

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

2
3 IN THE MATTER OF THE GUARDIANSHIP No. 83967
4 OF THE PERSON AND ESTATE OF
5 KATHLEEN JUNE JONES, AN ADULT
6 PROTECTED PERSON,

Electronically Filed
Jun 23 2022 11:18 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

7
8 KATHLEEN JUNE JONES,

9 Appellant,

10 vs.

11 ROBYN FRIEDMAN; AND DONNA
12 SIMMONS,

13 Respondents.

14 **APPEAL**

15
16 From the Eighth Judicial District Court, Clark County
17 The Honorable Linda Marquis, District Judge
18 District Court Case No. G-19-052263-A

19 **APPELLANT'S APPENDIX**

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APPELLANT’S APPENDIX: VOLUME V

1 including current or previous information from those who have been obligated to pay money or
2 other benefits to Ms. Jones;

3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Robyn Friedman is
4 authorized to obtain access to any and all estate planning or testamentary documents, including
5 wills or trusts, healthcare advance directives, and/or powers of attorney that may be lodged with
6 family members, friends, financial institutions, or any other person and entity that may possess
7 such documents, and if such documents are found that all such documents be given to Robyn
8 Friedman;

9 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Court suspend
10 any general durable power of attorney and/or healthcare power of attorney documents
11 previously executed by Ms. Jones if any, during the pendency of the general guardianship of the
12 estate or person, but that if any healthcare power of attorney documents are discovered, the
13 General Guardian shall follow instructions contained within the healthcare power of attorney
14 document related to medical or end-of-life decisions;

15
16 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Robyn Friedman is
17 authorized access to any and all historical account information and for any and all of Ms. Jones'
18 assets for investigative purposes and to apply for government benefits, including Medicaid, if
19 necessary;

20 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Robyn Friedman is
21 authorized to open and inventory the contents of any and all safe deposit box(es) or personal
22 safe(s) in the name of Ms. Jones, individually or jointly with other persons;

23 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Robyn Friedman is
24 authorized to obtain confidential financial information of Ms. Jones, including, but not limited
25

1 to statements, cancelled checks, withdrawal authorizations and any other information from
2 financial institutions, brokerage or mutual fund firms, the United States Social Security
3 Administration, and other persons and agencies which have engaged in transactions concerning
4 the financial affairs of Ms. Jones, whether said accounts or records reflect the name of Ms.
5 Jones individually, or with one or more other persons or trust, in order to apply for government
6 benefits, including Medicaid, if necessary;

7 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Robyn Friedman
8 will incur hourly guardian fees and costs for its services rendered as the Guardian, and the Court
9 authorizes the General Guardian to apply for its guardian fees and costs to be paid from the
10 Estate, if any, subject to Court confirmation; and

11 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Michaelson Law
12 will incur hourly legal fees and costs for its services rendered to establish the Guardianship(s),
13 and the Court authorizes Michaelson Law to apply for its legal fees and costs to be paid from
14 the Estate, if any, subject to Court confirmation.
15

16 Dated this 7th day of December, 2021

17 

18 Submitted by:
19 MICHAELSON LAW

36B D7C 689A 2AE1
Linda Marquis
District Court Judge

20 By: /s/ Matthew D. Whittaker
21 John P. Michaelson, Esq.
22 Nevada Bar No. 7822
23 john@michaelsonlaw.com
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1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 In the Matter of the Guardianship
7 of:

8 Kathleen Jones, Protected
9 Person(s)

CASE NO: G-19-052263-A

DEPT. NO. Department B

10 **AUTOMATED CERTIFICATE OF SERVICE**

11
12 This automated certificate of service was generated by the Eighth Judicial District
13 Court. The foregoing Order Appointing General Guardian - Person & Estate was served via
14 the court's electronic eFile system to all recipients registered for e-Service on the above
15 entitled case as listed below:

16 Service Date: 12/7/2021

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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.)

**GUARDIAN'S ACKNOWLEDGMENT OF DUTIES
AND RESPONSIBILITIES UNDER NRS 159
(PERSON AND ESTATE)**

<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"/> Estate <input type="checkbox"/> Summary Admin.
<input type="checkbox"/> Person and Estate	<input checked="" type="checkbox"/> Person and Estate

Robyn Friedman, Successor Guardian, hereby declares that she understands there are certain duties and responsibilities required of her in the administration of the above guardianship. By initialing each item below, Robyn Friedman indicates she understands her guardianship duties and responsibilities include, but are not limited to, the following: (You

1 must read and initial all items on this form to acknowledge that you understand your
2 duties and responsibilities):

3 **I. GUARDIAN OF THE PERSON'S DUTIES AND RESPONSIBILITIES**

4 **A. Duties and Functions**

5 I acknowledge and understand that the duties and functions of a Guardian of the Person are
6 as follows:

7 RF To always act in the best interest of the Protected Person.

8 RF To supply the Protected Person with proper care, including food, shelter,
9 clothing, and all incidental necessities: appropriate residence, support, and
education, including training for a profession, if applicable.

10 RF To provide the Protected Person with medical, surgical, dental, psychiatric,
11 psychological, hygienic, or other care and treatment as needed.

12 RF To educate and mentor the Protected Person, when possible, on alternatives to
13 guardianship and to assist in accessing supports that replace the need for
guardianship.

14 RF To notify all interested parties, the Court, the trustee, and named executor or
15 appointed personal representative of the estate of the Protected Person within 30
16 days after the death of the Protected Person.

17 **B. Court Authority**

18 (1) I acknowledge and understand that court authority must be obtained prior to:

19 RF Moving or placing the Protected Person in a residence outside of the
20 State of Nevada.

21 RF Moving or placing the Protected Person in a secured residential long-term
22 care facility unless the Court specifically granted the authority when the
guardian was appointed or the placement is pursuant to a written
23 recommendation by a licensed physician, a licensed social worker, or
employee of a county or state office for protective services.

24 RF Restricting communication, visitation, or interactions between a Protected
25 Person and a relative or person of natural affection.

1 (2) I acknowledge and understand that court authority must be obtained prior to:

2 RF Engaging the Protected Person in experimental medical, biomedical, or
3 behavioral treatment.

4 RF Engaging the Protected Person in any medical practice to sterilize them.

5 **C. Notices and Reports**

6 I acknowledge and understand that in addition to the performance of the duties outlined
7 above, the following will be required of me:

8 RF Within 5 days of being appointed guardian, a Notice of Entry of Order Appointing
9 Guardian must be filed and mailed to the Protected Person and all individuals
entitled to notice.

10 RF Annually, within 60 days of the anniversary of the appointment of guardianship,
11 an Annual Report of Guardian must be filed to update the Court on the health
12 and well-being of the Protected Person.

13 RF Within 10 days of moving the Protected Person to a secured residential long-
14 term carefacility, a written report on the condition of the Protected Person must
be filed.

15 RF At any time the Court orders, an Annual Report of Guardian must be filed.

16 RF Within 30 days of filing an Annual Report of Guardian, a copy of the report
17 must be given to the guardian of the estate, if any have been appointed.

18 RF 10 days prior to changing the Protected Person's residence within Nevada, notice
19 of the intended relocation must be provided to all persons entitled to notice, unless
an emergency as defined by the statute is present. The report to the court may be
20 filed after action has been taken.

21 **D. Miscellaneous**

22 I acknowledge and understand the following:

23 RF It is my responsibility to accurately keep all records and file all reports with the
24 Court regarding the well-being of the Protected Person.

25 RF It is my responsibility to maintain all records and documents for the guardianship
of the Protected Person for 7 years after the Court terminates the guardianship.

1 RF It is my responsibility to inform the Court if I am no longer qualified to serve as
2 a guardian, and the Court will determine whether or not I can continue the
3 guardianship.

4 The following can disqualify me from keeping my guardianship:

- 5 (1) If I am convicted of a gross misdemeanor or felony in any state.
- 6 (2) If I file or receive protection as an individual or as a principle of any entity
7 under the federal bankruptcy laws.
- 8 (3) If I have my driver's license suspended, revoked, or cancelled for
9 nonpayment of child support.
- 10 (4) If I am suspended for misconduct or disbarred from the practice of law,
11 the practice of accounting, or any other profession which involves or
12 may involve the management or sale of money, investments, securities
13 or real property, or requires licensure in any state.
- 14 (5) If I have a judgment entered against me for misappropriated funds or
15 assets from any person or entity in any state.

16 RF I shall, as a guardian, take possession of the following unless a guardian of the
17 estate is granted and the guardian of the estate has taken possession of them:
18 The originals of any contracts executed by the Protected Person, Power of
19 Attorney executed by the Protected Person, Estate planning documents
20 prepared by the Protected Person (including but not limited to the last will
21 and testament, durable power of attorney), and revocable trusts, revocable
22 or irrevocable trusts the Protected Person is beneficiary to, and any written
23 evidence of present or future vested interest in any real or intangible
24 property.

25 RF I should seek the advice and assistance of an attorney if I need legal advice, or if I
do not fully understand my duties and responsibilities, to ensure that I remain in
full compliance with the laws of the State of Nevada.

