9 her own phone. Robyn refused to do so and stated "per the agreement" you call me. (Guardian  
10 Ex 1 at GUARD 175).

11 m. On 5/30/20, Kimberly assisted Robyn in coordinating a visit with June.  
12 (Guardian Ex 1 at GUARD 177).

13 n. On 6/3/20, Kimberly texted Robyn asking her if she was coming over and  
14 stating she was more than welcome to come over to see June. (Guardian Ex 1 at GUARD 180).

15 o. On 6/10/20, June left Robyn a message confirming that she would see  
16 Robyn for a planned visit. (Guardian Ex 1 at GUARD 181).

17 p. On 7/1/20, Kimberly despite being berated by Robyn attempted to  
18 coordinate dates for June going to Brian Head with Robyn and her family. Kimberly followed up  
19 to ask Robyn a second time "what dates" the trip was planned for. (Guardian Ex 1 at GUARD  
20 189 and 191).

21 q. On 7/26/20, Kimberly communicated with Robyn by text message  
22 regarding a trip Robyn wanted to take June on, Kimberly informed Robyn that June's then living  
23 husband's condition made it difficult to confirm the trip with June. (Guardian Ex 1 at GUARD  
24 192-93).

25 r. On 8/5/20, Kimberly texted Robyn to confirm whether she was coming  
26 over to visit June. Kimberly stated "you are welcome to come over anytime you want just let me  
27 know, however I ask that you be respectful and don't carry-on throughout the house yelling and  
28

1 screaming.” Robyn responded by stating “we sadly will not be able to make it today, or  
2 generally any other visit where it isn’t planned in advance. . .” (Guardian Ex 1 at GUARD 195).

3 s. On 9/18/20, Robyn texted Kimberly asking “is mom ok.” Kimberly  
4 responded, inviting Robyn to call her phone anytime she couldn’t get a hold of June. Kimberly  
5 also facilitated June calling Robyn. (Guardian Ex 1 at GUARD 196).

6 t. On 9/22/20, Kimberly texted Robyn asking if she was coming by to see  
7 June at the Kraft property. (Guardian Ex 1 at GUARD 196).

8 u. On 10/20/20, Kimberly texted Robyn stating “Mom is available this  
9 weekend if you’d like to see her, I’m happy to drop her off and pick her up.” Kimberly then  
10 brought June to Robyn’s house to visit. (Guardian Ex 1 at GUARD 197-98).

11 v. On 10/31/20, Kimberly coordinated a visit with June and Robyn’s son on  
12 Halloween. (Guardian Ex 1 at GUARD 200).

13 w. On 12/14/20, Robyn texted Kimberly indicating she wanted to spend time  
14 with June before Christmas. Kimberly offered to bring June to Robyn’s house for the day. Robyn  
15 insisted they go to June’s house with the condition Kimberly would not be anywhere in the  
16 house. Kimberly ended up driving June to Robyn’s where June exchanged gifts with Robyn and  
17 her son. (Guardian Ex 1 at GUARD 201-05).

18 x. On 1/19/21 Robyn spoke to June on the phone and Kimberly coordinated  
19 June seeing Robyn for the day. (Guardian Ex 1 at GUARD 206).

20 y. On 4/2/21, Kimberly offered Robyn the opportunity to spend time with  
21 June on Easter and take her for the entire weekend. (Guardian Ex 1 at GUARD 209).

22 65. Robyn spent Mother’s Day with June for the entire day without Kimberly being  
23 present.<sup>49</sup>

24 66. Donna’s attorney John Michelson, Esq. was provided June’s landline number in  
25 April 2021. Despite this, Donna testified she never (1) attempted to call June on that line; and (2)  
26 wasn’t even aware the number existed.<sup>50</sup>

27 \_\_\_\_\_  
28 <sup>49</sup> Testimony of Robyn Friedman, June 8, 2021.

70. Kimberly has served as June's 24/7 caregiver and guardian since November 27, 2019.<sup>53</sup> Since being appointed Guardian, Kimberly has bathed, fed, transported, and provided June with daily assistance. The job is 24/7 work. During this same time, Kimberly has also had to (1) assist her mother through the death of her husband; (2) deal with a lawsuit on behalf of her mother against her husband (including participating in extensive litigation planning), and (3) manage her mother safely during a global pandemic.<sup>54</sup>

<sup>54</sup> Testimony of Kimberly Jones, June 8, 2021.

1 71. Kimberly has never restricted any family member from speaking or visiting her  
2 mother.<sup>55</sup>

3 72. Kimberly assists June in operating her cell phone, just as her prior husband  
4 Gerry Yeoman did. June uses ear buds to talk on the phone, which helps with her poor hearing.<sup>56</sup>

5 73. To further facilitate direct calls to June, Kimberly installed a cordless phone in  
6 June's current residence in Anaheim. Despite representations that landline number was not  
7 provided at the evidentiary hearing, *June's own attorney has attempted to provide that number to*  
8 *June's children on a number of occasions as early as April 27, 2021.* This notification from Mrs.  
9 Parra-Sandoval was as follows:

10  
11 From: Maria Parra-Sandoval  
12 Sent: Tuesday, April 27, 2021 5:36 PM  
13 To: 'James A. Beckstrom' <jbeckstrom@maclaw.com>; 'Elizabeth Brickfield' <EBrickfield@dlnevadalaw.com>; John  
14 Michaelson <john@michaelsonlaw.com>  
15 Subject: RE: Guardianship of Kathleen June Jones

16 Mr. Michaelson never reached out to me regarding Mother's Day weekend plans from his client/the rest of the family. I  
17 had to find out through the Petition he filed and this email. June's response is a non-opposition. There's no need for a  
18 hearing.

19 Also, June now has a landline available for her children, grandchildren and great-grandchildren to reach her: 714-829-  
20 4256.

21 James, I did propose a schedule to get things moving, but I'm still waiting to hear back from Mr. Michaelson's clients. I  
22 have not received a counter-offer or anything to signal their willingness to work something out. Or I suppose the  
23 Petition was their response.

24 Teri is in support of June's proposed schedule. And I have been unable to reach Scott. If any of you have a good number  
25 to reach him, please pass it along. I appreciate it.

26 Thanks,

27 April 27, 2021 E-Mail from Maria Parra-Sandoval to John Michaelson, Esq., Elizabeth Brickfield,  
28 Esq., and James Beckstrom, Esq., attached as **Exhibit 1**.

74. Despite Mr. Michaelson being provided June's landline on April 27, 2021 and Mrs.  
Parra-Sandoval asking to work-out a visitation schedule, Petitioners not once attempted to call  
June on that number, just as they refused to call Kimberly a single time. Likewise, Petitioners

<sup>55</sup> *Id.*

<sup>56</sup> *Id.*

1 despite updating their list of witnesses for the evidentiary hearing on issues they thought would  
2 be beneficial to their false narrative, never provided June's family this number.<sup>57</sup>

3 75. Kimberly has at all times been welcome to all of June's family to communicate  
4 with her. Kimberly's position on communication has been common-sense and exactly what June  
5 has asked. Whoever wants to speak with June or see June, involves her in the process with  
6 assistance from Kimberly. It is a two-step process designed to ensure June feels involved in her  
7 social life, but is assisted with necessary scheduling and coordination.<sup>58</sup>

8 76. Text messages and phone records prove that Kimberly regularly assisted June  
9 with outside communications during the period of this Guardianship.

10 77. Petitioners have failed to set forth a single instance where they called Kimberly  
11 asking to speak with June only to have that request denied.

12 78. Petitioners have failed to set forth a single instance where they arrived at June's  
13 house and were restricted from seeing June.

14 79. Petitioners have failed to set forth a single instance where they arrived at June's  
15 house and were restricted from seeing June.

16 80. Petitioners have failed to set forth a single instance where they sent June physical  
17 or electronic letters and those communications were withheld from June.

18 81. All Petitioners have done is complain that Kimberly hasn't coordinated  
19 unsolicited calls and visits with Petitioners to their satisfaction.

20 82. Kimberly has remained open to a visitation schedule for whatever time the Court  
21 proposes. The only limitation Kimberly disagreed with for visitation schedules is she should not  
22 be affirmatively forced out of the place she lives if someone comes to visit June. Kimberly has  
23 no problem leaving the common areas, staying in her bedroom, or running errands.

24  
25  
26 \_\_\_\_\_  
27 <sup>57</sup> Testimony of Robyn Friedman and Donna Simmons, June 8, 2021.

28 <sup>58</sup> Testimony of Kimberly Jones, June 8, 2021.

1           83.     June has stated she doesn't want Kimberly to be banished from her house if she  
2 has visitors.<sup>59</sup>

3           84.     Dean Loggans does not live at the Anaheim Property and Petitioners presented no  
4 witness with first-hand knowledge who could testify to the contrary.<sup>60</sup>

5           85.     Petitioners presented no evidence they have ever attempted to visit June at the  
6 Anaheim Property or Kraft Avenue Property when Dean Loggans was present.<sup>61</sup>

7           86.     Petitioners presented no evidence Dean Loggans had any type of criminal record  
8 or ever lived in the Anaheim Property.<sup>62</sup>

9           87.     Petitioners presented no evidence they have ever asked Kimberly to ensure Dean  
10 Loggans was not present during any proposed visit with June and if such a request occurred,  
11 Kimberly would have no concern abiding by the request.<sup>63</sup>

12 **V.     CONCLUSIONS OF LAW [PROPOSED]**

13           1.     NRS 159.332 states a "guardian shall not restrict the right of a protected person to  
14 communicate, visit or interact with a relative or person of natural affection, including, without  
15 limitation, by telephone, mail or electronic communication."

16           2.     Petitioners have averred a violation of NRS 159.322(1) asserting Guardian  
17 Kimberly Jones has restricted their access to protected person June Jones through telephone and  
18 in-person communication.

19           3.     Petitioners maintain the burden of persuasion to show a violation of NRS  
20 159.322(1).

21  
22  
23 \_\_\_\_\_  
24 <sup>59</sup> See Petition for Visitation filed by June Jones, on file.

25 <sup>60</sup> June 8, 2021 testimony from all witnesses.

26 <sup>61</sup> *Id.*

27 <sup>62</sup> *Id.*

28 <sup>63</sup> *Id.*

1           4.       Petitioners have failed to set forth any instance in which Kimberly Jones has  
2 restricted communication, visitation, or interaction with Petitioners by telephone, mail, or  
3 electronic communication.

4           5.       Petitioners concede they could not identify any instance where they attempted to  
5 communicate, visit, or interact with June and had such a request denied.

6           6.       Pursuant to NRS 159.338, Petitioners in failing to set forth a single incident of  
7 restricted communication brought their petition in bad faith. As a result, Petitioners shall be  
8 responsible for the legal fees incurred by the Guardian and June's attorney for defending against  
9 the Petition.

10          7.       Under NRS 159.328(h), a protected person has the right to "[r]emain as  
11 independent as possible, including, without limitation, to have his or her preference honored  
12 regarding his or her residence and standard of living, either as expressed or demonstrated before  
13 a determination was made relating to capacity or as currently expressed, if the preference is  
14 reasonable under the circumstances."

15          8.       Pursuant to Nevada Guardianship Rule 9(D)(4) the attorney for the protected  
16 person shall "secure and present admissible evidence . . . to further the expressed wishes of the  
17 protected person . . ."

18          9.       NRS 159.334 states that before the Court impose any type of visitation  
19 concerning the protective person, the first "order of preference" is . . . "based on the wishes of  
20 the protected person." NRS 159.334(1)(a). The intent of the legislature was for the protected  
21 person maintains a first preferential right to control visitation.

22          10.      The Protected Person's proposed visitation schedule is reasonable in time, place,  
23 and manner.

24          11.      The Court cannot force an adult protected person into a visitation schedule over  
25 their objection. An adult protected person maintains constitutionally protected freedom of choice  
26 to make certain basic decisions regarding marriage, procreation, family life and privacy." *See*,  
27 *e.g. Roe v. Wade*, 410 U.S. 113, 93 S.Ct. 705, 35 L.Ed.2d 147 (1973); *Stanley v. Illinois*, 405  
28 U.S. 645, 92 S.Ct. 1208, 31 L.Ed.2d 551 (1972); *Eisenstadt v. Baird*, 405 U.S. 438, 92 S.Ct.

1 1029, 31 L.Ed.2d 349 (1972); *Griswold v. Connecticut*, 381 U.S. 479, 85 S.Ct. 1678, 14 L.Ed.2d  
2 510 (1965); *In re Guardianship of Rowland*, 348 P.3d 228, 230 (Okla. Civ. App. 2015); *Schmidt*  
3 *v. Schmidt*, 313 Pa.Super. 83, 86, 459 A.2d 421, 423 (1983).

4 12. The Court having concluded the Protected Person's proposed visitation schedule  
5 is reasonable, will not modify or amend the proposed schedule.

6 **VI. CONCLUSION**

7 Based on the foregoing, the Petition regarding the claimed restriction on communication  
8 must be denied, with fees and costs entered in favor of Kimberly and June. Likewise, June's  
9 proposed schedule should be adopted subject to the modifications and exceptions June desires to  
10 adopt with her appointed counsel.

11 Dated this 18th day of June, 2021.

12 MARQUIS AURBACH COFFING

13  
14 By /s/ James A. Beckstrom  
15 James A. Beckstrom, Esq.  
16 Nevada Bar No. 14032  
17 10001 Park Run Drive  
18 Las Vegas, Nevada 89145  
19 *Attorney for Jones, as Guardian of the*  
20 *Person and Estate of Kathleen June*  
21 *Jones*  
22  
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28

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **KIMBERLY JONES' CLOSING BRIEF**  
**FOLLOWING EVIDENTIARY HEARING** was submitted electronically for filing and/or  
 service with the Eighth Judicial District Court on the 18th day of June, 2021. Electronic service  
 of the foregoing document shall be made in accordance with the E-Service List as follows:<sup>64</sup>

John P. Michaelson, Esq.  
 Ammon E. Francom, Esq.  
 MICHAELSON & ASSOCIATES, LTD.  
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 Henderson, Nevada 89052  
*Attorneys for Robyn Friedman  
 and Donna Simmons*

Maria L. Parra-Sandoval, Esq.  
 LEGAL AID OF SOUTHERN NEVADA  
 725 E. Charleston Blvd.  
 Las Vegas, NV 89104  
*Attorney for Kathleen June Jones Protected  
 Person*

Jeffrey R. Sylvester, Esq.  
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*Co-Counsel for Petitioners, Robyn Friedman  
 and Donna Simmons*

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 sjones@nvcourts.nv.gov

Elizabeth Brickfield  
 DAWSON & LORDAHL PLLC  
 8925 West Post Road, Suite 210  
 Las Vegas, Nevada 89148  
*Guardian Ad Litem for Kathleen June Jones*

I further certify that I served a copy of this document by emailing and mailing a true and  
 correct copy thereof, postage prepaid, addressed to:

Teri Butler  
 586 N. Magdalena Street  
 Dewey, AZ 86327

Jen Adamo  
 14 Edgewater Drive  
 Magnolia, DE 19962

Scott Simmons  
 3680 Wall Ave.  
 San Bernardino, CA 92404-1664

Jon Criss  
 804 Harkness Lane, Unit 3  
 Redondo Beach, CA 90278

Ryan O'Neal  
 112 Malvern Avenue Apt. E  
 Fullerton, CA 92832

Tiffany O'Neal  
 177 N. Singingwood Street, Unit 13  
 Orange, CA 92869

<sup>64</sup> Pursuant to EDCR 8.05(a), each party who submits an E-Filed document through the E-Filing System  
 consents to electronic service in accordance with NRCP 5(b)(2)(D).

**MARQUIS AURBACH COFFING**

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Courtney Simmons  
765 Kimbark Avenue  
San Bernardino, CA 92407

Ampersand Man  
2824 High Sail Court  
Las Vegas, Nevada 89117

/s/ *Javie-Anne Bauer*  
An employee of Marquis Aurbach Coffing

# Exhibit 1

---

**From:** Maria Parra-Sandoval

**Sent:** Tuesday, April 27, 2021 5:36 PM

**To:** 'James A. Beckstrom' <jbeckstrom@maclaw.com>; 'Elizabeth Brickfield' <EBrickfield@dlnevalaw.com>; John Michaelson <[john@michaelsonlaw.com](mailto:john@michaelsonlaw.com)>

**Subject:** RE: Guardianship of Kathleen June Jones

Mr. Michaelson never reached out to me regarding Mother's Day weekend plans from his client/the rest of the family. I had to find out through the Petition he filed and this email. June's response is a non-opposition. There's no need for a hearing.

Also, June now has a landline available for her children, grandchildren and great-grandchildren to reach her: 714-829-4256.

James, I did propose a schedule to get things moving, but I'm still waiting to hear back from Mr. Michaelson's clients. I have not received a counter-offer or anything to signal their willingness to work something out. Or I suppose the Petition was their response.

Teri is in support of June's proposed schedule. And I have been unable to reach Scott. If any of you have a good number to reach him, please pass it along. I appreciate it.

Thanks,



Maria Parra-Sandoval, Esq.  
Attorney, Consumer Rights Project  
Legal Aid Center of Southern Nevada, Inc.  
725 E. Charleston Blvd.  
Las Vegas, NV 89104  
702-386-1526 direct/fax  
702-386-1070 ext. 1526  
[mparra@lacs.org](mailto:mparra@lacs.org)  
[www.lacs.org](http://www.lacs.org)

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**From:** James A. Beckstrom <[jbeckstrom@maclaw.com](mailto:jbeckstrom@maclaw.com)>  
**Sent:** Sunday, April 25, 2021 12:01 PM  
**To:** 'Elizabeth Brickfield' <[EBrickfield@dlnevadalaw.com](mailto:EBrickfield@dlnevadalaw.com)>; John Michaelson <[john@michaelsonlaw.com](mailto:john@michaelsonlaw.com)>  
**Cc:** Maria Parra-Sandoval <[MParra@lacs.org](mailto:MParra@lacs.org)>  
**Subject:** RE: Guardianship of Kathleen June Jones

Kimberly remains open to any type of reasonable visitation schedule proposed. My understanding was one was proposed by Mrs. Parra-Sandoval to get something moving. Now I see a motion has been filed for time with June on mother's day. This non-issue was never raised to Kimberly and the motion was the first time I heard of any desire or concern. I don't know if Mrs. Parra-Sandoval has discussed mother's day with Mr. Michelson.

My response to the motion will be a few sentences. There is absolutely no problem or objection by Kimberly regarding June going to see her children for mother's day- whether in CA or in a different state. This could have been confirmed had they just tried to text, call, or email.

To reiterate, Kimberly doesn't have a problem with anyone picking up June for an extended period around mother's day. Again, I am not speaking for June. Kimberly could have June ready to go at a specified time and date.



**James A. Beckstrom, Esq.**

10001 Park Run Drive  
Las Vegas, NV 89145  
t | 702.207.6081  
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---

**From:** Elizabeth Brickfield <[EBrickfield@dlnevadalaw.com](mailto:EBrickfield@dlnevadalaw.com)>  
**Sent:** Thursday, April 22, 2021 12:13 PM  
**To:** James A. Beckstrom <[jbeckstrom@maclaw.com](mailto:jbeckstrom@maclaw.com)>; John Michaelson <[john@michaelsonlaw.com](mailto:john@michaelsonlaw.com)>  
**Cc:** 'Maria Parra-Sandoval' <[MParra@lacs.org](mailto:MParra@lacs.org)>  
**Subject:** [External] Guardianship of Kathleen June Jones

Counsel: I understand that there are unrepresented parties who are not copied on this email. Having said that, has there been any progress on the visitation or communication issues? My last information concerned attempts to spend time with June over the Easter weekend. Given June's statutory right to visitation and communication with her children and grandchildren and the desire of June and her relatives to visit and communicate, I am concerned that time is passing and visitation is not occurring. Given June's progressing dementia and failing hearing, the family is losing precious irreplaceable time. I'd appreciate your response. Thank you. Elizabeth Brickfield



DAWSON - LORDAHL  
TRUST, ESTATE & BUSINESS ATTORNEYS

Elizabeth Brickfield, Esq.,

Member

(p) 702.476.1119

(f) 702.476.6442

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mparra@lacsns.org

*Attorney for Kathleen June Jones, Adult Protected Person*

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

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

KATHLEEN JUNE JONES,

Adult Proposed Protected Person.

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

**KATHLEEN JUNE JONES' CLOSING ARGUMENT AND PROPOSED FINDINGS  
OF FACT AND CONCLUSIONS OF LAW**

Kathleen June Jones ("June"), the protected person herein, by and through counsel, Maria L. Parra-Sandoval, Esq., of Legal Aid Center of Southern Nevada, hereby submits June's Closing Argument and Proposed Findings of Fact and Conclusions of Law.

DATED this 18<sup>th</sup> day of June, 2021.

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

/s/ Maria L. Parra-Sandoval  
Maria L. Parra-Sandoval, Esq.  
Nevada Bar No. 13736  
*Attorney for Kathleen June Jones*

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1 provided evidence that guardian has isolated the protected person, as defined by NRS  
2 200.5092(4)(a), or has restricted access or denied access to any family member after a request  
3 for communication or visitation was made. In fact, nowhere in the Petitioner's pleadings do they  
4 seek relief under 159.335—and that is because Petitioners have no actionable claim under NRS  
5 159.335. Upon a simple reading of the statute, the Petitioners have not met their burden with  
6 establishing NRS 159.322 (1) in order to petition for relief under NRS 159.335.

7 NRS 159.335 (1) states: "If any person, including, without limitation, a protected person,  
8 reasonably believes that a guardian has committed *an abuse of discretion in making a*  
9 *determination pursuant to paragraph (b) of subsection 1 or subsection 3 of NRS 159.332* or  
10 has violated a court order issued pursuant to NRS 159.333, the person may petition the court to:

- 11 (a) Require the guardian to grant the relative or person of natural affection access to the  
12 protected person;
- 13 (b) Restrict or further restrict the access of the relative or person of natural affection to  
14 the protected person;
- 15 (c) Modify the duties of the guardian; or
- 16 (d) Remove the guardian pursuant to NRS 159.185."

17 Here, the Petitioners have not proven that the guardian has "abuse[d] her discretion"  
18 under NRS 159.332 in any manner that would give rise to relief under NRS 159.335 (1) (a)  
19 through (d).

20 Petitioners failed to establish that the guardian restricted the protected person from  
21 communicating, visiting or interacting with family members by restricting the protected person  
22 from using the telephone, receiving mail or electronic communication under NRS 159.332. The  
23 right to communication and visitation is given to the protected person based on a simple reading  
24 of 159.332, not to the petitioners.

25 The testimonial evidence presented at the June 8, 2021 hearing determined that the  
26 guardian has not denied family members access to the protected person and has not restricted  
27 communications between the protected person and family members. Nor has the guardian  
28 isolated the protected person from the family.

1           1. Scott Simmons, June's son

- 2           • Scott testified that he doesn't call June because "someone else will answer
- 3           it." In response to how often that has happened to him in the past, Scott could
- 4           not recall and answered, "I haven't tried to call." He testified the last time he
- 5           spoke to June before Mother's Day Weekend was roughly "15 months ago."
- 6           Later in his testimony, he also stated there's "not much to talk about."
- 7           • Scott also testified that on one occasion he was visiting neighbors across from
- 8           June's Anaheim property, and that he received a text from Kim to come inside
- 9           and see June, but he "refused" to enter. When asked if he just ignored her, he
- 10          answered "yes."
- 11          • Scott testified it was his choice not to join his mom/June at the swapmeet.
- 12          • On direct examination, Scott testified the proposed schedule is not convenient
- 13          for him. In response to whether it works for him, he stated he "doesn't want
- 14          to go see Dean."
- 15          • Scott testified he never read June's proposed schedule. He testified there is no
- 16          way his mother is capable of putting a schedule together. Yet, he had not
- 17          spoken to his mother in over "15 months."
- 18          • Scott did not know much about his mother's guardianship case and in
- 19          response to whether he received mailings he stated that he "asked for it
- 20          [service] to be stopped...big folders were sent to my house."
- 21          • Scott could not state who his mom's attorney was. Scott testified: "I knew she
- 22          had an attorney because she called me. *Robyn* would probably know because
- 23          she called me to make me aware." On cross examination, Scott testified June's
- 24          attorney was "Elizabeth." He testified he never tried to speak to his mom's
- 25          attorney.

26          Scott's testimony reveals that there is no evidence showing a violation of NRS 159.332

27          (1). If anything, it demonstrated Scott's disinterest in his mother's life and that there have been

28          zero attempts on his part to connect with June. Scott refuses to call his mom because he simply

1 does not want to talk to Kim. This is a matter of pride, not an imposed restriction from the  
2 guardian. One is left wondering: How is it possible that Scott went to *visit* neighbors across from  
3 his mother's house, the guardian noticed he was there and notified him to go inside to see his  
4 mom, and he refused to go see her? This is an example of the guardian seeking to facilitate  
5 communications and visitation and her invitation is refused. It also shows that whatever  
6 information he has been receiving regarding June's situation, it is coming from Robyn  
7 Friedman—not because he reads the pleadings himself.

8 2. Cameron Simmons, June's grandson

- 9 • Cameron testified the last time he saw June was at Canyon Lake and he was  
10 able to speak with June "one-on-one," but "very brief." He testified that June  
11 "asked him about his puppy" and that the last time he had spoken to June was  
12 when Gerry was still around. Cameron testified he was "close" to his  
13 grandmother and to his family.
- 14 • In response to June's proposed schedule, he stated that the times do not work  
15 for him as he has an "8 to 5 job." But later he stated, "*If that's what her wishes*  
16 *are...*"
- 17 • Cameron testified that to him "a phone call is not a visitation."
- 18 • Cameron also testified: "I don't even have Kim's number." On cross-  
19 examination, he admitted he could have asked for Kim's number from Robyn,  
20 but didn't. He admitted he did not make any attempts to get Kim's number  
21 to call June.
- 22 • Cameron expressed he is afraid to be around Dean because Kim asked him to  
23 remove "tracking" from her phone. When asked if he knew how Dean makes  
24 a living he answered "no." When pressed on whether he knew Dean  
25 personally or through research, he stated he was not comfortable answering  
26 those questions. When pressed on police activity at the Anaheim home and  
27 who was living there at the time, it was revealed that the property had been  
28 leased out and that Dean was not living at the Anaheim home.