RF I have read and reviewed the Guardian's Acknowledgment of Duties and
Responsibilities and I understand the terms and conditions under which the
Guardianship is to be managed.

RF I agree to comply with the rules and duties of a guardian as set forth in the laws
of the State of Nevada.

RF I fully understand that failure to comply with the Guardianship statutes, or
with any Order made by the Court, may result in my removal as Guardian and
that I may be subject to such penalties as the Court may impose.

RF I have received the Protected Persons' Bill of Rights and understand the rights
stated.

1
2 **II. GUARDIAN OF THE ESTATE'S DUTIES AND RESPONSIBILITIES**

3 **A. Duties and Functions**

4 I acknowledge and understand that the duties and functions of a Guardian of the Estate are
5 as follows:

6 RF To protect, preserve, and manage the income, assets, and estate of the Protected
7 Person and utilize the income, assets, and estate of the Protected Person solely for
the benefit of the Protected Person.

8 RF To protect, preserve, manage, and dispose of the estate of the Protected Person
9 according to law and for the best interests of the Protected Person.

10 RF To apply the estate of the Protected Person for the proper care, maintenance,
11 education, and support of the Protected Person, and any person to whom the
Protected Person has a legal obligation to support.

12 RF To have due regard for other income or property available to support the
13 Protected Person and any person to whom the Protected Person has a legal
obligation to support.

14 RF To have such other authority and perform such other duties as are provided by law.

15 RF
16 To maintain the Protected Person's assets in the name of the Protected Person
or the guardianship.

17 RF
18 To notify all interested parties, the Court, the trustee, and named executor or
appointed personal representative of the estate of the Protected Person within 30
19 days after the death of the Protected Person.

20 **B. Investing and Managing Protected Person's Estate**

21 I acknowledge and understand that the following rules govern the manner in which the
Protected Person's separate property shall be managed and invested:

22 RF When establishing bank accounts or holding property on behalf of the Protected
23 Person, title designations shall read:

24 **"Robyn Friedman**
as Successor Guardian of the Estate of Kathleen June Jones"

25 RF Unless I am the spouse of the Protected Person, I may not utilize any guardianship

1 funds for my personal benefit or commingle guardianship funds with my own
2 funds.

3 RF I may, without prior approval of the Court, invest the Protected Person's property in
4 any (1) bank, credit union, or savings and loan institution in the State of Nevada to
5 the extent that the deposits are insured by the Federal Deposit Insurance
6 Corporation, National Credit Union Share Insurance Fund, or a private insurer; (2)
7 interest bearing obligations of or fully guaranteed by the United States, the United
8 States Postal Service, or Federal National Mortgage Association; (3) interest bearing
9 general obligations of this state or any county, city, or school district in the State of
10 Nevada; (4) or any money market mutual funds which are invested only in those
11 instruments described in this paragraph.

12 C. Court Authority

13 I acknowledge and understand that court authority must be obtained prior to:

14 RF Investing property of the Protected Person.

15 RF Continuing the business of the Protected Person.

16 RF Borrowing money for the Protected Person.

17 RF Entering into contracts for the Protected Person or complete the performance of
18 contracts of the Protected Person.

19 RF Making gifts from the Protected Person's estate or making expenditures for the
20 Protected Person's relatives.

21 RF Selling, leasing, or placing in a trust, any property of the Protected Person.

22 RF Exchanging or partitioning the Protected Person's property.

23 RF Releasing the power of the Protected Person as trustee, personal representative or
24 custodian for a minor or guardian.

25 RF Exercising or releasing the power of the Protected Person as a donee of a power of
appointment.

RF Exercising the right of the Protected Person to take under or against a will.

RF Transferring to a trust created by the Protected Person, any property unintentionally
omitted from the trust.

1 RF Submitting a trust to the jurisdiction of the Court if the Protected Person is a
2 beneficiary of the income of the trust, or the trust was created by the Court.

3 RF Paying any claim by the Department of Health and Human Services to recover
4 benefits for Medicaid correctly paid to or on the behalf of the Protected Person.

5 RF Transferring money in a Protected Person's account to the Nevada Higher Education
6 Prepaid Tuition Trust Fund created in accordance with NRS 353B.140.

7 RF To take any other action which the guardian deems would be in the best interests
8 of the Protected Person, without having prior consent from this Court.

9 **D. Selling Property of the Protected Person**

10 1. I acknowledge and understand that all sales of real property of the Protected Person must:

11 RF Only occur after the Court grants authority for the sale.

12 RF Be confirmed by the Court prior to finalizing the sale with the prospective buyer.

13 2. I acknowledge and understand that I must provide written notice to the Protected Person,
14 his/her attorney, and the persons specified in NRS 159.034 of my intent to sell personal
15 property of the Protected Person that has a total value of less than \$10,000.00 UNLESS:

16 RF The property is a threat to public health or safety.

17 RF The property is contaminated, and salvage is impractical.

18 RF The handling or storage of property might endanger public health or safety.

19 3. I acknowledge and understand that if I intend to sell personal property of the Protected
20 Person that has a total value above \$10,000.00 I must:

21 RF Publish notice of intended sale.

22 RF Provide written notice to the individuals entitled to notice, including the
23 Protected Person and his or her family members.

24 4. I acknowledge and understand that I am responsible for the actual value of all
25 personal property of the Protected Person sold unless:

RF I make a report to the Court within 90 days of the sale.

1 5. I acknowledge and understand that I may sell any security of the Protected Person if:

2 RF I petition the Court for confirmation of the sale.

3 RF The Court confirms the sale.

4 6. I acknowledge and understand that:

5 RF I shall record all certified copies of any court order authorizing the sale,
6 mortgage, lease, surrender, or conveyance of real property in the county
7 recorder's office in which any portion of the land is located.

8 RF I am to carry out effectively any transactions affecting the Protected
9 Person's property as authorized by NRS 159. The Court may authorize me
10 to execute any promissory note, mortgage, deed of trust, deed, lease,
11 security agreement, or other legal document or instrument which is
12 reasonably necessary to carry out such transaction.

11 **E. Notices and Reports**

12 I acknowledge and understand that in addition to the performance of the duties
13 outlined above, the following will be required of me:

14 RF Within 5 days of being appointed guardian, a Notice of Entry of Order
15 Appointing Guardian must be filed and mailed to the Protected Person and all
16 individuals entitled to notice.

16 RF Within 60 days of being appointed guardian of the estate, an Inventory,
17 Appraisal, and Report of Value must be filed with the Court for all known
18 property of the Protected Person.

18 RF Within 30 days of discovering property not mentioned in the initial
19 inventory, an amended inventory must be filed with the Court.

20 RF Within 60 days of being appointed guardian of the estate, a certified copy
21 of the Letters of Guardianship must be recorded in the county recorder's
22 office of any county where the Protected Person possesses real property.

22 RF Annually, within 60 days of the anniversary of the appointment of
23 guardianship, an Annual Account of Guardianship must be filed to update the
24 Court on the status of the Protected Person's Estate, and served on all interested
25 parties.

25 RF At any time the Court orders, an Inventory, Appraisal, and Report of Value
and/or an Accounting of Guardianship must be filed.

1 **F. Miscellaneous**

2
3 I acknowledge and understand the following:

4 RF

It is my responsibility to accurately keep all records and file all reports with the Court regarding the finances of the Protected Person.

5
6 RF

It is my responsibility to maintain all records and documents for the guardianship of the Protected Person's estate for 7 years after the Court terminates the guardianship.

7
8 RF

It is my responsibility to inform the Court if I am no longer qualified to serve as a Guardian, and the Court will determine whether or not I can continue the guardianship.

9
10
11 The following can disqualify me from keeping my guardianship:

- 12 1. If I am convicted of a gross misdemeanor or felony in any state.
- 13 2. If I file or receive protection as an individual or as a principle of any entity under the federal bankruptcy laws.
- 14 3. If I have my driver's license suspended, revoked, or cancelled for nonpayment of child support.
- 15 4. If I am suspended for misconduct or disbarred from the practice of law, the practice of accounting, or any other profession which involves or may involve the management or sale of money, investments, securities or real property, or requires licensure in any state.
- 16 5. If I have a judgement entered against me for misappropriated funds or assets from any person or entity in any state.

17
18 RF

I may petition the Court for advice, instructions, and approval in any matter concerning the following:

- 19 1. The administration of the Protected Person's estate;
- 20 2. The priority of paying claims;
- 21 3. The propriety of making any proposed disbursement of funds;
- 22 4. Elections for or on behalf of the Protected Person to take under the will of a deceased spouse;
- 23 5. Exercising for or on behalf of the Protected Person:
 - a. Any option or other rights under any policy of insurance or annuity;
 - 24 and
 - b. The right to take under a will, trust or other devise;
- 25 6. The propriety of exercising any right exercisable by owners of property; and
7. Matters of a similar nature.