- 1                   • Cameron testified Kim has “never done anything to him” and he did not want  
2                   to be “part of this.” On cross-examination, Cameron stated he was getting  
3                   most of his information from “Scott and Robyn.”

4           Cameron testified he made no attempts to get in touch with June to either talk to her or  
5 to schedule a visit in-person or at a neutral place like a restaurant despite being “close” to his  
6 grandmother and despite his testimony that phone calls are not visitation to him. Most  
7 importantly, Cameron’s testimonial evidence showed no violations under NRS 159.332 (1).

8           3. Samantha Simmons, June’s granddaughter

- 9                   • In regards to June’s proposed schedule, Samantha testified, that it “does not  
10                  seem like the schedule came from her.” Samantha testified she was aware of  
11                  the proposed scheduled when she saw her grandmother recently on Mother’s  
12                  Day Weekend, but did not ask her grandmother about it.
- 13                  • Samantha testified she’s had no direct contact with June in the last couple of  
14                  years.
- 15                  • Samantha testified that having to go through Kim is an “inconvenience.”
- 16                  • Samantha testified that the time during her trip to Las Vegas when she saw  
17                  June, she had not personally communicated with Kim. Instead it was Donna  
18                  and Kim who handled the coordination to meet-up.
- 19                  • On cross-examination, Samantha was asked whether she has ever asked Kim  
20                  to see June and had access refused. Her answer was “no.”

21           Samantha’s testimony showed no violations of NRS 159.332 (1). If anything, it  
22 demonstrated Samantha’s disinterest in her grandmother’s life and that there have been no  
23 attempts on her part to personally connect with June and that any type of scheduling was being  
24 handled through her mother, Donna, and Kim.

25           4. Donna Simmons, Petitioner, June’s daughter

- 26                  • Donna testified the last time she saw June was Mother’s Day Weekend and  
27                  that June was “overwhelmed with everyone” and she “can’t hear well.”
- 28                  • Donna testified Kim helps June operate her phone. When asked whether

1 [June] can set a date or time, she stated June will say “she’ll call back.”  
2 According to Donna, she’s “not capable of doing it.” When asked: do you try  
3 to set a time? Donna’s response was: “always with the help of Kim.”

- 4 • Donna testified Kim calls to offer June to her for a visit close to a hearing  
5 date. She also testified there are times Kim didn’t tell her ahead of time that  
6 she was going to be in California with June.
- 7 • Donna also testified she has a problem visiting June at her Anaheim house if  
8 Dean is around. She testified there was an incident in Las Vegas when her  
9 keys went missing and she later found them near the front seat of the car. She  
10 and Dean yelled at each other. Donna testified, “I don’t like him” and “I’m  
11 afraid something will happen to me.”
- 12 • Donna testified the proposed schedule “didn’t come out of my mom’s mouth.”  
13 Yet, she’s never asked June personally about the proposed schedule.
- 14 • Donna testified she is “too busy” to be guardian. Later when asked by her  
15 attorney if she would be willing to be guardian, she answered “yes.”
- 16 • On cross-examination, Donna testified she probably called June about ten  
17 times in the last six months. She testified Kim coordinates calls for June and  
18 that she “eventually” gets a return call from June.
- 19 • Donna was not aware that the proposed schedule has not been approved by  
20 the court.

21 Donna’s testimony showed no evidence of violations of NRS 159.332 (1). It did  
22 demonstrate that Kim and Donna communicate to schedule visits; that Donna’s calls have been  
23 “eventually” returned; that Donna has never been refused access to June; and that Kim assists  
24 June with her phone.

25 5. Robyn Friedman, Petitioner, June’s daughter

- 26 • Robyn testified that while the guardian has not directly denied access to the  
27 family, it is the guardian’s “lack of effective facilitation...last minute  
28 planning...delay in responding” that all adds up to a denial of access to the

- 1                   protected person. She testified it makes someone not want to engage.
- 2                   • Robyn testified Kim ignored her text on whether it was safe to take June to
- 3                   Brianhead... and that that trip didn't happen because "June went to Arizona
- 4                   instead."
- 5                   • Robyn testified she was planning like "seven different places" at the time [for
- 6                   vacationing]. On cross, she was asked if she was aware that Gerry was dying
- 7                   during that time. She stated she wasn't aware when he died.
- 8                   • Robyn called Kim a "psychopath."
- 9                   • On cross, Robyn was asked whether she asks June if she wants to go on
- 10                  vacation with her and if she tells June the length of the stay. She replied "yes"
- 11                  to both.
- 12                  • Robyn testified about Easter 2021 and Kim's offer to her to take June for the
- 13                  weekend. She also testified the Kraft home appeared empty after an Easter
- 14                  basket drop and Kim's delay in responding whether June was ok.
- 15                  • Robyn testified she had not contacted Kim in the last six months.
- 16                  • On cross, Robyn was asked if she had attempted to see her mom in the last
- 17                  three to four months that June has been living in Anaheim. Robyn said she
- 18                  "has not."
- 19                  • Robyn testified she did see her mom for Christmas. However, not as she
- 20                  would have wanted it to be. She opened gifts with her son and June in the car.
- 21                  She also testified her floors were being re-done during that time.
- 22                  • Robyn testified the proposed schedule "does not account for them" [her
- 23                  family]; "nothing works" for them.
- 24                  • Robyn testified she wants the guardian removed or wants visitation.

25                  Robyn's testimony showed no evidence of violations of NRS 159.332 (1). It did however

26                  portray a person who is meticulous about her own planning needs and who lives a busy life. Her

27                  desire is to have consistent access to her mother in a way that is convenient for her. Robyn alleges

28                  that "she's [guardian] not capable of it"—meaning effective facilitation. That is not apparent

1 from all the other testimony from the family members who testified they simply made no  
2 attempts to contact June through Kim.

3 This is really about Robyn wanting “effective facilitation” as it pertains to her  
4 convenience rather than as it pertains to June’s wishes. In other words, what Robyn portrayed  
5 through her testimony is that she is holding the guardian to her standards rather than the  
6 standards the law requires. And more than anything, there is rancor in the family that the court  
7 cannot fix. For Robyn to call her sister a “psychopath” in a formal court proceeding is shocking.  
8 The extensive text messages admitted into evidence between Robyn and Kimberly portray  
9 Robyn as a demanding, overbearing person. That just seems to be her personality. But nowhere  
10 is Kimberly denying access to June.

11 The Petitioners’ requests in the Verified Petition demonstrate that they want to impose  
12 on the guardian more than what is required by law and more than what June wants. For example,  
13 the Petitioners want “Kim to drive Ms. Jones to local family visits 50% of the time; Kim is not  
14 to refuse to allow these visits to occur at June’s home and Kim must stop refusing to leave the  
15 home to allow visiting family members a chance to visit with Ms. Jones in her home where she  
16 feels safe, secure, and comfortable;” etc<sup>2</sup>. The right to communicate with relatives pursuant to  
17 the guardianship statute belongs to June, the adult protected person. Robyn’s testimony did not  
18 show that June’s right or ability to communicate with, visit with or interact with Robyn, has been  
19 restricted by the guardian. Nor did Robyn’s testimony show any interference or restriction by  
20 the guardian of June’s wishes or desires for communication or visitation with Robyn or other  
21 family members. According to June, “Kimberly is doing a good job.”<sup>3</sup>

22 6. Kimberly Jones, guardian, June’s daughter

- 23 • Kimberly testified June’s care requires 24 hours.  
24 • Kimberly testified she has not refused access to her mom. She’s never not  
25

26 <sup>2</sup> Verified Petition for Communication, Visits, and Vacation Time with Protected Person, filed December  
27 30, 2021, pp. 29-30. This court took *Judicial Notice* of all pleadings on file; thus, this is admissible  
factual evidence.

28 <sup>3</sup> Kathleen June Jones’ Opposition to Verified Petition for Communication, Visits, and Vacation Time  
with Protected Person, filed January 25, 2021, p. 6. This court took *Judicial Notice* of all pleadings on  
file; thus, this is admissible factual evidence.

1           allowed June to answer the phone. She testified she assists her mom with  
2           using her phone. She testified Donna and Scott do not answer or return her  
3           calls. She testified Robyn has called in early April and talked to June. In the  
4           last six months, Donna has not asked to see June.

- 5           • In regards to the May Agreement, Kimberly testified June didn't want to  
6           follow it and "felt treated like a child." She testified she has tried different  
7           ways to enhance June's hearing because June refuses to wear hearing aids.
- 8           • Kimberly testified any calls "ring on her [June's] wrist" and where it can be  
9           heard.
- 10          • Kimberly testified that historically "you're lucky if you get two minutes out  
11          of her."
- 12          • Kimberly testified when she moved June to Anaheim, she believed June  
13          would get more visits. Instead it's "radio silence."
- 14          • Kimberly testified everyone thinks the proposed schedule is hers... "June  
15          talked to Maria."
- 16          • Kimberly testified June doesn't like overnights, but she encourages it.
- 17          • Kimberly testified June doesn't want her to leave [during a visit].
- 18          • On cross, Kimberly was asked "Do you understand your refusal to leave with  
19          your mom is inhibiting their ability to visit?" Kim replied, "Take mom  
20          somewhere else" or she will not go in the common area.
- 21          • In response to Dean's presence, Kimberly testified that Dean doesn't live in  
22          June's home, but sometimes stays over as a boyfriend.
- 23          • Kimberly was asked if her mom can arrange a visit. Kimberly testified, "I do  
24          the scheduling and everything."
- 25          • Kimberly was asked if June makes phone calls without her help. Kim replied,  
26          "I always assist her. I facilitate all that to all not just Robyn."
- 27          • Kimberly testified she did not provide June's landline number to all family  
28          members.

1 Kimberly's testimony showed no evidence of restricting communication or visitation  
2 amounting to a violation of NRS 159.332 (1). Kimberly's testimony did show that June requires  
3 help with receiving calls and dialing out. The testimony did not show that Kimberly restricted  
4 June in making and receiving calls or her right to communicate with, visit with or interact with  
5 her family members.

6 7. Teri Butler, June's daughter

- 7 • Teri testified that she has never been restricted access to June. She's never  
8 had difficulty connecting with June.
- 9 • Teri stated that many times "Mom doesn't want to spend the night" with her.

10 Teri's testimony showed no evidence of violations of NRS 159.332 (1).

11 In the aggregate, the testimonial evidence presented failed to demonstrate violations of  
12 NRS 159.332 (1). The guardian has not restricted June's right to communicate, visit or interact  
13 with a relative or person of natural affection, including, without limitation, by telephone, mail or  
14 electronic communication.

15 Additionally, Petitioners cited in their pretrial memo to *Estate of Schneider v. Schneider*,  
16 570 S.W.3d 647, 2019 Mo. App. LEXIS 402, to support their position that the guardian has  
17 violated her duties. That matter is inapposite to the present case in many important aspects.  
18 There, the guardian was removed based on *substantial* evidence presented that the guardian  
19 failed to comply with his statutory obligations and failed to act in the protected person's best  
20 interests. The father failed to do the following:

- 21 1) Assure that the ward resides in the best and least restrictive setting reasonably  
22 available;
- 23 2) Assure that the ward receives medical care and other services that are needed;
- 24 3) Promote and protect the care, comfort, safety, health, and welfare of the ward;
- 25 4) Provide required consents on behalf of the ward;
- 26 5) To exercise all powers and discharge all duties necessary or proper to implement the  
27  
28

1 provisions of this section.<sup>4</sup>

2 In *Estate of Schneider v. Schneider*, the lower court record was replete with example after  
3 example of what the father-guardian had been doing that was not acting in the protected person's  
4 best interests, including: leaving the protected person with his new wife's fourteen-year-old  
5 overnight; isolating him from his siblings because of how the guardian perceived they were  
6 treating his new wife and him; not allowing the protected person's sister and brother to come to  
7 his home, and refusing to take the protected person to the church he had attended since 1978.  
8 The guardian had also stopped giving the protected person his behavioral medications without  
9 consulting a physician.<sup>5</sup>

10 In the present case, June's family members, who testified, admitted they made little to no  
11 attempts to contact June or the guardian to arrange communications or visitations and thus,  
12 Petitioners can provide no, let alone substantial, evidence that their attempts at communication  
13 were restricted or that the guardian has isolated June from them. The Petitioners have failed to  
14 prove that the guardian has *restricted* June's right to communicate, visit or interact with a relative  
15 or person of natural affection, including, without limitation, by telephone, mail or electronic  
16 communication pursuant to NRS 159.332. Accordingly, they cannot show that the guardian was  
17 not acting in June's best interests. On the contrary, testimony showed that the guardian has, in  
18 fact, facilitated communication pursuant to June's wishes and thus, has protected her interests.  
19 Petitioners' reliance on *Estate of Schneider v. Schneider* is misplaced.

20 Even considering delays in communications and last minute planning, the evidence taken  
21 together failed to prove that the guardian has restricted June's right or ability to communicate  
22 with, visit with or interact with her family members. Thus, Petitioners have not met their burden  
23 to request relief under NRS 159.335 (1) (a) through (d). If this Court grants Petitioner's relief,  
24 June would be subjected to a visitation schedule she does not want. Time and time again, it has  
25 been stated that June wants to see all her family, but on her own terms. Even under a  
26 guardianship, an adult protected person retains their right to voice their opinion over decisions  
27

28 <sup>4</sup> *Estate of Schneider v. Schneider*, 570 S.W.3d 647, 656 (Mo. Ct. App. 2019).

<sup>5</sup> *Id* at 657.

1 that affect their daily lives (NRS 159.328 (1)).

2 NRS 159.332 (1) requires an actual showing of the guardian not allowing June to  
3 communicate, visit or interact with her family. Petitioners have failed in this regard and their  
4 request for an order “governing communications, visits and vacation time between family  
5 member and/or interested parties and Ms. Jones...”<sup>6</sup> or in the alternative, the removal of the  
6 guardian, should be denied.

7 This Court has requested the parties to address NRS 159.333 and NRS 159.334. As the  
8 argument above and testimony presented at the hearing demonstrate, those provisions are not  
9 applicable to this Court’s determination of Petitioner’s request. There is simply no basis upon  
10 which the court should consider time, manner or place restrictions on communication, visitation  
11 or interaction between June and her family when there has been no showing that the guardian  
12 has restricted, interfered, or otherwise failed to allow June to visit with family as she wishes.  
13 Certainly, the court should not consider such restrictions simply because Petitioners and other  
14 family want it. They do not have rights to demand such restrictions unless they have made a  
15 showing under NRS 159.332 that the guardian has interfered with, prohibited or restricted  
16 visitation pursuant to June’s wishes, and they have not. Arbitrarily imposing such restrictions  
17 under these circumstances is contrary to NRS 159 generally and, more specifically, June’s rights  
18 under the Bill of Rights.

19  
20 **Proposed Findings of Fact**

- 21 1. Scott Simmons, the protected person’s son, failed to make any attempt to communicate  
22 with or visit with the protected person in the last 15 months.  
23 2. Scott Simmons refuses to call the protected person because he simply does not want to  
24 speak with the guardian.  
25 3. Scott Simmons, while visiting neighbors across from the protected person’s home,  
26 refused the guardian’s invitation to go over to see the protected person.  
27

28 <sup>6</sup> Robyn Friedman’s and Donna Simmons’ Pre-Trial Memorandum Regarding Communication and  
Visits, and Exhibit List, filed June 1, 2021, p. 23.

- 1 4. Cameron Simmons, the protected person's grandson, has made zero attempts to
- 2 communicate with or visit with the protected person.
- 3 5. Cameron Simmons, the protected person's grandson, has made zero attempts to contact
- 4 the guardian to facilitate a visit or call.
- 5 6. Samantha Simmons, the protected person's granddaughter, has made zero attempts to
- 6 communicate with or visit with the protected person.
- 7 7. Samantha Simmons, the protected person's granddaughter has made zero attempts to
- 8 contact the guardian to facilitate a visit or call.
- 9 8. Donna Simmons, the protected person's daughter and petitioner has not been denied
- 10 access to the protected person after a request for a call or visitation.
- 11 9. Donna Simmons, the protected person's daughter, coordinates visits or calls directly with
- 12 the guardian, even if they are last minute planning on the guardian's part.
- 13 10. Donna Simmons, the protected person's daughter, has called the protected person about
- 14 ten times during the last six months. If missed, Donna gets a return call from June.
- 15 11. Robyn Friedman, the protected person's daughter and petitioner, has not been denied
- 16 access to the protected person.
- 17 12. Kimberly Jones, the daughter and guardian of the protected person, did not deny Robyn
- 18 access to the protected person in any of the text messages.
- 19 13. Teri Butler, daughter of the protected person, has not been denied access to the
- 20 protected person.
- 21 14. The protected person requires the assistance of the guardian with receiving calls,
- 22 dialing out, and scheduling visitation from family members.
- 23

#### 24 **Proposed Conclusions of Law**

- 25 1. Petitioners failed to present evidence to support a violation under NRS 159.332 (1) that
- 26 the guardian has restricted the *protected person's right* to communicate, visit or interact
- 27 with a relative or person of natural affection, including, without limitation, by telephone,
- 28 mail or electronic communication.

2. The right to communicate, visit or interact with a relative or person of natural affection under 159.332 belongs to the protected person pursuant to NRS 159.328 (h),(i),and (n).
3. The guardian has not breached her duty as it pertains to June's wishes.
4. Pursuant to the Protected Person's Bill of Rights (NRS 159.328), the court cannot impose a visitation schedule or scheduled opportunities that is contrary to the protected person's preferences.
5. Petitioners have not met their burden of proof that the guardian has "abuse[d] her discretion" under NRS 159.332 (1).
6. NRS 159.332 (1) requires an actual showing of the guardian not allowing the protected person to communicate, visit or interact with her family.
7. Without proving the guardian "abuse[d] her discretion under 159.332 (1), petitioners cannot request relief under NRS 159.335(1) (a) through (d), including the removal of the guardian.

DATED this 18<sup>th</sup> day of June, 2021.

**LEGAL AID CENTER OF  
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**EIGHTH JUDICIAL DISTRICT COURT  
FAMILY DIVISION  
CLARK COUNTY, NEVADA**

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

KATHLEEN JUNE JONES,

Adult Proposed Protected Person.

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

**KATHLEEN JUNE JONES' CLOSING ARGUMENT AND PROPOSED FINDINGS  
OF FACT AND CONCLUSIONS OF LAW**

Kathleen June Jones ("June"), the protected person herein, by and through counsel, Maria L. Parra-Sandoval, Esq., of Legal Aid Center of Southern Nevada, hereby submits June's Closing Argument and Proposed Findings of Fact and Conclusions of Law.

DATED this 18<sup>th</sup> day of June, 2021.

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

/s/ Maria L. Parra-Sandoval  
Maria L. Parra-Sandoval, Esq.  
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*Attorney for Kathleen June Jones*

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1 provided evidence that guardian has isolated the protected person, as defined by NRS  
2 200.5092(4)(a), or has restricted access or denied access to any family member after a request  
3 for communication or visitation was made. In fact, nowhere in the Petitioner's pleadings do they  
4 seek relief under 159.335—and that is because Petitioners have no actionable claim under NRS  
5 159.335. Upon a simple reading of the statute, the Petitioners have not met their burden with  
6 establishing NRS 159.322 (1) in order to petition for relief under NRS 159.335.

7 NRS 159.335 (1) states: "If any person, including, without limitation, a protected person,  
8 reasonably believes that a guardian has committed *an abuse of discretion in making a*  
9 *determination pursuant to paragraph (b) of subsection 1 or subsection 3 of NRS 159.332* or  
10 has violated a court order issued pursuant to NRS 159.333, the person may petition the court to:

- 11 (a) Require the guardian to grant the relative or person of natural affection access to the  
12 protected person;
- 13 (b) Restrict or further restrict the access of the relative or person of natural affection to  
14 the protected person;
- 15 (c) Modify the duties of the guardian; or
- 16 (d) Remove the guardian pursuant to NRS 159.185."

17 Here, the Petitioners have not proven that the guardian has "abuse[d] her discretion"  
18 under NRS 159.332 in any manner that would give rise to relief under NRS 159.335 (1) (a)  
19 through (d).

20 Petitioners failed to establish that the guardian restricted the protected person from  
21 communicating, visiting or interacting with family members by restricting the protected person  
22 from using the telephone, receiving mail or electronic communication under NRS 159.332. The  
23 right to communication and visitation is given to the protected person based on a simple reading  
24 of 159.332, not to the petitioners.

25 The testimonial evidence presented at the June 8, 2021 hearing determined that the  
26 guardian has not denied family members access to the protected person and has not restricted  
27 communications between the protected person and family members. Nor has the guardian  
28 isolated the protected person from the family.

1           1. Scott Simmons, June's son

- 2           • Scott testified that he doesn't call June because "someone else will answer
- 3           it." In response to how often that has happened to him in the past, Scott could
- 4           not recall and answered, "I haven't tried to call." He testified the last time he
- 5           spoke to June before Mother's Day Weekend was roughly "15 months ago."
- 6           Later in his testimony, he also stated there's "not much to talk about."
- 7           • Scott also testified that on one occasion he was visiting neighbors across from
- 8           June's Anaheim property, and that he received a text from Kim to come inside
- 9           and see June, but he "refused" to enter. When asked if he just ignored her, he
- 10          answered "yes."
- 11          • Scott testified it was his choice not to join his mom/June at the swapmeet.
- 12          • On direct examination, Scott testified the proposed schedule is not convenient
- 13          for him. In response to whether it works for him, he stated he "doesn't want
- 14          to go see Dean."
- 15          • Scott testified he never read June's proposed schedule. He testified there is no
- 16          way his mother is capable of putting a schedule together. Yet, he had not
- 17          spoken to his mother in over "15 months."
- 18          • Scott did not know much about his mother's guardianship case and in
- 19          response to whether he received mailings he stated that he "asked for it
- 20          [service] to be stopped...big folders were sent to my house."
- 21          • Scott could not state who his mom's attorney was. Scott testified: "I knew she
- 22          had an attorney because she called me. *Robyn* would probably know because
- 23          she called me to make me aware." On cross examination, Scott testified June's
- 24          attorney was "Elizabeth." He testified he never tried to speak to his mom's
- 25          attorney.

26               Scott's testimony reveals that there is no evidence showing a violation of NRS 159.332

27   (1). If anything, it demonstrated Scott's disinterest in his mother's life and that there have been

28   zero attempts on his part to connect with June. Scott refuses to call his mom because he simply

1 does not want to talk to Kim. This is a matter of pride, not an imposed restriction from the  
2 guardian. One is left wondering: How is it possible that Scott went to *visit* neighbors across from  
3 his mother's house, the guardian noticed he was there and notified him to go inside to see his  
4 mom, and he refused to go see her? This is an example of the guardian seeking to facilitate  
5 communications and visitation and her invitation is refused. It also shows that whatever  
6 information he has been receiving regarding June's situation, it is coming from Robyn  
7 Friedman—not because he reads the pleadings himself.

8 2. Cameron Simmons, June's grandson

- 9 • Cameron testified the last time he saw June was at Canyon Lake and he was  
10 able to speak with June "one-on-one," but "very brief." He testified that June  
11 "asked him about his puppy" and that the last time he had spoken to June was  
12 when Gerry was still around. Cameron testified he was "close" to his  
13 grandmother and to his family.
- 14 • In response to June's proposed schedule, he stated that the times do not work  
15 for him as he has an "8 to 5 job." But later he stated, "*If that's what her wishes*  
16 *are...*"
- 17 • Cameron testified that to him "a phone call is not a visitation."
- 18 • Cameron also testified: "I don't even have Kim's number." On cross-  
19 examination, he admitted he could have asked for Kim's number from Robyn,  
20 but didn't. He admitted he did not make any attempts to get Kim's number  
21 to call June.
- 22 • Cameron expressed he is afraid to be around Dean because Kim asked him to  
23 remove "tracking" from her phone. When asked if he knew how Dean makes  
24 a living he answered "no." When pressed on whether he knew Dean  
25 personally or through research, he stated he was not comfortable answering  
26 those questions. When pressed on police activity at the Anaheim home and  
27 who was living there at the time, it was revealed that the property had been  
28 leased out and that Dean was not living at the Anaheim home.

1                   • Cameron testified Kim has “never done anything to him” and he did not want  
2                   to be “part of this.” On cross-examination, Cameron stated he was getting  
3                   most of his information from “Scott and Robyn.”

4           Cameron testified he made no attempts to get in touch with June to either talk to her or  
5 to schedule a visit in-person or at a neutral place like a restaurant despite being “close” to his  
6 grandmother and despite his testimony that phone calls are not visitation to him. Most  
7 importantly, Cameron’s testimonial evidence showed no violations under NRS 159.332 (1).

8           3. Samantha Simmons, June’s granddaughter

- 9                   • In regards to June’s proposed schedule, Samantha testified, that it “does not  
10                  seem like the schedule came from her.” Samantha testified she was aware of  
11                  the proposed scheduled when she saw her grandmother recently on Mother’s  
12                  Day Weekend, but did not ask her grandmother about it.
- 13                  • Samantha testified she’s had no direct contact with June in the last couple of  
14                  years.
- 15                  • Samantha testified that having to go through Kim is an “inconvenience.”
- 16                  • Samantha testified that the time during her trip to Las Vegas when she saw  
17                  June, she had not personally communicated with Kim. Instead it was Donna  
18                  and Kim who handled the coordination to meet-up.
- 19                  • On cross-examination, Samantha was asked whether she has ever asked Kim  
20                  to see June and had access refused. Her answer was “no.”

21           Samantha’s testimony showed no violations of NRS 159.332 (1). If anything, it  
22 demonstrated Samantha’s disinterest in her grandmother’s life and that there have been no  
23 attempts on her part to personally connect with June and that any type of scheduling was being  
24 handled through her mother, Donna, and Kim.