RF

I shall, as a guardian of the estate, take possession of:

1. All property of substantial value of the Protected Person;
2. All rents, income, issues and profits from the property;
3. The title to all property of the Protected Person;
4. The originals of any contracts executed by the Protected Person, Power of Attorney executed by the Protected Person, estate planning documents prepared by the Protected Person (including but not limited to the last will and testament, durable power of attorney), and revocable trusts, revocable or irrevocable trusts the Protected Person is beneficiary to, and any written evidence of present or future vested interest in any real or intangible property.

RF

I shall collect all debts due to the Protected Person.

RF

I shall represent the Protected Person in legal proceedings.

RF

I may pay claims against the Protected Person or Protected Person's estate with the Protected Person's estate.

RF

I should seek the advice and assistance of an attorney if I need legal advice, or if I do not fully understand my duties and responsibilities, to ensure that I remain in full compliance with the laws of the State of Nevada.

RF

I certify that I have read and reviewed the Guardian's Acknowledgment of Duties and Responsibilities and I understand the terms and conditions under which the guardianship is to be managed.

RF

I agree to comply with the rules and duties of a guardian as set forth in the laws of the State of Nevada.

RF

I fully understand that failure to comply with the guardianship statutes, or with any Order made by the Court, may result in my removal as guardian and that I maybe subject to such penalties as the Court may impose.

///

///

///

///

///

RF

I have received the Protected Persons' Bill of Rights and understand the rights stated.

Robyn Friedman declares under penalty of perjury that she has read and understands her duties and responsibilities as outlined in the foregoing Guardian's Acknowledgment of Duties and Responsibilities.

DATED: 12/7/21


Robyn Friedman

Submitted by:
MICHAELSON LAW



John P. Michaelson, Esq.
Nevada Bar No. 7822
john@michaelsonlaw.com
Matthew D. Whittaker, Esq.
Nevada Bar No. 13281
matthew@michaelsonlaw.com
1746 W. Horizon Ridge Parkway
Henderson, NV 89012

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VERIFICATION

I hereby state that I am the Successor Guardian of the Person and Estate of the above-named Protected Person and I have read the foregoing *Guardian's Acknowledgment of Duties and Responsibilities under NRS 159 (Person and Estate)*, I know the contents thereof, and the Acknowledgment is true to my own knowledge, except for those matters therein stated on information and belief, and as for those matters I believe them to be true.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

By: 
Robyn Friedman



LEG

MICHAELSON LAW
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Matthew D. Whittaker, Esq.
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Henderson, NV 89012
Ph: (702) 731-2333
Fax: (702) 731-2337
*Attorneys for Robyn Friedman
and Donna Simmons*

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.)

LETTERS OF GENERAL GUARDIANSHIP

- | | |
|---|---|
| <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"/> 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 | |

On December 7, 2021, the Eighth Judicial District Court, Clark County, State of Nevada issued an Order of the Court appointing Robyn Friedman as Successor General Guardian of the Person and Estate of Kathleen June Jones. The named Successor Guardian, having duly qualified, is authorized to act and has authority to perform the duties of such Guardian for the adult protected person as provided by law.

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In testimony of which, I have this date signed these Letters and affixed the seal of the Court.

CLERK OF COURT

By:

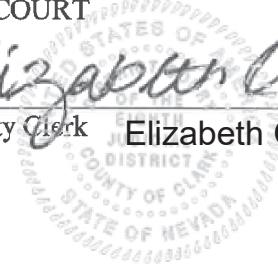
Deputy Clerk

Elizabeth Odo

Elizabeth Odo

Date

12/7/2021



OATH

Robyn Friedman of 1315 Enchanted River Drive, Henderson, NV 89012 declares under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct that she solemnly affirms that she will faithfully perform according to law, the duties as Successor General Guardian of the Person and Estate of Kathleen June Jones, and that any matters stated in any petition or paper filed with the Court are true of her own knowledge, or if any matters are stated on information or belief, she believes them to be true.

DATED: December 7, 2021.


ROBYN FRIEDMAN



1 **NEO**

2 MICHAELSON LAW

3 John P. Michaelson, Esq.

4 Nevada Bar No. 7822

5 john@michaelsonlaw.com

6 Matthew D. Whittaker, Esq.

7 Nevada Bar No. 13281

8 matthew@michaelsonlaw.com

9 1746 W. Horizon Ridge Parkway

10 Henderson, NV 89012

11 Ph: (702) 731-2333

12 Fax: (702) 731-2337

13 *Attorneys for Robyn Friedman*

14 *and Donna Simmons*

15 **DISTRICT COURT**

16 **CLARK COUNTY, NEVADA**

17 IN THE MATTER OF THE GUARDIANSHIP)
18 OF THE PERSON AND ESTATE OF:)

19 Kathleen June Jones,)

20 An Adult Protected Person.)

Case Number: G-19-052263-A

Department: B

21 **NOTICE OF ENTRY OF ORDER**

22 To: Whom It May Concern:

23 Notice is hereby given that on December 7, 2021, an Order Appointing Successor
24 General Guardian of the Person and Estate and for Issuance of Letters of General Guardianship
25 was entered in the above-titled matter, a copy of said Order is attached hereto.

DATED: December 7, 2021.

MICHAELSON LAW

/s/ Matthew Whittaker

John P. Michaelson, Esq.

Nevada Bar No. 7822

Matthew Whittaker, Esq.

Nevada Bar No. 13281

1746 W. Horizon Ridge Parkway

Henderson, NV 89012

Counsel for Petitioners

CERTIFICATE OF SERVICE

Pursuant to Nevada Rule of Civil Procedure 5(b), the undersigned hereby certifies that on December 8, 2021, a copy of the Notice of Entry of Order Appointing Successor General Guardian of the Person and Estate and for Issuance of Letters of General Guardianship and Order was mailed by regular US first class mail, postage prepaid, in a sealed envelope in Henderson, Nevada to the following individuals and/or entities at the following addresses:

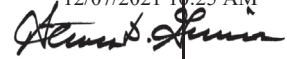
Jeffrey R. Sylvester, Esq. jeff@sylvesterpolednak.com Kelly L. Easton kellye@sylvesterpolednak.com Co-Counsel for Petitioners, Robyn Friedman and Donna Simmons	Maria L. Parra-Sandoval, Esq. Legal Aid Center of Southern Nevada mparra@lacs.org <i>Attorney for Kathleen June Jones</i> Rosie Najera rnajera@lacs.org <i>Counsel for June Jones</i>
Kathleen June Jones c/o Kimberly Jones 1055 S. Verde Street Anaheim, CA 92805 <i>Protected Person</i>	Geraldine Tomich, Esq. gtomich@maclaw.com James Beckstrom, Esq. jbeckstrom@maclaw.com Deana DePry ddepry@maclaw.com Kellie Piet kpiet@maclaw.com <i>Attorneys for Kimberly Jones</i>
Elizabeth Brickfield DAWSON & LORDAHL PLLC ebrickfield@dlnevadalaw.com Melissa R. Douglas mdouglas@dlnevadalaw.com <i>Guardian Ad Litem for Kathleen June Jones</i>	Kate McCloskey NVGCO@nvcourts.nv.gov LaChasity Carroll lcarr@nvcourts.nv.gov Sonja Jones sjones@nvcourts.nv.gov

1 2	Teri Butler 586 N. Magdalena Street Dewey, AZ 86327	Scott Simmons scott@technocoatings.com
3 4	Jen Adamo 14 Edgewater Drive Magnolia, DE 19962	Jon Criss 804 Harkness Lane, Unit 3 Redondo Beach, CA 90278
5 6	Ryan O'Neal 112 Malvern Avenue, Apt. E Fullerton, CA 92832	Tiffany O'Neal 177 N. Singing Wood Street, Unit 13 Orange, CA 92869
7 8	Courtney Simmons 765 Kimbark Avenue San Bernardino, CA 92407	Cameron Simmons Cameronnscott@yahoo.com

MICHAELSON LAW

Janelle Bednar

Employee of Michaelson Law


CLERK OF THE COURT

GOAG

MICHAELSON LAW
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*Attorneys for Robyn Friedman
and Donna Simmons*

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.)
)

**ORDER APPOINTING SUCCESSOR GENERAL GUARDIAN OF THE PERSON AND
ESTATE AND FOR ISSUANCE OF LETTERS OF GENERAL GUARDIANSHIP**

<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 checked="" 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

BASED UPON this Court's Findings of Fact and Conclusions of Law and Order
Regarding Visitation, First Annual Accounting, Guardian's Fees, Caretaking Fees, Attorney's
Fees and Costs filed with this Court on December 6, 2021;

1 NOW THEREFORE,

2 ORDER

3 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Robyn Friedman is
4 appointed Successor General Guardian of the Person and Estate of Kathleen June Jones;

5 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk of the
6 Court is hereby directed to issue Letters of General Guardianship to Robyn Friedman upon
7 subscribing to the appropriate oath of office, and that the requirement of a bond is hereby
8 waived upon the filing of a proof of blocked account;