25           4. Donna Simmons, Petitioner, June’s daughter

- 26                  • Donna testified the last time she saw June was Mother’s Day Weekend and  
27                  that June was “overwhelmed with everyone” and she “can’t hear well.”
- 28                  • Donna testified Kim helps June operate her phone. When asked whether

1 [June] can set a date or time, she stated June will say “she’ll call back.”  
2 According to Donna, she’s “not capable of doing it.” When asked: do you try  
3 to set a time? Donna’s response was: “always with the help of Kim.”

- 4 • Donna testified Kim calls to offer June to her for a visit close to a hearing  
5 date. She also testified there are times Kim didn’t tell her ahead of time that  
6 she was going to be in California with June.
- 7 • Donna also testified she has a problem visiting June at her Anaheim house if  
8 Dean is around. She testified there was an incident in Las Vegas when her  
9 keys went missing and she later found them near the front seat of the car. She  
10 and Dean yelled at each other. Donna testified, “I don’t like him” and “I’m  
11 afraid something will happen to me.”
- 12 • Donna testified the proposed schedule “didn’t come out of my mom’s mouth.”  
13 Yet, she’s never asked June personally about the proposed schedule.
- 14 • Donna testified she is “too busy” to be guardian. Later when asked by her  
15 attorney if she would be willing to be guardian, she answered “yes.”
- 16 • On cross-examination, Donna testified she probably called June about ten  
17 times in the last six months. She testified Kim coordinates calls for June and  
18 that she “eventually” gets a return call from June.
- 19 • Donna was not aware that the proposed schedule has not been approved by  
20 the court.

21 Donna’s testimony showed no evidence of violations of NRS 159.332 (1). It did  
22 demonstrate that Kim and Donna communicate to schedule visits; that Donna’s calls have been  
23 “eventually” returned; that Donna has never been refused access to June; and that Kim assists  
24 June with her phone.

25 5. Robyn Friedman, Petitioner, June’s daughter

- 26 • Robyn testified that while the guardian has not directly denied access to the  
27 family, it is the guardian’s “lack of effective facilitation...last minute  
28 planning...delay in responding” that all adds up to a denial of access to the

- 1                   protected person. She testified it makes someone not want to engage.
- 2                   • Robyn testified Kim ignored her text on whether it was safe to take June to
- 3                   Brianhead... and that that trip didn't happen because "June went to Arizona
- 4                   instead."
- 5                   • Robyn testified she was planning like "seven different places" at the time [for
- 6                   vacationing]. On cross, she was asked if she was aware that Gerry was dying
- 7                   during that time. She stated she wasn't aware when he died.
- 8                   • Robyn called Kim a "psychopath."
- 9                   • On cross, Robyn was asked whether she asks June if she wants to go on
- 10                  vacation with her and if she tells June the length of the stay. She replied "yes"
- 11                  to both.
- 12                  • Robyn testified about Easter 2021 and Kim's offer to her to take June for the
- 13                  weekend. She also testified the Kraft home appeared empty after an Easter
- 14                  basket drop and Kim's delay in responding whether June was ok.
- 15                  • Robyn testified she had not contacted Kim in the last six months.
- 16                  • On cross, Robyn was asked if she had attempted to see her mom in the last
- 17                  three to four months that June has been living in Anaheim. Robyn said she
- 18                  "has not."
- 19                  • Robyn testified she did see her mom for Christmas. However, not as she
- 20                  would have wanted it to be. She opened gifts with her son and June in the car.
- 21                  She also testified her floors were being re-done during that time.
- 22                  • Robyn testified the proposed schedule "does not account for them" [her
- 23                  family]; "nothing works" for them.
- 24                  • Robyn testified she wants the guardian removed or wants visitation.

25                  Robyn's testimony showed no evidence of violations of NRS 159.332 (1). It did however

26                  portray a person who is meticulous about her own planning needs and who lives a busy life. Her

27                  desire is to have consistent access to her mother in a way that is convenient for her. Robyn alleges

28                  that "she's [guardian] not capable of it"—meaning effective facilitation. That is not apparent

1 from all the other testimony from the family members who testified they simply made no  
2 attempts to contact June through Kim.

3 This is really about Robyn wanting “effective facilitation” as it pertains to her  
4 convenience rather than as it pertains to June’s wishes. In other words, what Robyn portrayed  
5 through her testimony is that she is holding the guardian to her standards rather than the  
6 standards the law requires. And more than anything, there is rancor in the family that the court  
7 cannot fix. For Robyn to call her sister a “psychopath” in a formal court proceeding is shocking.  
8 The extensive text messages admitted into evidence between Robyn and Kimberly portray  
9 Robyn as a demanding, overbearing person. That just seems to be her personality. But nowhere  
10 is Kimberly denying access to June.

11 The Petitioners’ requests in the Verified Petition demonstrate that they want to impose  
12 on the guardian more than what is required by law and more than what June wants. For example,  
13 the Petitioners want “Kim to drive Ms. Jones to local family visits 50% of the time; Kim is not  
14 to refuse to allow these visits to occur at June’s home and Kim must stop refusing to leave the  
15 home to allow visiting family members a chance to visit with Ms. Jones in her home where she  
16 feels safe, secure, and comfortable;” etc<sup>2</sup>. The right to communicate with relatives pursuant to  
17 the guardianship statute belongs to June, the adult protected person. Robyn’s testimony did not  
18 show that June’s right or ability to communicate with, visit with or interact with Robyn, has been  
19 restricted by the guardian. Nor did Robyn’s testimony show any interference or restriction by  
20 the guardian of June’s wishes or desires for communication or visitation with Robyn or other  
21 family members. According to June, “Kimberly is doing a good job.”<sup>3</sup>

22 6. Kimberly Jones, guardian, June’s daughter

- 23 • Kimberly testified June’s care requires 24 hours.  
24 • Kimberly testified she has not refused access to her mom. She’s never not  
25

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26 <sup>2</sup> Verified Petition for Communication, Visits, and Vacation Time with Protected Person, filed December  
27 30, 2021, pp. 29-30. This court took *Judicial Notice* of all pleadings on file; thus, this is admissible  
factual evidence.

28 <sup>3</sup> Kathleen June Jones’ Opposition to Verified Petition for Communication, Visits, and Vacation Time  
with Protected Person, filed January 25, 2021, p. 6. This court took *Judicial Notice* of all pleadings on  
file; thus, this is admissible factual evidence.

1           allowed June to answer the phone. She testified she assists her mom with  
2           using her phone. She testified Donna and Scott do not answer or return her  
3           calls. She testified Robyn has called in early April and talked to June. In the  
4           last six months, Donna has not asked to see June.

- 5           • In regards to the May Agreement, Kimberly testified June didn't want to  
6           follow it and "felt treated like a child." She testified she has tried different  
7           ways to enhance June's hearing because June refuses to wear hearing aids.
- 8           • Kimberly testified any calls "ring on her [June's] wrist" and where it can be  
9           heard.
- 10          • Kimberly testified that historically "you're lucky if you get two minutes out  
11          of her."
- 12          • Kimberly testified when she moved June to Anaheim, she believed June  
13          would get more visits. Instead it's "radio silence."
- 14          • Kimberly testified everyone thinks the proposed schedule is hers... "June  
15          talked to Maria."
- 16          • Kimberly testified June doesn't like overnights, but she encourages it.
- 17          • Kimberly testified June doesn't want her to leave [during a visit].
- 18          • On cross, Kimberly was asked "Do you understand your refusal to leave with  
19          your mom is inhibiting their ability to visit?" Kim replied, "Take mom  
20          somewhere else" or she will not go in the common area.
- 21          • In response to Dean's presence, Kimberly testified that Dean doesn't live in  
22          June's home, but sometimes stays over as a boyfriend.
- 23          • Kimberly was asked if her mom can arrange a visit. Kimberly testified, "I do  
24          the scheduling and everything."
- 25          • Kimberly was asked if June makes phone calls without her help. Kim replied,  
26          "I always assist her. I facilitate all that to all not just Robyn."
- 27          • Kimberly testified she did not provide June's landline number to all family  
28          members.

1 Kimberly's testimony showed no evidence of restricting communication or visitation  
2 amounting to a violation of NRS 159.332 (1). Kimberly's testimony did show that June requires  
3 help with receiving calls and dialing out. The testimony did not show that Kimberly restricted  
4 June in making and receiving calls or her right to communicate with, visit with or interact with  
5 her family members.

6 7. Teri Butler, June's daughter

- 7 • Teri testified that she has never been restricted access to June. She's never  
8 had difficulty connecting with June.
- 9 • Teri stated that many times "Mom doesn't want to spend the night" with her.

10 Teri's testimony showed no evidence of violations of NRS 159.332 (1).

11 In the aggregate, the testimonial evidence presented failed to demonstrate violations of  
12 NRS 159.332 (1). The guardian has not restricted June's right to communicate, visit or interact  
13 with a relative or person of natural affection, including, without limitation, by telephone, mail or  
14 electronic communication.

15 Additionally, Petitioners cited in their pretrial memo to *Estate of Schneider v. Schneider*,  
16 570 S.W.3d 647, 2019 Mo. App. LEXIS 402, to support their position that the guardian has  
17 violated her duties. That matter is inapposite to the present case in many important aspects.  
18 There, the guardian was removed based on *substantial* evidence presented that the guardian  
19 failed to comply with his statutory obligations and failed to act in the protected person's best  
20 interests. The father failed to do the following:

- 21 1) Assure that the ward resides in the best and least restrictive setting reasonably  
22 available;
- 23 2) Assure that the ward receives medical care and other services that are needed;
- 24 3) Promote and protect the care, comfort, safety, health, and welfare of the ward;
- 25 4) Provide required consents on behalf of the ward;
- 26 5) To exercise all powers and discharge all duties necessary or proper to implement the  
27  
28

1 provisions of this section.<sup>4</sup>

2 In *Estate of Schneider v. Schneider*, the lower court record was replete with example after  
3 example of what the father-guardian had been doing that was not acting in the protected person's  
4 best interests, including: leaving the protected person with his new wife's fourteen-year-old  
5 overnight; isolating him from his siblings because of how the guardian perceived they were  
6 treating his new wife and him; not allowing the protected person's sister and brother to come to  
7 his home, and refusing to take the protected person to the church he had attended since 1978.  
8 The guardian had also stopped giving the protected person his behavioral medications without  
9 consulting a physician.<sup>5</sup>

10 In the present case, June's family members, who testified, admitted they made little to no  
11 attempts to contact June or the guardian to arrange communications or visitations and thus,  
12 Petitioners can provide no, let alone substantial, evidence that their attempts at communication  
13 were restricted or that the guardian has isolated June from them. The Petitioners have failed to  
14 prove that the guardian has *restricted* June's right to communicate, visit or interact with a relative  
15 or person of natural affection, including, without limitation, by telephone, mail or electronic  
16 communication pursuant to NRS 159.332. Accordingly, they cannot show that the guardian was  
17 not acting in June's best interests. On the contrary, testimony showed that the guardian has, in  
18 fact, facilitated communication pursuant to June's wishes and thus, has protected her interests.  
19 Petitioners' reliance on *Estate of Schneider v. Schneider* is misplaced.

20 Even considering delays in communications and last minute planning, the evidence taken  
21 together failed to prove that the guardian has restricted June's right or ability to communicate  
22 with, visit with or interact with her family members. Thus, Petitioners have not met their burden  
23 to request relief under NRS 159.335 (1) (a) through (d). If this Court grants Petitioner's relief,  
24 June would be subjected to a visitation schedule she does not want. Time and time again, it has  
25 been stated that June wants to see all her family, but on her own terms. Even under a  
26 guardianship, an adult protected person retains their right to voice their opinion over decisions  
27

28 <sup>4</sup> *Estate of Schneider v. Schneider*, 570 S.W.3d 647, 656 (Mo. Ct. App. 2019).

<sup>5</sup> *Id* at 657.

1 that affect their daily lives (NRS 159.328 (1)).

2 NRS 159.332 (1) requires an actual showing of the guardian not allowing June to  
3 communicate, visit or interact with her family. Petitioners have failed in this regard and their  
4 request for an order “governing communications, visits and vacation time between family  
5 member and/or interested parties and Ms. Jones...”<sup>6</sup> or in the alternative, the removal of the  
6 guardian, should be denied.

7 This Court has requested the parties to address NRS 159.333 and NRS 159.334. As the  
8 argument above and testimony presented at the hearing demonstrate, those provisions are not  
9 applicable to this Court’s determination of Petitioner’s request. There is simply no basis upon  
10 which the court should consider time, manner or place restrictions on communication, visitation  
11 or interaction between June and her family when there has been no showing that the guardian  
12 has restricted, interfered, or otherwise failed to allow June to visit with family as she wishes.  
13 Certainly, the court should not consider such restrictions simply because Petitioners and other  
14 family want it. They do not have rights to demand such restrictions unless they have made a  
15 showing under NRS 159.332 that the guardian has interfered with, prohibited or restricted  
16 visitation pursuant to June’s wishes, and they have not. Arbitrarily imposing such restrictions  
17 under these circumstances is contrary to NRS 159 generally and, more specifically, June’s rights  
18 under the Bill of Rights.