9 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that if any liquid assets
10 or income that total under \$10,000 are discovered, Robyn Friedman is authorized to establish an
11 unblocked guardianship account or accounts at a Nevada financial institution or institutions
12 chosen at the discretion of the General Guardian, and such liquid assets or income shall be
13 placed into such account(s) and used to pay for Ms. Jones' care, maintenance and support;
14

15 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that if liquid assets
16 and/or income are subsequently discovered and such property exceeds \$10,000 in value, Robyn
17 Friedman is then directed to establish a blocked guardianship account or accounts at a Nevada
18 financial institution or institutions chosen at the discretion of the General Guardian, and shall
19 place Ms. Jones' assets and income in excess of \$10,000 in value into such account(s);

20 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, that the requirement of
21 filing an accounting is hereby waived unless assets exceeding \$10,000 are subsequently
22 discovered;

23 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that to carry out the
24 function of General Guardian of the Person and Estate of Kathleen June Jones, Robyn Friedman
25

1 is hereby vested with the powers stated herein, as may be added to or amended from time to
2 time by subsequent Order entered by this Court;

3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Robyn Friedman has
4 authority to assist Ms. Jones in applying for government benefits, including Medicaid benefits
5 and has authority to direct or sign all documents required by the Division of Welfare and
6 Support Services, or any other third party, in order to establish benefits for Ms. Jones, including
7 executing and establishing a qualified income trust, if necessary, and upon obtaining a decision
8 for Medicaid eligibility;

9 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Robyn Friedman has
10 authority to assist with Ms. Jones's medical decisions related to her care for her best interest;

11 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Robyn Friedman is
12 authorized as Ms. Jones' personal representative for purposes of the Health Insurance
13 Portability and Accountability Act of 1996, Public Law 104-191, and any applicable
14 regulations.
15

16 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED Robyn Friedman is
17 authorized to obtain and be permitted to receive any and all medical records and information
18 concerning the past and present condition and historical treatment of Ms. Jones including but
19 not limited to, examination reports, medical charts, medical notes, which are or may be lodged
20 with any persons, family members, friends, along with any and all medical providers,
21 physicians, hospitals, care facilities, institutions, and/or third parties;

22 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Robyn Friedman is
23 authorized to obtain and receive pertinent information from any other person or agency,
24
25

1 including current or previous information from those who have been obligated to pay money or
2 other benefits to Ms. Jones;

3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Robyn Friedman is
4 authorized to obtain access to any and all estate planning or testamentary documents, including
5 wills or trusts, healthcare advance directives, and/or powers of attorney that may be lodged with
6 family members, friends, financial institutions, or any other person and entity that may possess
7 such documents, and if such documents are found that all such documents be given to Robyn
8 Friedman;

9 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Court suspend
10 any general durable power of attorney and/or healthcare power of attorney documents
11 previously executed by Ms. Jones if any, during the pendency of the general guardianship of the
12 estate or person, but that if any healthcare power of attorney documents are discovered, the
13 General Guardian shall follow instructions contained within the healthcare power of attorney
14 document related to medical or end-of-life decisions;

15
16 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Robyn Friedman is
17 authorized access to any and all historical account information and for any and all of Ms. Jones'
18 assets for investigative purposes and to apply for government benefits, including Medicaid, if
19 necessary;

20 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Robyn Friedman is
21 authorized to open and inventory the contents of any and all safe deposit box(es) or personal
22 safe(s) in the name of Ms. Jones, individually or jointly with other persons;

23 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Robyn Friedman is
24 authorized to obtain confidential financial information of Ms. Jones, including, but not limited
25

1 to statements, cancelled checks, withdrawal authorizations and any other information from
2 financial institutions, brokerage or mutual fund firms, the United States Social Security
3 Administration, and other persons and agencies which have engaged in transactions concerning
4 the financial affairs of Ms. Jones, whether said accounts or records reflect the name of Ms.
5 Jones individually, or with one or more other persons or trust, in order to apply for government
6 benefits, including Medicaid, if necessary;

7 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Robyn Friedman
8 will incur hourly guardian fees and costs for its services rendered as the Guardian, and the Court
9 authorizes the General Guardian to apply for its guardian fees and costs to be paid from the
10 Estate, if any, subject to Court confirmation; and

11 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Michaelson Law
12 will incur hourly legal fees and costs for its services rendered to establish the Guardianship(s),
13 and the Court authorizes Michaelson Law to apply for its legal fees and costs to be paid from
14 the Estate, if any, subject to Court confirmation.
15

16 Dated this 7th day of December, 2021

17 

18 Submitted by:
19 MICHAELSON LAW

36B D7C 689A 2AE1
Linda Marquis
District Court Judge

20 By: /s/ Matthew D. Whittaker
21 John P. Michaelson, Esq.
22 Nevada Bar No. 7822
23 john@michaelsonlaw.com
24 Matthew D. Whittaker, Esq.
25 Nevada Bar No. 13281
matthew@michaelsonlaw.com
1746 W. Horizon Ridge Parkway
Henderson, NV 89012
Counsel for Robyn Friedman and Donna Simmons

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

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6 In the Matter of the Guardianship
of:

CASE NO: G-19-052263-A

7 Kathleen Jones, Protected
8 Person(s)

DEPT. NO. Department B

9
10 **AUTOMATED CERTIFICATE OF SERVICE**

11
12 This automated certificate of service was generated by the Eighth Judicial District
13 Court. The foregoing Order Appointing General Guardian - Person & Estate was served via
the court's electronic eFile system to all recipients registered for e-Service on the above
entitled case as listed below:

14 Service Date: 12/7/2021

15 Heather Ranck heather@michaelsonlaw.com

16 Kelly Easton kellye@sylvesterpolednak.com

17 Monica Gillins mlg@johnsonlegal.com

18 Lenda Murnane lenda@michaelsonlaw.com

19 Rosie Najera rnajera@lacs.org

20 James Beckstrom jbeckstrom@maclaw.com

21 John Michaelson john@michaelsonlaw.com

22 John Michaelson john@michaelsonlaw.com

23 David Johnson dcj@johnsonlegal.com

24 Geraldine Tomich gtomich@maclaw.com

25 Jeffrey Sylvester jeff@sylvesterpolednak.com

1	Maria Parra-Sandoval, Esq.	mparra@lacs.n.org
2		
3	Kate McCloskey	NVGCO@nvcourts.nv.gov
4	Sonja Jones	sjones@nvcourts.nv.gov
5	LaChasity Carroll	lcarroll@nvcourts.nv.gov
6	Melissa Romano	mdouglas@dlnevadalaw.com
7	Elizabeth Brickfield	ebrickfield@dlnevadalaw.com
8	Deana DePry	ddepry@maclaw.com
9	Scott Simmons	scott@technocoatings.com
10		
11	Cameron Simmons	Cameronnscott@yahoo.com
12	Matthew Whittaker	matthew@michaelsonlaw.com
13	Ammon Francom	ammon@michaelsonlaw.com
14	Matthew Whittaker	matthew@michaelsonlaw.com
15	Ammon Francom	ammon@michaelsonlaw.com
16	Kellie Piet	kpiet@maclaw.com
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1 **NEOJ**

2 Maria L. Parra-Sandoval, Esq.

3 Nevada Bar No. 13736

4 mparra@lacsnsn.org

5 **LEGAL AID CENTER OF**

6 **SOUTHERN NEVADA, INC.**

7 725 E. Charleston Blvd

8 Las Vegas, NV 89104

9 Telephone: (702) 386-1526

10 Facsimile: (702) 386-1526

11 *Attorney for Kathleen J. Jones, Protected Person*

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

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

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

19 KATHLEEN J. JONES,

20 An Adult Protected Person.

21 **NOTICE OF ENTRY OF ORDER**

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

27 DATED this 10th day of December, 2021.

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

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

Maria L. Parra-Sandoval, Esq.

Nevada Bar No. 13736

mparra@lacsnsn.org

725 E. Charleston Blvd

Las Vegas, NV 89104

Telephone: (702) 386-1526

Facsimile: (702) 386-1526

Attorney for Kathleen J. Jones, Protected Person

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N/A.