19  
20 **Proposed Findings of Fact**

- 21 1. Scott Simmons, the protected person’s son, failed to make any attempt to communicate  
22 with or visit with the protected person in the last 15 months.  
23 2. Scott Simmons refuses to call the protected person because he simply does not want to  
24 speak with the guardian.  
25 3. Scott Simmons, while visiting neighbors across from the protected person’s home,  
26 refused the guardian’s invitation to go over to see the protected person.  
27

28 <sup>6</sup> Robyn Friedman’s and Donna Simmons’ Pre-Trial Memorandum Regarding Communication and  
Visits, and Exhibit List, filed June 1, 2021, p. 23.

- 1 4. Cameron Simmons, the protected person's grandson, has made zero attempts to
- 2 communicate with or visit with the protected person.
- 3 5. Cameron Simmons, the protected person's grandson, has made zero attempts to contact
- 4 the guardian to facilitate a visit or call.
- 5 6. Samantha Simmons, the protected person's granddaughter, has made zero attempts to
- 6 communicate with or visit with the protected person.
- 7 7. Samantha Simmons, the protected person's granddaughter has made zero attempts to
- 8 contact the guardian to facilitate a visit or call.
- 9 8. Donna Simmons, the protected person's daughter and petitioner has not been denied
- 10 access to the protected person after a request for a call or visitation.
- 11 9. Donna Simmons, the protected person's daughter, coordinates visits or calls directly with
- 12 the guardian, even if they are last minute planning on the guardian's part.
- 13 10. Donna Simmons, the protected person's daughter, has called the protected person about
- 14 ten times during the last six months. If missed, Donna gets a return call from June.
- 15 11. Robyn Friedman, the protected person's daughter and petitioner, has not been denied
- 16 access to the protected person.
- 17 12. Kimberly Jones, the daughter and guardian of the protected person, did not deny Robyn
- 18 access to the protected person in any of the text messages.
- 19 13. Teri Butler, daughter of the protected person, has not been denied access to the
- 20 protected person.
- 21 14. The protected person requires the assistance of the guardian with receiving calls,
- 22 dialing out, and scheduling visitation from family members.
- 23

#### 24 **Proposed Conclusions of Law**

- 25 1. Petitioners failed to present evidence to support a violation under NRS 159.332 (1) that
- 26 the guardian has restricted the *protected person's right* to communicate, visit or interact
- 27 with a relative or person of natural affection, including, without limitation, by telephone,
- 28 mail or electronic communication.

2. The right to communicate, visit or interact with a relative or person of natural affection under 159.332 belongs to the protected person pursuant to NRS 159.328 (h),(i),and (n).
3. The guardian has not breached her duty as it pertains to June's wishes.
4. Pursuant to the Protected Person's Bill of Rights (NRS 159.328), the court cannot impose a visitation schedule or scheduled opportunities that is contrary to the protected person's preferences.
5. Petitioners have not met their burden of proof that the guardian has "abuse[d] her discretion" under NRS 159.332 (1).
6. NRS 159.332 (1) requires an actual showing of the guardian not allowing the protected person to communicate, visit or interact with her family.
7. Without proving the guardian "abuse[d] her discretion under 159.332 (1), petitioners cannot request relief under NRS 159.335(1) (a) through (d), including the removal of the guardian.

DATED this 18<sup>th</sup> day of June, 2021.

**LEGAL AID CENTER OF  
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*Court-Appointed Guardian Ad Litem*

/s/ Penny Walker  
Employee of Legal Aid Center of Southern Nevada, Inc.



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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. )	
)	

**ROBYN FRIEDMAN AND DONNA SIMMONS' OBJECTION TO GUARDIAN'S  
ACCOUNTING AND FIRST AMENDED ACCOUNTING**

<input type="checkbox"/> TEMPORARY GUARDIANSHIP	<input checked="" type="checkbox"/> GENERAL GUARDIANSHIP
<input type="checkbox"/> Person	<input type="checkbox"/> Person
<input type="checkbox"/> Estate <input type="checkbox"/> Summary Admin.	<input type="checkbox"/> Estate <input type="checkbox"/> Summary Admin.
<input type="checkbox"/> Person and Estate	<input checked="" type="checkbox"/> Person and Estate
<input type="checkbox"/> SPECIAL GUARDIANSHIP	<input type="checkbox"/> NOTICES / SAFEGUARDS
<input type="checkbox"/> Person	<input type="checkbox"/> Blocked Account
<input type="checkbox"/> Estate <input type="checkbox"/> Summary Admin.	<input type="checkbox"/> Bond Posted
<input type="checkbox"/> Person and Estate	<input type="checkbox"/> Public Guardian Bond

Robyn Friedman and Donna Simmons ("Robyn" and "Donna"), as former-temporary guardians of the Protected Person, family members and interested parties in this matter, by and through their attorneys at Michaelson & Associates, Ltd., submit this Objection to the Guardian's

Accounting and First Amended Accounting and hereby alleges as follows:

**MEMORANDUM OF POINTS AND AUTHORITIES**

1. Every guardian must submit an annual accounting to the Court. *See* NRS 159.176.

The accounting, as relevant to this matter, is due annually no later than 60 days after the anniversary date of the appointment of the guardian. *See* NRS 159.177(1)(a). The contents of that annual accounting are mandated by statute as follows:

(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.

*See* NRS 159.179(1).

2. The inventory must also be itemized and supported by receipts or vouchers. *See* NRS 159.179(2)-(3). An interested party may, upon a showing of good cause, move for the court to order the guardian to produce the receipts that support the account and examine and audit the receipts or vouchers that support the account. *See* NRS 159.179(5).

3. Here, the Guardian filed two late accountings. The first annual accounting was due no later than December 14, 2020. However, the initial annual Accounting was late filed on December 21, 2020 (the "Accounting"), after counsel for Robyn and Donna repeatedly brought up the matter to counsel for the guardian. Despite being represented by counsel, and despite the guardian claiming she has vast experience in these matters including the filing of accountings,

1 the first accounting by the guardian was replete with inaccuracies and missing a great deal of  
2 information. It was drafted in such a way as to suggest the guardian does not think it is important.  
3 It was drafted in a perfunctory, sloppy fashion not seriously calculated to be transparent and  
4 helpful. The First Amended Accounting was not filed until June 3, 2021 (“Amended  
5 Accounting”).

6 4. The Guardian never requested a hearing for the Accounting. The Court has yet to  
7 hold a hearing to review the Amended Accounting (that was scheduled for July 15, 2021, but  
8 recently continued to August 12, 2021, upon stipulation of all parties)

9 5. The Accounting and Amended Accounting fail to include all statutorily required  
10 information.

11 6. On January 8, 2021, the Guardianship Compliance Division filed a Notice of  
12 Accounting Review (“First Accounting Review”) for the Accounting. The First Accounting  
13 Review noted several deficiencies with the Accounting including missing dates, inconsistent  
14 information on the supporting worksheets, the ending balance listed in the Recap did not match  
15 the listed assets at the end of the accounting, the starting balance was inconsistent with past  
16 filings, the ending balance was inconsistent with the transactions, the income was not itemized,  
17 there was no in-depth analysis, and expenditures were not itemized. The Court should bear in  
18 mind that the guardian is requesting significant compensation for her services – with fees that  
19 are on par, not with a lay person, but with the best private guardians in southern Nevada -  
20 claiming that she is expert in this area and prompt in meeting all the protected person’s needs,  
21 both physical and financial.

22 7. On June 7, 2021, the Guardianship Compliance Division filed a Notice of  
23 Accounting Review (“Second Accounting Review”) for the Amended Accounting. Despite  
24 warning the guardian about deficiencies in her first accounting, the Compliance office again  
25 found the necessity to admonish the guardian and her counsel in its Second Accounting Review

1 which found numerous deficiencies with the Amended Accounting including: mathematical  
2 errors, not consistent with supporting worksheets, assets do not total the amounts listed in the  
3 Account Summary Starting or Ending Balance, the sum of the Starting Balance, Income, and  
4 Expenses on the Account Summary do not equal the ending balance, the Starting Balance is  
5 inconsistent with past filings, the Ending Balance is inconsistent with the transactions, the  
6 Starting Balance does not equal the various Inventories filed in the case, the Starting Balance  
7 plus Income less Expenses does not equal the Ending Balance, the various schedules providing  
8 information for the Starting or Ending Balances do not support the Starting or Ending Balances,  
9 the income is not itemized and does not include in-depth analysis of the income, the expenditures  
10 were not itemized with no in-depth analysis of the appropriateness of the Expenses.

11 8. Moreover, the Accounting and Amended Accounting omit known expenses and  
12 receipts. For example, the Amended Accounting makes no mention of the costs incurred in  
13 moving June to Anaheim in April 2021. There is no discussion of costs for the moving truck, the  
14 Santa Fe Hotel that June allegedly stayed at on or around April 2-4, 2021, or any other moving  
15 costs generally. Kim also did not include any of the relevant receipts even though she and her  
16 counsel have repeatedly stated that they have the receipts for the moving truck and Santa Fe  
17 Hotel. The Accounting and Amended Accounting also fails to mention anything about June's  
18 timeshare that Kim has allowed to go into default. The sloppy accountings undermine the Court's  
19 and other parties' ability to evaluate the true nature of Ms. Jones' financial affairs and the related  
20 matter of what is best for Ms. Jones in the months and years to come.

21 9. The Guardian's continual failure to meet simple statutory requirements for the  
22 annual accounting is another reason why the Guardian should be removed and denied the  
23 compensation that she requests in her March 12, 2021, Petition for Guardian's Fee and  
24 Attorney's Fees and Costs. The Guardian is intentionally filing and refusing to correct the  
25 deficient accountings to make it appear like the guardianship estate can afford the Guardian's

1 requested guardian fees and legal fees. The guardian is doing the same thing to the Court and  
2 the Compliance office that she does to her sisters, which is to ignore, drag things out, mislead,  
3 cover negative facts, etc.

4 10. Further, the Accounting and Amended Accounting do not account for the  
5 exorbitant legal fees and costs incurred in the civil litigation concerning the Kraft house. The  
6 Guardian filed a Petition for Fees requesting that she be paid a significant amount of money from  
7 the guardianship estate for pursuing the litigation. She also does not mention anything about the  
8 danger her actions placed the Protected Person in. As this Court knows, this Court granted the  
9 Guardian's request to confirm the settlement in the civil litigation. As expected, upon  
10 information and belief, the Powell's have not paid the settlement money to the Protected Person.  
11 In other words, the Guardian vacated the Kraft Home and moved the Protected Person to  
12 California *before* receiving payment from the Powell's who are playing games with paying the  
13 settlement funds to the Protected Person. The settlement conflict has caused additional expense  
14 to the protected person, but that is not reflected or discussed for the Court to evaluate in the  
15 accounting – which is just another way that the Guardian continues to omit information that has  
16 the effect of misleading this Court to make her – the guardian – seem less incompetent.

17 11. The Guardian's intentional and knowing failure to correct the deficiencies in the  
18 Accounting and Amended Accounting is a breach of the Guardian's fiduciary duties to the  
19 Protected Person. The ongoing failures are costing every party including the Protected Person.  
20 There is no way for interested parties, the Protected Person, or the Protected Person's attorney  
21 to evaluate the status of the Guardian's estate including whether the estate is safe or depleted.  
22 The accounting deficiencies have been raised by other parties and the Court in virtually every  
23 hearing and in many out of Court communications. The Guardian and her attorney are  
24 completely aware of these issues. The Guardian's continual refusal to correct known  
25 deficiencies over the last seven months is yet another sad and exhausting example of the

1 Guardian's passive aggressive behavior that she now directs towards the Court and the  
2 Guardianship Compliance Division. Indeed, the Guardian's intentional misconduct and breach  
3 of her fiduciary duties to the Protected Person raises questions as to why the Protected Person's  
4 attorney does not object to the Accounting and Amended Accounting deficiencies. Accordingly,  
5 Robyn and Donna bring this Objection in furtherance of the best interests of the Protected Person.

6 12. The Guardian's intentional, knowing, and dishonest flouting of the guardianship  
7 rules and laws as well as continual refusal to be candid and honest with this Court and the  
8 Guardianship Compliance Office – all while represented by counsel - must lead this Court to  
9 remove Kim as guardian of the estate and person. This Court may remove a guardian if, among  
10 other possibilities, the guardian negligently or intentionally failed to perform any duty required  
11 by law or lawful order. *See* NRS 159.185(1); *see also* Bauer v. Second Jud. Dist. Ct. of State ex  
12 rel. Cty. of Washoe, 128 Nev. 882, 381 P.3d 593 (2012)(en banc)( "The district court also has  
13 the power to remove a guardian for various reasons set forth by statute, *see* NRS 159.185, and  
14 NRS 159.187 allows the court to appoint a successor guardian upon the court's own motion.")  
15 As stated above, the Guardian continually and intentionally refuses to obey numerous statutory  
16 requirements, all while being represented by counsel and also while claiming to this Court  
17 special expertise in guardianship and geriatric care. In addition to voluminous evidence of the  
18 guardian's misconduct presented in a great body of pleadings, the Court has witnessed two years  
19 of hearings and conducted a complete evidentiary hearing, with most issues surrounding the  
20 hurtful actions and intentional inactions of the guardian. The weight of all of the pleadings and  
21 oral arguments and representations presented at hearings in this matter prove that the Guardian  
22 intentionally flouts the rules, laws, and orders that were intended to protect the Protected Person.