John P. Michaelson, Esq.
john@michaelsonlaw.com
 Jeffrey R. Sylvester, Esq.
jeff@SylvesterPolednak.com
*Counsel for Robyn Friedman
 and Donna Simmons*

Geraldine Tomich, Esq.
gtomich@maclaw.com
 James A. Beckstrom, Esq.
jbeckstrom@maclaw.com
Counsel for Kimberly Jones

All other recipients registered for e-Service on the above entitled case

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

1 FFCL

2
3 **EIGHTH JUDICIAL DISTRICT COURT**
4 **FAMILY DIVISION**
5 **CLARK COUNTY NEVADA**

6 In the Matter of the Guardianship of the) Case No.: G-19-052263-A
7 Person and Estate:) Dept. No.: B
8)
9 Kathleen Jones,)
10)
11 Protected Person(s).)
12)
13)

14
15 **FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ORDER**
16 **REGARDING VISITATION, FIRST ANNUAL ACCOUNTING,**
17 **GUARDIAN'S FEES, CARETAKING FEES, ATTORNEY'S FEES**
18 **AND COSTS, AND REMOVAL OF THE GUARDIAN**
19

20 The above-entitled matter having come before this Honorable Court June
21 8, 2021, and August 12, 2021, Maria Parra-Sandoval, Esq., appearing for
22 Protected Person, James Beckstrom, Esq., appearing on behalf of Guardian
23 Kimberly Jones, Kimberly Jones appearing, John Michaelson, Esq.,
24 appearing on behalf of interested parties Robyn Friedman and Donna
25 Simmons, Robyn Friedman and Donna Simmons appearing, Elizabeth
26 Brickfield, Esq., appearing as Court appointed Guardian Ad Litem, for an
27 Evidentiary Hearing, relative to visitation and communication with the
28 Protected Person and the First Annual Accounting, the Court hereby makes
the following Findings of Fact and Conclusions of Law and Orders:

1 ***Relevant Procedural History***

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25
26 ¹ Both the Protected Person and the Guardian failed to comply with the Court's Order.
27 Guardian and Protected Person did not submit legal briefs, proposed exhibits, or proposed
28 witness lists in a timely manner.

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

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

16
17 Many family members testified that they would like to visit with the
18 Protected Person and/or have communication with the Protected Person.
19 However, the family members did not feel comfortable being around the
20 Guardian or the Guardian's boyfriend for various reasons.
21

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

1 ***Scott Simmons***

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

16
17 Scott does not have the land line telephone number for his Mother's
18 current residence. Mr. Simmons further testified that he works on Fridays.
19

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

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

1 with her family. Scott indicated her door was always open and she was
2 always happy to visit with her entire family.
3

4 Scott indicates that he would like to visit with his Mother at another
5 neutral location, like at his sister's house.
6

7 Scott was evicted from the Anaheim rental owned by Protected Person.
8 Scott paid \$1,200.00 per month for approximately 18 years. The Guardian
9 increased the rent by \$800.00 per month. The home is approximately 60
10 years old.
11

12 ***Cameron Simmons***

13 Cameron Simmons is the son of Scott Simmons and the grandson of the
14 Protected Person. He has a background in IT.
15

16 At the Mother's Day visit, the Protected Person was not talkative. By her
17 face and smile, Mr. Simmons could see she was happy. He showed her
18 pictures and gave her information about new happenings in the family. The
19 Protected Person nodded and smiled. She did verbally ask him to help her
20 lay down to take a nap. Grandmother nodded her head affirming, upon his
21 question if she wanted him to come visit.
22

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

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

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

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

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

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

3
4 ***Samantha Simmons***

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

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

19
20 ***Donna Simmons***

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

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

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

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

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

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

5 Donna testified that Kimberly is not trustworthy.

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

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

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

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

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

14 Donna does not feel safe visiting with her Mother at the house if Dean,
15 Kimberly's boyfriend, is living at the house or is at the house. Donna
16 describes a suspicious instance involving keys that were missing from her
17 purse. Donna does not want to be around Dean and his associates. Donna is
18 worried that someone will come after her.
19
20

21 Donna is unable to accommodate the family visits at her residence on
22 Fridays because Donna works on Friday. Donna believed things would be
23 easier once the Protected Person moved to Anaheim, California. However,
24 communication and visitation remain difficult.
25

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

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

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

11
12 Kimberly only offers an opportunity to see her Mother before a Court
13 hearing. Donna testified that she would like to stop by her Mother’s house at
14 any time.
15

16 ***Robyn Friedman***

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

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

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

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

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

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

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

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

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

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

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

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

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

12
13 ***Kimberly Jones, Guardian***
14

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

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

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

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

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

9 Kimberly does not want a visitation schedule imposed.

10 ***Guardian Ad Litem***
11

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

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

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

3
4 ***Annual Accounting***

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

9 Here, the first accounting was filed by the Guardian Kimberly Jones on
10 December 21, 2020. The relevant accounting period is October 15, 2019,
11 through October 15, 2020.
12

13 The Eighth Judicial District Court Guardianship Compliance Division's
14 reviewed the First Annual Accounting and filed an Accounting Review on
15 January 8, 2021. The Accounting Review noted the following issues: time
16 missing between prior accounting; account summary is not consistent with
17 information on supporting worksheets; ending balance does not equal the
18 assets listed; starting balance is inconsistent with past filings; ending balance
19 is inconsistent with transactions; starting balance does not match various
20 inventories filed; assets do not match recap; income is not itemized and in
21 depth analysis is not available; expenditures are not itemized; expenses not
22 itemized and in depth analysis is not available.
23
24
25

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

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

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

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

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

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

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

4
5 *See* Order to Produce filed August 31, 2021.

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

13 Despite the title of Guardian Kimberly Jones' pleading, the documents
14 filed do not include any receipts. Instead, the documents are bank statements
15 and credit card statements.

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

21 After the Guardian's production of "receipts and/or vouchers" pursuant to
22 NRS 159.179, an Accounting Review was again conducted at the direction of
23
24
25
26
27
28

1 the Court. *See* Accounting Review filed November 16, 2021. The

2 Accounting Review identified the following issues relative to Worksheet A:

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

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

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

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

26 The Guardian's Second Supplement indicates that the Estate received
27 \$88,011.00 and expended \$56,018.88 during the accounting period. The

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

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

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

20	Document	Dated	Amount
21	American Vision Windows, Inc. Invoice	11/24/2020	740.00
22	Windows/Sliding Doors		
23	Marked "Paid 12/10/2020"		
24	American Vision Windows, Inc. Invoice	11/30/2020	2,960.00
25	Windows/Sliding Doors		
26	Marked "Paid 12/10/2020"		
27	American Vision Windows, Inc. Invoice	03/03/2021	3,965.91
28	Windows/Sliding Doors \$3,700.00		
	Permit fee 190.91		

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

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

1 American Vision Invoices, dated 11/24/2020 and 11/30/2020, are stamped
2 “Paid.” The “Paid” date on both Invoices is 12/10/2020.
3

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

17 ***Financial History***

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

1 for a Safety Deposit Box. *See* Financial Forensic Audit filed March 13, 2020
2 at page 6, 7, 10, and Exhibit E.
3

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

11 ***Conclusions of Law***

12 ***Communication and Visitation***

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

20 Only a guardian may request a restriction of a family member's
21 communication and contact with the Protected Person. Here, Nevada
22 Guardianship statutes require that protected people be allowed
23 communication and visitation with their families. A guardian is specifically
24 prohibited from restricting communication and visits. *See* NRS 159.332.
25
26 Only under specific circumstances may a guardian seek to limit or restrict
27
28

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 ***Annual Accounting***

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

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

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

3 (a) The period covered by the account.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 ***Removal***

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

- 22 1. The court may remove a guardian if the court determines that:
23 (a) The guardian has become mentally incapacitated, unsuitable or
24 otherwise incapable of exercising the authority and performing the
25 duties of a guardian as provided by law;
26 (b) The guardian is no longer qualified to act as a guardian pursuant
27 to NRS 159.0613;
28 (c) The guardian has filed for bankruptcy within the previous 5
years;

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

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

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

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

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

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

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

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

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

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

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

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

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

6 ***Successor Guardian***
7

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 ***Findings of Fact***
15

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

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

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

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

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

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

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

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

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

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

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

21 ***Orders***
22

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 IT IS FURTHER ORDERED that a forensic financial investigation
6 shall be ordered relative to the management of the Guardianship Estate by
7 former Guardian Kimberly Jones to include the personal finances of former
8 Guardian Kimberly Jones. An Order Appointing Investigator shall issue and
9 a return for Investigator's Report scheduled on the Court's Chambers
10 Calendar set for March 2, 2022, at 5:00 AM.
11
12

13 IT IS SO ORDERED.
14

Dated this 6th day of December, 2021

Linda Marquis

0B8 D29 E25A C6A5
Linda Marquis
District Court Judge

1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

5
6 In the Matter of the Guardianship
7 of:

CASE NO: G-19-052263-A

8 Kathleen Jones, Protected
9 Person(s)

DEPT. NO. Department B

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

15 Service Date: 12/6/2021

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8	Matthew z hittaer	matthewk michaelsonlaw.com
9	Ammon &rancom	ammonk michaelsonlaw.com
10	Matthew z hittaer	matthewk michaelsonlaw.com
11	Scott Simmons	scottk technocoatings.com
12	Cameron Simmons	Cameronnscottk yahoo.com
13	Ammon &rancom	ammonk michaelsonlaw.com
14	Kellie Piet	Hpietk maclaw.com

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

18	Eliqabeth Bricfield	Dawson W Lordahl PLLC
19		Attn: Eliqabeth Bricfield, Esj
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1 **NEOJ**