23 13. It is cost-prohibitive and emotionally draining for Petitioners to continue to fight  
24 indefinitely for the protection of their mother, especially when their mother's own court  
25 appointed counsel is silent in the face of the Guardian's bad behavior. To date, Petitioners have

1 incurred staggering fees to fight for the Protected Person in place of her court appointed counsel  
2 who will not object to the unlawful behavior of the Guardian and her counsel, such as when the  
3 guardian stymies every effort to have peaceful visitation and communication between the  
4 protected person and the majority of her family, when the guardian moves the protected person  
5 out of state without Court authorization, when the guardian lies about the whereabouts or  
6 conditions of the protected person, when the guardian has the protected person sign important  
7 declarations and important legal documents in the course of litigation where the express issue  
8 and claim is that the protected person lacks the capacity to do such things, when the guardian  
9 files pathetic accountings that are missing large amounts of detail, or when the guardian supplies  
10 exhibits that are clearly doctored to cover the guardian's ignoring of her family and interference  
11 with communication and visitation. Indeed, at the evidentiary hearing when the Court was made  
12 aware of the doctored exhibits and asked the attorneys for their thoughts about allowing  
13 Petitioners to supplement the record to show the text messages that were removed, counsel for  
14 the protected person indicated she thought it was not important to supplement the record. Why  
15 wouldn't that be important?

16       14. Petitioners cannot continue indefinitely shouldering the staggering expense to  
17 protect the best interest of the Protected Person when there does not appear to be any checks or  
18 balances especially from the protected person's own attorney to hold the Guardian responsible  
19 for her actions and for adhering to guardianship law and norms. Petitioners implore this Court  
20 to see the record for what it is and remove Kim of the Court's own volition based on the totality  
21 of the data before the Court and not simply wait for Petitioners to exhaustively bring more and  
22 more petitions before the Court at such great and unbearable expense.

23       15. The evidence provided over the past nearly two years shows Kim absolutely  
24 undermining her mother's access to the great majority of her family. Kim has moved the  
25 guardian without this Court's permission. Her accounting responsibility is a joke to her. She

1 does not file a report of guardian or a plan of care even while being requested to do so repeatedly  
2 for nearly two years and only in the context of her asking for this Court to relinquish supervision  
3 and oversight of her actions. She moved the guardian out of state without Court authorization  
4 after Petitioners warned the Court that would happen. Visitation and communication are a joke  
5 to her. Candor with the Court is a joke to her. She denied filing a doctored exhibit of text  
6 messages and also denied to the Court that she sent text messages to her sister during the hearing  
7 when she plainly did. She refuses to allow family to visit without her presence at her mother's  
8 home when virtually her entire immediate and extended family says such a rule will prevent  
9 them from visiting. All of this harms the protected person and shows disdain for the protections  
10 of Nevada guardianship law and procedure – and all this from a guardian who is a self-professed  
11 geriatric care expert represented by counsel.

12 Therefore, Robyn and Donna pray for the following from this Court:

- 13 1. That the Court sua sponte remove Kim as Guardian due to her past failures and  
14 ongoing refusal to adhere to her duties that she owes to the Protected Person including  
15 simple statutory requirements, her dishonesty to the Court, Protected Person, and  
16 interested parties, and her absolute flouting of the rules and laws governing  
17 guardianship;
- 18 2. The Court order the Guardian to immediately correct all deficiencies listed by the  
19 Guardianship Compliance Division in the First Accounting Review and Second  
20 Accounting Review; and

21 ///

22 ///

23 ///

24 ///

25 ///



**CERTIFICATE OF SERVICE**

Pursuant to NEFCR 9, that on July 15, 2021, the undersigned hereby certifies a copy of the foregoing Objection was electronically served on the following individuals and/or entities at the following addresses. In addition, pursuant to Nevada Rule of Civil Procedure 5(b), the undersigned hereby certifies that on July 15, 2021, a copy of the Objection 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:

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MICHAELSON & ASSOCIATES, LTD.

/s/ Amber Pinnecker  
Employee of Michaelson & Associates



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8  
9  
10 **DISTRICT COURT**  
11  
12 **CLARK COUNTY, NEVADA**

10 IN THE MATTER OF THE GUARDIANSHIP  
11 OF THE PERSON AND ESTATE OF:

12 KATHLEEN JUNE JONES

13 An Adult Protected Person.

Case No.: G-19-052263-A

Dept. No.: B

Hearing Date: August 12, 2021

Hearing Time: 9:00 a.m.

14  
15 **KIMBERLY JONES' OBJECTION TO ROBYN FRIEDMAN'S AND DONNA**  
16 **SIMMONS' OBJECTION TO GUARDIAN'S ACCOUNTING AND FIRST AMENDED**  
17 **ACCOUNTING**

17 Plaintiff, Kimberly Jones, as Guardian of the Person and Estate of Kathleen June Jones,  
18 through the law firm of Marquis Aurbach Coffing, hereby submits this Kimberly Jones'  
19 Objection to Robyn Friedman and Donna Simmons' Objection to Guardian's Accounting and  
20 First Amended Accounting ("Objection"). This Objection is based upon papers and pleadings on  
21 file herein, the attached Memorandum of Points and Authorities, and any oral argument  
22 permitted at the time of the hearing on this matter.

23 **MEMORANDUM OF POINTS AND AUTHORITIES**

24 **I. INTRODUCTION**

25 As usual, Petitioner fills pages of this Court's docket with mudslinging and argument of  
26 counsel. All which are false and have no place in a Court, let alone proceedings designed to  
27 protected the most vulnerable in society. The Objection to the Accounting has one valid point—  
28 the numbers have a discrepancy totaling a whopping **\$2,716.68**. A discrepancy that can and will

1 be cured. All of the other arguments of counsel are simply personal attacks and opinions that  
2 have no basis in law.

3 Despite Petitioner wearing blinders, the Guardian has never acted in bad faith and the  
4 Guardian has always abided by this Court's orders. Indeed, it has been the Guardian who has  
5 stood strong throughout these proceedings and sat idle while Petitioner has filed motion after  
6 motion with threat after threat hurled against the Guardian. Likewise, during the circus of this  
7 litigation, the Guardian has had been tasked with a litany of time-consuming matters, including  
8 caring for June 24/7, coordinating two active litigation cases, and attempting to do so without a  
9 penny of compensation during a global pandemic. For Petitioner to bury her head in the sand and  
10 pay her overpaid lawyer to look down on her for doing nothing short of her best, is unreasonable  
11 this Court should reject such statements.

12 The Guardian doesn't have the benefit of living in Petitioner's all too often referenced  
13 mansion to hire attorneys and accountants to handle every task relevant to the Guardianship.  
14 Rather, the Guardian (and her counsel) have attempted to preserve resources consistent with the  
15 June's available estate.

## 16 **II. FACTUAL BACKGROUND**

17 On December 21, 2020, the Guardian submitted her first accounting, which was an  
18 attempt to preserve costs. The Accounting was prepared by the Guardian and utilized the dates of  
19 January 30, 2020 to November 23, 2020. The Guardianship Compliance Division ("GCD") in  
20 reviewing the Accounting noted the timeframe covered was inconsistent with the prior  
21 accounting having a filing date of 10/15/19. Importantly, there was no "admonishment" as  
22 Petitioner falsely claims.

23 The GCD did however, recommend inquiry in the following areas: ending balances  
24 didn't match with the stated recap, worksheets were inconsistent, and the itemized income was  
25 not in depth. No hearing on the accounting took place, because there was a flurry of competing  
26 matters going on and a request for hearing wasn't filed. During and after this time period, the  
27 Court for various reasons moved, modified, and continued various hearings.  
28

1 In response to the GCD comments, the Guardian obtained a professional bookkeeper and  
2 provided her all of the bank statements relating to the protected person's accounts. The result  
3 was an extensive supplemental accounting filed on June 3, 2021, breaking down transactions by  
4 category and revising the revising the date range (the "Amended Accounting"). The Amended  
5 Accounting was joined by the Guardian's Anticipated and Proposed Budget, also filed on June 3,  
6 2021. In total, the Amended Accounting has a difference of **\$2,716.68** when the relevant debit  
7 and credits are tallied with the existing balance. This difference was likely the result of a  
8 mathematical error by the retained bookkeeper and is de minimis at best. This difference is  
9 expected to be remedied and supplemented as soon as possible.<sup>1</sup>

### 10 **III. LEGAL ARGUMENT**

#### 11 **A. PETITIONER'S OBJECTIONS ARE DE MINIMIS AND INCORRECT.**

12 Petitioner's arguments are based on one issue—the Amended Accounting has a  
13 difference of **\$2,716.68** when the relevant debit and credits are tallied with the existing balance.  
14 This is in the process of being corrected through an errata. It is a minor issue and there is no  
15 basis for "removal." Likewise, there is no "evidence" supporting the removal of a guardian.

16 Anytime a lawyer leads an argument with "there is voluminous evidence" and fails to  
17 identify what the actual admissible "evidence" is—the Court should summarily disregard such  
18 arguments. Admissible evidence is evidence that is "relevant and of such a character (*e.g.*, not  
19 unfairly prejudicial, based on hearsay, or privileged) that the court should receive it. — Also  
20 termed competent evidence; proper evidence; legal evidence." EVIDENCE, Black's Law  
21 Dictionary (11th ed. 2019). This is not a kangaroo court where counsel can just throw around  
22 terms and conclude that removal of the Guardian is supported under the law. There has never  
23 been a finding of any wrongdoing by the Guardian. This Court was gracious to provide Petitioner  
24 an entire day of Court time. During that hearing, there were hours of opinion, improper  
25 questions, and conjecture by Petitioner and her counsel. What was non-existent was a single  
26 inclination that the Guardian has ever acted improperly.

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27 <sup>1</sup> Likewise, Kimberly expect to have receipts for expenditures supplemented to this Court for expenses  
28 over \$200.00.

1 NRS 159.185(1) governs removal and none of the requirements therein apply. The  
2 Guardian has not “intentionally” failed to perform any duty, has not violated any right of June,  
3 and there has never been a restriction of visitation or interaction. What does apply is NRS  
4 159.185(2), which prohibits the removal of a guardian for not being rich, something Petitioner  
5 has indirectly attempted to do throughout these proceedings.

6 Petitioner’s objections regarding the Guardian not mentioning costs incurred for moving  
7 June to Anaheim, a timeshare in default, or reference to a stay at the “Santa Fe Hotel” are yet  
8 another example of how delusional Petitioner is. An accounting is not required to be a line item  
9 of every single expenditure that takes hundreds of hours to assemble. The Guardian is required to  
10 provide a statement of cash receipts, disbursements, and assets during the stated period. NRS  
11 159.179(1)(a)(e). Petitioner on one hand complains that costs have been high in this case, but on  
12 the other apparently asks that every single transaction over the period of a year be listed. This  
13 would mean the Guardian would have to file what would be close to a 100-page report detailing  
14 every expenditure from the mailing of a package, an ice cream for June, or the routine trip to the  
15 grocery store. That is not the law. What Petitioner is allowed to do is ask this Court to require  
16 receipts and statements supporting the accounting. NRS 159.179(4). Petitioner has made a  
17 request, to further frustrate and drag out these proceedings. However, once again acting in full  
18 disclosure and in good faith, Kimberly voluntarily has provided the supporting statements for the  
19 Amended Accounting herewith.<sup>2</sup>

20 A review of the supporting documents, the Amended Accounting, and Errata show one  
21 thing. Kimberly has and continues to act in the best interest of June in compliance with the law.  
22 While this has been difficult in the face of an aggrieved sister who has vowed to spend a million  
23 dollars to control her mother’s life, Kimberly has worked with what she has, which includes an

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24 <sup>2</sup> To be clear, the Guardian has continuously attempted to assist her mother through various payments,  
25 including the stay at the Santa Fe Hotel. No law restricts a Guardian’s right and ability to make a donative  
26 gift to a protected person. To the extent the Objection references a “time share” that too is an argument  
27 that requires no attention. June and her late husband abandoned the time share long before her husband  
28 died. The time share is not listed as an asset, because it is not one. If Mrs. Friedman desires to force her  
mother to spend more time to petition the Court to abandon June’s interest in the time-share, the Court  
can make that decision. However, there is no reasonable dispute that the timeshare was forfeited long  
before Kimberly became the Guardian.

1 extremely limited budget, legal counsel working to minimize costs without payment, constant  
2 barrages of motions filed by Petitioner, COVID-19, and a mother that requires around the clock  
3 care. The time has come for this Court to approve the Accounting, overrule Petitioner's  
4 Objections, and rule on all of the pending motions in favor of Kimberly (and June). Thereafter,  
5 the process for permanent relocation needs to move forward. Every day June is not a permanent  
6 resident of California is another day she cannot obtain the valuable medical benefits she  
7 desperately needs.

8 This Court is the gatekeeper of the Guardianship Court—not Petitioner. This case has  
9 been subject to most stringent review available—an independent private legal aid attorney,  
10 independent guardian ad litem, independent and repeated forensic reviews from the GCD, reports  
11 from the GCD as well as in person interviews, a full day evidentiary hearing, a full disclosure of  
12 bank statements, and an absurd amount of briefing. There comes a point where the protected  
13 person must be allowed to move on with her clearly stated desires. There is no abuse, no  
14 malfeasance, no danger, and no impropriety. These are the facts. Guardianship is not a prison  
15 designed to award the wealthy who want to advance their agenda.

16 **IV. CONCLUSION**

17 Based on the foregoing, the Objection should be overruled and the Accounting should be  
18 approved. Likewise, with the Accounting approved, the Court should rule on all pending motions  
19 so June can be permanently relocated to obtain the benefits she is eligible for in California.

20 Dated this 26th day of July, 2021.

21  
22 MARQUIS AURBACH COFFING

23  
24 By /s/ James A. Beckstrom  
25 Geraldine Tomich, Esq.  
26 Nevada Bar No. 8369  
27 James A. Beckstrom, Esq.  
28 Nevada Bar No. 14032  
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*Attorney for Jones, as Guardian of the  
Person and Estate of Kathleen June  
Jones*

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **KIMBERLY JONES' OBJECTION TO ROBYN FRIEDMAN AND DONNA SIMMONS' OBJECTION TO GUARDIAN'S ACCOUNTING AND FIRST AMENDED ACCOUNTING** was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 26th day of July, 2021. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:<sup>3</sup>

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I further certify that I served a copy of this document by emailing and/or mailing a true and correct copy thereof, postage prepaid, addressed to:

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<sup>3</sup> Pursuant to EDCR 8.05(a), each party who submits an E-Filed document through the E-Filing System consents to electronic service in accordance with NRCP 5(b)(2)(D).

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**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

IN THE MATTER OF THE GUARDIANSHIP  
OF THE PERSON AND ESTATE OF:

KATHLEEN JUNE JONES

An Adult Protected Person.

Case No.: G-19-052263-A

Dept. No.: B

**KIMBERLY JONES' MEMORANDUM OF STATUS DATED AUGUST 6, 2021**

Kimberly Jones, Guardian of the Protected Person June Jones, by and through the law firm of Marquis Aurbach Coffing, hereby submits its Memorandum of Status.

**I. STATUS**

Since the last appearance before this Court, Kimberly Jones ("Kimberly"), pursuant to this Court's request, provides the following:

1. The Guardian has filed a Second Supplement to the First Accounting. This comes following the Guardian's retained CPA revising the Accounting to include credit card statements that were omitted in error. This Accounting replaces all previous versions.

2. June remains happier than ever residing at 1054 S. Verde Street, Anaheim, CA 92805 (the "Property"). With rehab efforts at the property concluded, June loves her house and enjoys the Southern California weather. Photographs of the Property in a "before and after" format is provided to the Court and all interested parties to highlight the extend of the repairs and condition of June's living situation. **See Exhibit 1 and Exhibit 2.**

1           3.       Kimberly has been proactive in attempting to qualify June for benefits and  
2 services in California. These attempts have been successful, with Kimberly securing two grants  
3 in the amount of \$2,900. *See* Award Letters, attached **Exhibit 3**.

4           4.       The first grant is for \$2,000 towards respite care with contracted homecare  
5 companies through the Orange County Caregiver Resource Center.

6           5.       A second grant in the amount of \$900 has been obtained from the Program of  
7 Council of Aging through the Care Navigator Program utilizes and sets up a program called  
8 “Care Tree” a one-stop migration program that stores family updates, communication, and a  
9 general care plan for June.

10          6.       June is set to meet with a Registered Nurse from the Care Navigator Program to  
11 setup the “Care Tree” program. It is expected that this “Care Tree” program can be available to  
12 any family members of June if they desire. For more information, the Care Tree website is  
13 <https://caretree.me/family-portal>.

14          7.       Upon the Care Tree being setup, the information will be provided to June’s  
15 children, June’s attorney, and anyone else the Court believes necessary.

16          8.       Kimberly has also contacted and started coordinating with Alzheimer’s Orange  
17 County to setup their Family Conference program. This program allows for family members to  
18 learn about Alzheimer’s and communication with someone who has it, likewise it allows for  
19 direct communication among family members. The website link is  
20 <https://www.alzoc.org/services/care-consultations/>.

21          9.       Since the softening of COVID-19 restrictions, Kimberly has attempted to  
22 transition back to working part-time from home. When Kimberly has to leave June, she  
23 coordinates with a third-party caregiver—Stephanie.

24          10.       Stephanie is a licensed and trained caregiver who gets along well with June (they  
25 have become friends). The hourly rate for Stephanie is \$20 per hour (the most competitive rate  
26 available after a long search).

27          11.       Stephanie has all relevant emergency contact information for June’s relatives in  
28 the event of an emergency.

12. Stephanie will be able to continue on to care for June for up to 20 hours per week **when June is approved for Medi-Cal.** It remains crucial that June allowed to permanently relocate to California so she can obtain these benefits immediately. Currently, she cannot do so, because her state of residency is in flux.

13. Stephanie is already qualified by the State of California so that when June can qualify for Medicaid, Stephanie can continue with a continuity of service and support.

14. Since the evidentiary, June has spoken with Donna once, with Kimberly attempting to call several times. Likewise, June has spoken with Robyn Friedman several times, with some instances of Kimberly coordinating calls and some instances of Robyn calling June. Right after the evidentiary hearing, Donna visited June's house and dropped off some clothes when June was not home on or around June 10, 2021. Likewise, Kimberly has attempted to facilitate visits with Donna. *See Exhibit 4.*

15. Since the evidentiary hearing, no other family members have attempted to visit June and no one has contacted Kimberly to coordinate a visit with June (whether at June's home or otherwise).

16. June has tried to call Scott Simmons in July. She left him a message—he has never returned the call.

17. Since the evidentiary hearing, Kimberly also has texted Samantha Simmons to see if she wanted to get her nails done with June. No response was provided.

18. Kimberly called at the request of June Tiffany Simmons on August 8, 2021 and Tiffany is set to visit in person with June at her house the week of August 9-13.

19. June regularly speaks with her two friends Marilyn and Charlene, as well as her sister-in-law Judy.

20. June continues to have a cordless phone available for calls. The number is 714-829-4256. No family members call this number, despite the number having been provided months ago.

21. June has established physicians in California, as listed below. June's health status remains unchanged.

**Neurologist**

Elite Neurology Orange County  
2617 East Chapman Suite 101  
Orange CA 92869

**Primary Care Physician**

Dr. Rodriguez (Geiss Medical)  
2592 N. Santiago Blvd, Ste 100  
Orange, CA 92867

Last Visit: August 4, 2021

June's Medications remain unchanged since the last update. June has no changed medical conditions.

**Ophthalmologist**

Dr. Mehta (UCI Medical Center)  
101 The City Drive South  
Orange, CA 92868  
Next Appointment: August 31, 2021

**Cardiologist**

Dr. Donaldson (UCI Medical Center)  
101 The City drive South  
Orange, CA 92868  
Next Appointment: August 18, 2021

**Dentist**

Dream Dentistry  
N. Grand Ave  
Santa Ana, CA 92705  
Last Appointment: July 23, 2021

**Physical Therapy**

Hollywood Home Health  
4640 Lankershim Blvd., Suite 100  
North Hollywood, CA 91602

22. June has been vaccinated for COVID-19 and is active outside. June attempts to avoid large crowds as a result of the emergence of COVID-19 strains.

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1 Recent activities June enjoys include car drives around Orange County, California,  
2 reading, going to the bookstore, going to the farmers market, attending aqua-aerobics, bowling,  
3 and sunbathing in her backyard.

4 Dated this 9th of August, 2021.

5 MARQUIS AURBACH COFFING

6  
7 By /s/ James A. Beckstrom  
8 James A. Beckstrom, Esq.  
9 Nevada Bar No. 14032  
10 10001 Park Run Drive  
11 Las Vegas, Nevada 89145  
12 *Attorney(s) for Kimberly Jones*  
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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **KIMBERLY JONES' MEMORANDUM OF STATUS** was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 9th day of August, 2021. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:<sup>1</sup>

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*Attorney for Kathleen June Jones Protected  
Person*

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*Guardian Ad Litem for Kathleen June Jones*

I further certify that I served a copy of this document by emailing and mailing a true and correct copy thereof, postage prepaid, addressed to:

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Dewey, AZ 86327

Jen Adamo  
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Spring Hill, KS 66083-8113

Scott Simmons  
3680 Wall Ave.  
San Bernardino, CA 92404-1664

Jon Criss  
1039 E. Appleton Street, Apt 8  
Long Beach, CA 90802-3408

Ryan O'Neal  
112 Malvern Avenue Apt. E  
Fullerton, CA 92832

Tiffany O'Neal  
177 N. Singingwood Street, Unit 13  
Orange, CA 92869

<sup>1</sup> Pursuant to EDCR 8.05(a), each party who submits an E-Filed document through the E-Filing System consents to electronic service in accordance with NRCP 5(b)(2)(D).

**MARQUIS AURBACH COFFING**

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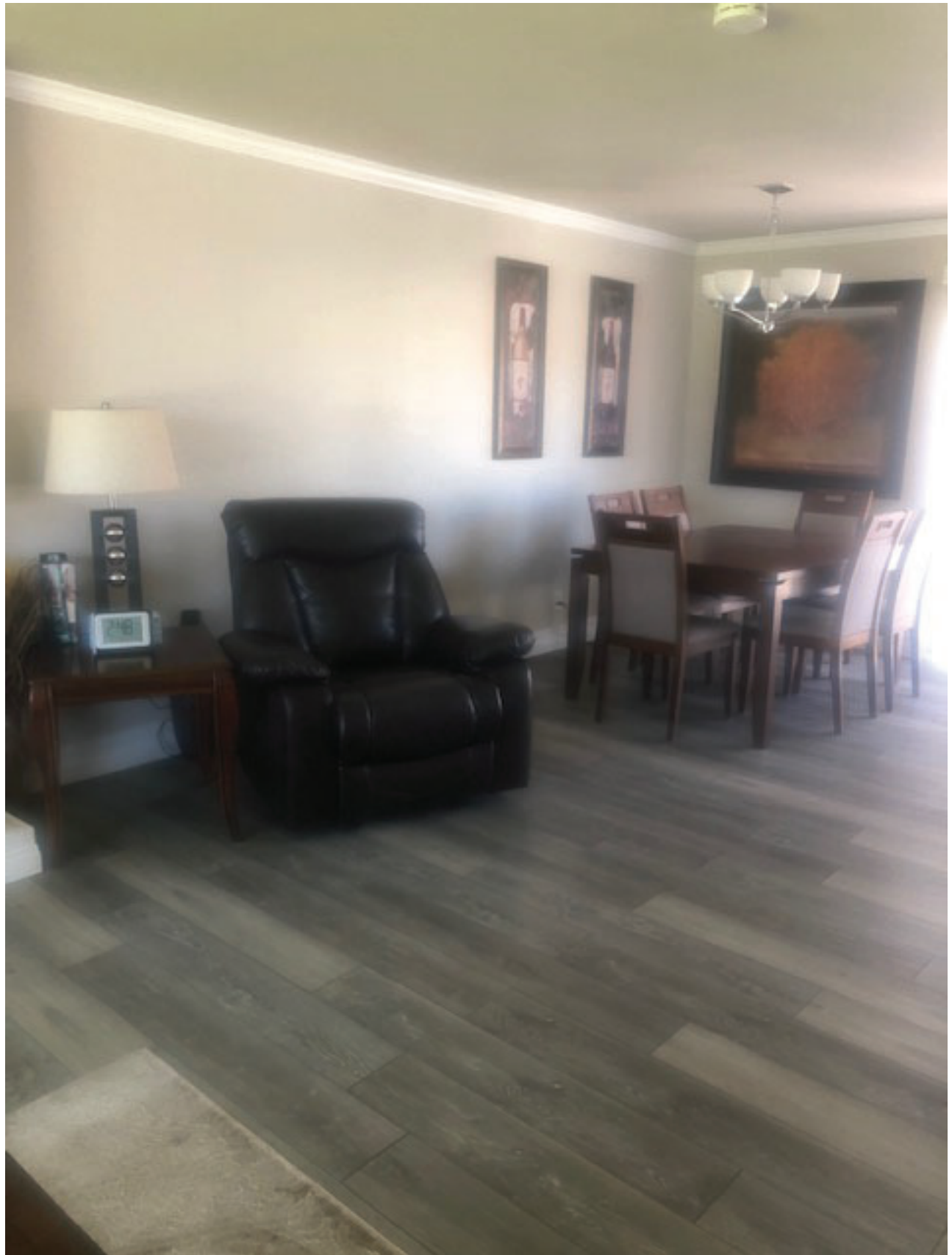
Courtney Simmons  
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San Bernardino, CA 92407

Ampersand Man  
2824 High Sail Court  
Las Vegas, Nevada 89117

/s/ *Javie-Anne Bauer*  
An employee of Marquis Aurbach Coffing

# Exhibit 1







AA 000721





AA 000723

# Exhibit 2







































AA 000743











AA 000748