2 Maria L. Parra-Sandoval, Esq.

3 Nevada Bar No. 13736

4 mparra@lacsnsn.org

5 **LEGAL AID CENTER OF**

6 **SOUTHERN NEVADA, INC.**

7 725 E. Charleston Blvd

8 Las Vegas, NV 89104

9 Telephone: (702) 386-1526

10 Facsimile: (702) 386-1526

11 *Attorney for Kathleen J. Jones, Protected Person*

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

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

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

19 KATHLEEN J. JONES,

20 An Adult Protected Person.

21 **NOTICE OF ENTRY OF ORDER**

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

27 DATED this 13th day of December, 2021.

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

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

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Attorney for Kathleen J. Jones, Protected Person

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2 I HEREBY CERTIFY that on the 13th day of December, 2021, I deposited in the United
3 States Mail at Las Vegas, Nevada, a copy of the foregoing document entitled **NOTICE OF**
4 **ENTRY OF ORDER** in a sealed envelope, mailed regular U.S. mail, upon which first class
5 postage was fully prepaid, addressed to the following:
6

7 Teri Butler
8 586 N Magdalena St.
Dewey, AZ 86327

Jen Adamo
14 Edgewater Dr.
Magnolia, DE 19962

9 Scott Simmons
10 1054 S. Verde Street
Anaheim, CA 92805

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

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

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

14 Ampersand Man
15 2824 High Sail Court
 Las Vegas, NV 89117

Courtney Simmons
765 Kimbark Avenue
San Bernardino, CA 92407

17 AND I FURTHER CERTIFY that on the same date I electronically served the same
18 document to the following via ODYSSEY, the Court's electronic filing system, pursuant to
19 NEFCR 9:

20 John P. Michaelson, Esq.
21 john@michaelsonlaw.com
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1 *Court-Appointed Guardian Ad Litem*

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3 scott@technocoatings.com

4 Cameron Simmons
5 Cameronnscott@yahoo.com

6 Kate McCloskey
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8 Sonja Jones
9 sjones@nvcourts.nv.gov

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12 All other recipients registered for e-Service on the above entitled case

13
14 /s/ Rosie Najera
15 Employee of Legal Aid Center of Southern Nevada

1 FFCL

2
3 **EIGHTH JUDICIAL DISTRICT COURT**
4 **FAMILY DIVISION**
5 **CLARK COUNTY NEVADA**

6 In the Matter of the Guardianship of the) Case No.: G-19-052263-A
7 Person and Estate:) Dept. No.: B
8)
9 Kathleen Jones,)
10)
11 Protected Person(s).)
12)
13)

14
15 **FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ORDER**
16 **REGARDING VISITATION, FIRST ANNUAL ACCOUNTING,**
17 **GUARDIAN'S FEES, CARETAKING FEES, ATTORNEY'S FEES**
18 **AND COSTS, AND REMOVAL OF THE GUARDIAN**
19

20 The above-entitled matter having come before this Honorable Court June
21 8, 2021, and August 12, 2021, Maria Parra-Sandoval, Esq., appearing for
22 Protected Person, James Beckstrom, Esq., appearing on behalf of Guardian
23 Kimberly Jones, Kimberly Jones appearing, John Michaelson, Esq.,
24 appearing on behalf of interested parties Robyn Friedman and Donna
25 Simmons, Robyn Friedman and Donna Simmons appearing, Elizabeth
26 Brickfield, Esq., appearing as Court appointed Guardian Ad Litem, for an
27 Evidentiary Hearing, relative to visitation and communication with the
28 Protected Person and the First Annual Accounting, the Court hereby makes
the following Findings of Fact and Conclusions of Law and Orders:

1 ***Relevant Procedural History***

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25
26

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

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

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

16
17 Many family members testified that they would like to visit with the
18 Protected Person and/or have communication with the Protected Person.
19
20 However, the family members did not feel comfortable being around the
21 Guardian or the Guardian's boyfriend for various reasons.
22

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

1 ***Scott Simmons***

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

16
17 Scott does not have the land line telephone number for his Mother's
18 current residence. Mr. Simmons further testified that he works on Fridays.
19

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

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

1 with her family. Scott indicated her door was always open and she was
2 always happy to visit with her entire family.
3

4 Scott indicates that he would like to visit with his Mother at another
5 neutral location, like at his sister's house.
6

7 Scott was evicted from the Anaheim rental owned by Protected Person.
8 Scott paid \$1,200.00 per month for approximately 18 years. The Guardian
9 increased the rent by \$800.00 per month. The home is approximately 60
10 years old.
11

12 ***Cameron Simmons***

13 Cameron Simmons is the son of Scott Simmons and the grandson of the
14 Protected Person. He has a background in IT.
15

16 At the Mother's Day visit, the Protected Person was not talkative. By her
17 face and smile, Mr. Simmons could see she was happy. He showed her
18 pictures and gave her information about new happenings in the family. The
19 Protected Person nodded and smiled. She did verbally ask him to help her
20 lay down to take a nap. Grandmother nodded her head affirming, upon his
21 question if she wanted him to come visit.
22

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

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

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

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

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

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

3
4 ***Samantha Simmons***

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

10
11
12 Kimberly later reached out to Samantha relative to a visit. Kimberly made
13 a reservation at the restaurant. Kimberly brought Protected Person to
14 Donna's house for a boat ride about eight months ago. Samantha does not
15 have great relationship with Kimberly. She has not reached out to Kimberly
16 relative to visits or communication. Samantha saw her Grandmother in
17 January 2021 and Mother's Day 2021.

18
19
20 ***Donna Simmons***

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

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

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

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

20 Donna testified that her Mother does not know what day of the week,
21 month of the year, or time of the day it is. The Protected Person cannot
22 schedule or plan a visit. She does not remember plans, nor does she know
23 how to cancel plans.
24
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1 Donna testified that when she speaks with her Mother, her Mother is
2 unable to discern when she last saw her. Donna testified she thinks her
3 Mother likes her, but is unable to remember that she is supposed to call.
4

5 Donna testified that Kimberly is not trustworthy.

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

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

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

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

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

14 Donna does not feel safe visiting with her Mother at the house if Dean,
15 Kimberly's boyfriend, is living at the house or is at the house. Donna
16 describes a suspicious instance involving keys that were missing from her
17 purse. Donna does not want to be around Dean and his associates. Donna is
18 worried that someone will come after her.
19
20

21 Donna is unable to accommodate the family visits at her residence on
22 Fridays because Donna works on Friday. Donna believed things would be
23 easier once the Protected Person moved to Anaheim, California. However,
24 communication and visitation remain difficult.
25

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

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

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

11
12 Kimberly only offers an opportunity to see her Mother before a Court
13 hearing. Donna testified that she would like to stop by her Mother’s house at
14 any time.
15

16 ***Robyn Friedman***

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

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

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

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

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

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

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

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

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

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

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

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

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

13 ***Kimberly Jones, Guardian***

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

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

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

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

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

9 Kimberly does not want a visitation schedule imposed.

10 ***Guardian Ad Litem***
11

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

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

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

3
4 ***Annual Accounting***

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

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

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

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

1 Accounting Review indicated the following issues: contains mathematical
2 errors; is not consistent with information in supporting worksheets; assets do
3 not total the amount listed in Account Summary Starting or Ending Balances;
4 the starting balance is inconsistent with past filings; the ending balance is
5 inconsistent with transactions; income is not itemized and in depth analysis
6 of income is not available; expenditures not itemized; expenses not itemized
7 and in depth analysis of the appropriateness of the expenses is not available.
8
9

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

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

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

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

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

4
5 *See* Order to Produce filed August 31, 2021.

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

13 Despite the title of Guardian Kimberly Jones' pleading, the documents
14 filed do not include any receipts. Instead, the documents are bank statements
15 and credit card statements.

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

21 After the Guardian's production of "receipts and/or vouchers" pursuant to
22 NRS 159.179, an Accounting Review was again conducted at the direction of
23
24
25
26
27
28

1 the Court. *See* Accounting Review filed November 16, 2021. The

2 Accounting Review identified the following issues relative to Worksheet A:

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

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

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

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

26 The Guardian's Second Supplement indicates that the Estate received
27 \$88,011.00 and expended \$56,018.88 during the accounting period. The

1 Guardian alleges that the Protected Person received \$18,381.00 in Social
2 Security income and \$13,500.00 in income relative to a rental property. The
3 largest source of income for the Protected Person's Estate was \$54,345.00,
4 which was received as a result of the real property refinance. The Guardian
5 alleges that \$22,870.56 was expended on the remodel of the real property.
6 However, the expenditures relative to the remodel were not itemized and
7 only a handful of receipts provided.
8

9
10 After a careful review of the Debit Card and Credit Card records provided
11 in the Production of Documents, approximately \$4,000.00 can arguably be
12 categorized as expended relative to a renovation because the purchases were
13 made at Home Depot, Lowes, and a paint store.
14

15
16 Some of the small number of receipts provided by the Guardian do not
17 coincide with the relevant accounting period. Exhibit 1 to the Second
18 Amendment provides receipts and invoices for expenditures as follows:
19

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

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

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

1 American Vision Invoices, dated 11/24/2020 and 11/30/2020, are stamped
2 “Paid.” The “Paid” date on both Invoices is 12/10/2020.
3

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

17 ***Financial History***

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

1 for a Safety Deposit Box. *See* Financial Forensic Audit filed March 13, 2020
2 at page 6, 7, 10, and Exhibit E.
3

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

11 ***Conclusions of Law***

12 ***Communication and Visitation***

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

20 Only a guardian may request a restriction of a family member's
21 communication and contact with the Protected Person. Here, Nevada
22 Guardianship statutes require that protected people be allowed
23 communication and visitation with their families. A guardian is specifically
24 prohibited from restricting communication and visits. *See* NRS 159.332.
25
26 Only under specific circumstances may a guardian seek to limit or restrict
27
28

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 Robyn and Donna's Petition for Communication filed December 30, 2020,
7 and Petition for Visitation filed April 23, 2021, were both filed pursuant to
8 NRS 159.335 and requested that the Court grant a relative access to the
9 Protected Person and removal of the guardian. *See* Verified Petition for
10 Communication, Visits, and Vacation Time with Protected Person, filed
11 December 30, 2020, at page 20, paragraph 62.
12
13

14 Kimberly has the burden of proof, as she opposes Robyn and Donna's
15 petition for communication. *See* Kimberly's Opposition filed January 25,
16 2021; Kimberly's Pre-Trial Memorandum filed June 7, 2021.
17

18 No care plan has suggested that interaction between any family members
19 is detrimental to the health and well-being of the Protected Person. Kimberly
20 has not filed any petition with the Court advising that she has restricted
21 interaction. Only *a guardian* may file a petition for order restricting
22 communication, visitation, or interaction between a protected person and a
23 relative. *See* NRS 159.333 [emphasis added].
24
25

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

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

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

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

20 ***Annual Accounting***

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

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

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

3 (a) The period covered by the account.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 ***Removal***

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

- 22 1. The court may remove a guardian if the court determines that:
23 (a) The guardian has become mentally incapacitated, unsuitable or
24 otherwise incapable of exercising the authority and performing the
25 duties of a guardian as provided by law;
26 (b) The guardian is no longer qualified to act as a guardian pursuant
27 to NRS 159.0613;
28 (c) The guardian has filed for bankruptcy within the previous 5
years;

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

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

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

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

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

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

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

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

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

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

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

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

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

6 ***Successor Guardian***
7

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 ***Findings of Fact***
15

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

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

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

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

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

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

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

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

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

11 THE COURT FURTHER FINDS that pursuant to NRS 159.1871, a
12
13 Successor Guardian shall be appointed. A designated event has occurred,
14
15 specifically, the revocation of Kimberly Jones' letters of guardianship,
16
17 herein.

18 THE COURT FURTHER FINDS that pursuant to NRS 159.199,
19
20 Kimberly Jones shall not be discharged as Guardian or relieved from liability
21
22 as she has not had an Accounting approved by this Court, and has not filed
23
24 receipts or vouchers showing compliance with the orders of the court in
25
26 winding up the affairs of the guardianship.

27 ***Orders***

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 IT IS SO ORDERED.
13

14 Dated this 6th day of December, 2021

15 
16

17 0B8 D29 E25A C6A5
18 Linda Marquis
19 District Court Judge
20
21
22
23
24
25
26
27
28

1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

5
6 In the Matter of the Guardianship
7 of:

CASE NO: G-19-052263-A

8 Kathleen Jones, Protected
9 Person(s)

DEPT. NO. Department B

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

15 Service Date: 12/6/2021

16 / Heather Ranch

heatherk michaelsonlaw.com

17 Kelly Easton

Hellyek sylvesterpolednaHcom

18 Monica Gillins

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19 Lenda Murnane

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25 David Johnson

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26 Geraldine Tomich

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1	Maria Parra-Sandoval, Esj .	mparrak lacs.org
2	Kate McCloskey	NVGCOk nvcourts.nv.gov
3	Son@Jones	s@nesk nvcourts.nv.gov
4	LaChasity Carroll	lcarrollk nvcourts.nv.gov
5	Melissa Romano	mdouglask dlnevadalaw.com
6	Eliqabeth Bricfield	ebricfieldk dlnevadalaw.com
7	Deana DePry	ddepryk maclaw.com
8	Matthew z hittaHer	matthewk michaelsonlaw.com
9	Ammon &rancom	ammonk michaelsonlaw.com
10	Matthew z hittaHer	matthewk michaelsonlaw.com
11	Scott Simmons	scottk technocoatings.com
12	Cameron Simmons	Cameronnscottk yahoo.com
13	Ammon &rancom	ammonk michaelsonlaw.com
14	Kellie Piet	Hpietk maclaw.com

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

18	Eliqabeth Bricfield	Dawson W Lordahl PLLC
19		Attn: Eliqabeth Bricfield, Esj
20		9130 z est Post Road, Suite 200
21		Las Vegas, NV, 89148



1 **NOAS**

2 Maria L. Parra-Sandoval, Esq.

3 Nevada Bar No. 13736

4 mparra@lacsnsn.org

5 **LEGAL AID CENTER OF**

6 **SOUTHERN NEVADA, INC.**

7 725 E. Charleston Blvd

8 Las Vegas, NV 89104

9 Telephone: (702) 386-1526

10 Facsimile: (702) 386-1526

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

12
13
14
15
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23
24
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26
27
28

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

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

KATHLEEN JUNE JONES,

An Adult Protected Person.

Case No.: G-19-052263-A

Dept. No.: B

NOTICE OF APPEAL

Notice is hereby given that Kathleen June Jones, Adult Protected Person, by and through her attorney, Maria L. Parra-Sandoval, Esq. of Legal Aid Center of Southern Nevada, hereby appeals to the Supreme Court of Nevada, in part, the **Findings of Fact and Conclusions of Law and Order Regarding Visitation, First Annual Accounting, Guardian's Fees, Caretaking Fees, Attorney's Fees and Costs, and Removal of the Guardian** entered in this action on December 6, 2021.¹

DATED this 15th day of December, 2021.

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

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

Maria L. Parra-Sandoval, Esq.

Nevada Bar No. 13736

¹ A subsequent Order Appointing Successor Guardian of the Person and Estate and for Issuance of Letters of General Guardianship encompassing the December 6, 2021 Order and delineating the successor guardian's duties, was filed on December 7, 2021, presumably filed for ease of use while acting as guardian with third parties.

mparra@lacsns.org
725 E. Charleston Blvd
Las Vegas, NV 89104
Telephone: (702) 386-1526
Facsimile: (702) 386-1526
Attorney for Adult Protected Person

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 15th day of December 2021, I deposited in the United States Mail at Las Vegas, Nevada, a copy of the foregoing document entitled **NOTICE OF APPEAL** in a sealed envelope, mailed regular U.S. mail, upon which first class postage was fully prepaid, addressed to the following:

Teri Butler
586 N Magdalena St.
Dewey, AZ 86327

Jen Adamo
14 Edgewater Dr.
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Redondo Beach, CA 90278

Ryan O'Neal
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Fullerton, CA 92832

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

Ampersand Man
2824 High Sail Court
Las Vegas, NV 89117

Courtney Simmons
765 Kimbark Avenue
San Bernardino, CA 92407

AND I FURTHER CERTIFY that on the same date I electronically served the same document to the following via ODYSSEY, the Court's electronic filing system, pursuant to NEFCR 9:

John P. Michaelson, Esq.
john@michaelsonlaw.com
Jeffrey R. Sylvester, Esq.
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*Counsel for Robyn Friedman
and Donna Simmons*

Geraldine Tomich, Esq.
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James A. Beckstom, Esq.

1 jbeckstrom@maclaw.com
2 *Counsel for Kimberly Jones*

3 Elizabeth Brickfield, Esq.
4 ebrickfield@dlnevadalaw.com
5 *Court-Appointed Guardian Ad Litem*

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7 scott@technocoatings.com

8 Cameron Simmons
9 Cameronnscott@yahoo.com

10 Kate McCloskey
11 NVGCO@nvcourts.nv.gov

12 Sonja Jones
13 sjones@nvcourts.nv.gov

14 LaChasity Carroll
15 lcarrrol@nvcourts.nv.gov

16 All other recipients registered for e-Service on the above entitled case

17 /s/ Rosie Najera
18 Employee of Legal Aid Center of Southern Nevada



1 ASTA

2 Case No.: G-19-052263-A

3 Dept. No.: B

4 EIGHTH JUDICIAL DISTRICT COURT
5 FAMILY DIVISION
6 CLARK COUNTY, NEVADA

7 In the Matter of the Guardianship of the Person
8 and Estate of:

9 KATHLEEN JUNE JONES,

10 Adult Protected Person.

11 CASE APPEAL STATEMENT

12 1. Name of appellant filing this case appeal statement:

13 Kathleen June Jones

14 2. Identify the judge issuing the decision, judgment, or order appealed from:

15 Judge Linda Marquis

16 3. Identify each appellant and the name and address of counsel for each
17 appellant:

18 Kathleen June Jones, Appellant

19 Maria L. Parra-Sandoval, Esq.
20 Nevada Bar No. 13736
21 mparra@lacsnsn.org
22 Legal Aid Center of Southern Nevada
23 725 E Charleston Blvd.
24 Las Vegas, NV 89104
(702) 386-1526

25 4. Identify each respondent and the name and address of appellate counsel, if
26 known, for each respondent (if the name of a respondent's appellate counsel is unknown,
27 indicate as much and provide the name and address of that respondent's trial counsel):
28

1 Robyn Friedman, Respondent*

2 Donna Simmons, Respondent*

*Both respondents are represented by the same attorneys:

3 John P. Michaelson, Esq.

4 Nevada Bar No. 7822

john@michaelsonlaw.com

5 Michaelson Law

6 1746 W. Horizon Ridge Parkway

Henderson, Nevada 89012

7 (702) 731-2333

8 Jeffrey R. Sylvester, Esq.

9 Nevada Bar No. 4396

jeff@SylvesterPolednak.com

10 Sylvester & Polednak, Ltd.

11 1731 Village Center Circle

Las Vegas, Nevada 89134

12 (702) 952-5200

13 5. **Indicate whether any attorney identified above in response to question 3**
14 **or 4 is not licensed to practice law in Nevada and, if so, whether the district court**
15 **granted that attorney permission to appear under SCR 42 (attach a copy of any district**
16 **court order granting such permission):**

17 All attorneys identified above are licensed to practice law in Nevada.

18 6. **Indicate whether appellant was represented by appointed or retained**
19 **counsel in the district court:**

20 Appellant Kathleen June Jones was represented in the district court by appointed
21 counsel, Legal Aid Center of Southern Nevada, Inc.

22 7. **Indicate whether appellant is represented by appointed or retained**
23 **counsel on appeal:**

24 Kathleen June Jones is represented by Legal Aid Center of Southern Nevada, Inc.

25 8. **Indicate whether appellant was granted leave to proceed in forma**
26 **pauperis, and the date of entry of the district court order granting such leave:**

1 N/A

2 9. **Indicate the date the proceedings commenced in the district court (e.g.,**
3 **date complaint, indictment, information, or petition was filed):**

4 September 19, 2019.

5 10. **Provide a brief description of the nature of the action and result in the**
6 **district court, including the type of judgment or order being appealed and the relief**
7 **granted by the district court:**

8
9 The District Court has continually ignored June's due process rights and her rights under
10 the Protected Person's Bill of Rights. June has been clear that she does not want a guardian and
11 had taken steps, like completing a Power of Attorney, to ensure that did not happen. The District
12 Court disregarded the plan put in place by June, prior to any claim of a lack of capacity, and
13 eventually appointed Kimberly Jones as guardian, the same person named as the agent under
14 the Power of Attorney. June has been clear that she never wanted the imposition of a visitation
15 schedule with her family nor visitation restrictions. Yet, the Court continued to disregard June's
16 express wishes going so far as to appoint a guardian ad litem to determine what is in June's best
17 interests and then holding an evidentiary hearing regarding visitation ("Visitation Hearing"),
18 which June objected to.

19
20
21 The District Court set the Visitation Hearing via a Minute Order dated May 12, 2021.
22 The Minute Order instructed, "an Evidentiary Hearing relative to the Petitions for Visitation,
23 Petition to Approve Proposed Visitation Schedule, and Oppositions SHALL be set..."¹

24
25 The Court held the Visitation Hearing on June 8, 2021. On that date, the Court set the
26 scope of the hearing as "whether or not Kimberly unlawfully restricted communication,
27

28

¹ See Minute Order dated May 12, 2021 on file herein.

1 visitation or interaction between the protected person and Donna and Robyn² pursuant to the
2 protected person's bill of rights and the portions of the guardian statutes which govern
3 communication, visitation and interaction between the protected person and relatives.”³

4 On December 6, 2021, the Court issued its Findings of Fact and Conclusions of Law
5 and Order Regarding Visitation, First Annual Accounting, Guardian's Fees, Caretaking Fees,
6 Attorney's Fees and Costs, and Removal of the Guardian (“Order for Removal of Guardian”)
7 based upon the June 8, 2021 evidentiary hearing.⁴ Despite the narrow scope of the evidentiary
8 hearing and no Petition to Remove the Guardian having been filed, the Court ordered, “that the
9 request to remove Kimberly Jones as guardian of the person and estate is GRANTED.”⁵ The
10 Court then appointed Robyn Friedman (“Robyn”) as successor guardian. This Order is a
11 violation of NRS 159.1853, NRS 159.1855 and NRS 159.328. The Order for Removal of
12 Guardian is being appealed.

13 The District Court abused its discretion when it removed June's *preferred* guardian
14 without a proper Petition to Remove Guardian and Citation issued as is required under the
15 guardianship statutes: NRS 159.1853 and NRS 159.1855. As a result, June has been denied
16 her due process right to object and be heard as provided by the Protected Persons' Bill of Rights,
17 NRS 159.1853 and NRS 159.1855.

22 ² Robyn Friedman and Donna Simmons are also the daughters of June.

23 ³ See video of Case No. G-19-052263-A, June 8, 2021 at 28:13

24 ⁴ The Order Appointing Successor General Guardian of the Person and Estate and for
25 Issuance of Letters of General Guardianship filed on December 7, 2021 incorporated the
26 December 6, 2021 Findings of Fact presumably for ease of use while acting as guardian with
third parties.

27 ⁵ See Findings of Fact and Conclusions of Law and Order Regarding Visitation, First Annual
28 Accounting, Guardian's Fees, Caretaking Fees, Attorney's Fees and Costs, and Removal of
the Guardian, filed December 6, 2021 at page 43 on file herein.

1 Furthermore, the district court failed to properly vet the successor guardian pursuant to
2 NRS 159.044, NRS 159.0613 and NRS 159.1852. While Robyn was one of June's temporary
3 guardians from September 23, 2019 through October 15, 2019, the court failed to vet the
4 suitability and qualifications of the successor guardian to determine if Robyn was still suitable
5 and qualified.
6

7 **11. Indicate whether the case has previously been the subject of an appeal to**
8 **or original writ proceeding in the Supreme Court and, if so, the caption and Supreme**
9 **Court docket number of the prior proceeding:**

10 This case has been the subject of multiple appeals in the Nevada Supreme Court that are
11 unrelated to this current appeal. *See In re: Guardianship of Jones*, case number: 81414; and *In*
12 *re: Guardianship of Jones*, case number 81799 and 81799-COA (was transferred to the Court
13 of Appeals).
14

15 There is also a current writ proceeding. *See Jones vs. Dist. Ct (Friedman)*, filed on
16 06/02/2021, case number 82974.
17

18 **12. Indicate whether this appeal involves child custody or visitation:**

19 The case does not involve child custody or visitation.

20 **13. If this is a civil case, indicate whether this appeal involves the possibility of**
21 **settlement:**

22 There is no possibility of settlement.
23

24 DATED this 15th day of December, 2021.

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

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

28 Maria L. Parra-Sandoval, Esq.

Nevada Bar No. 13736

mparra@lacsns.org

725 E. Charleston Blvd
Las Vegas, NV 89104
Attorneys for Appellant Kathleen June Jones

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 15th day of December 2021, I deposited in the United States Mail at Las Vegas, Nevada, a copy of the foregoing document entitled **CASE APPEAL STATEMENT** in a sealed envelope, mailed regular U.S. mail, upon which first class postage was fully prepaid, addressed to the following:

Teri Butler
586 N Magdalena St.
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Fullerton, CA 92832

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

Ampersand Man
2824 High Sail Court
Las Vegas, NV 89117

Courtney Simmons
765 Kimbark Avenue
San Bernardino, CA 92407

AND I FURTHER CERTIFY that on the same date I electronically served the same document to the following via ODYSSEY, the Court's electronic filing system, pursuant to NEFCR 9:

John P. Michaelson, Esq.
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Jeffrey R. Sylvester, Esq.
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and Donna Simmons*

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1 *Counsel for Kimberly Jones*

2 Elizabeth Brickfield, Esq.
3 ebrickfield@dlnevadalew.com
4 *Court-Appointed Guardian Ad Litem*

5 Scott Simmons
6 scott@technocoatings.com

7 Cameron Simmons
8 Cameronnscott@yahoo.com

9 Kate McCloskey
10 NVGCO@nvcourts.nv.gov

11 Sonja Jones
12 sjones@nvcourts.nv.gov

13 LaChasity Carroll
14 icarrol@nvcourts.nv.gov

15 All other recipients registered for e-Service on the above entitled case

16
17 /s/ Rosie Najera
18 Employee of Legal Aid Center of Southern Nevada
19
20
21
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23
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28

COPY

FILED

JUN 04 2021

Sharon A. Hoffman
CLERK OF COURT

1 TRANS

2

3

4

5

EIGHTH JUDICIAL DISTRICT COURT

6

FAMILY DIVISION

7

CLARK COUNTY, NEVADA

8

9

In the Matter of) CASE NO. G-19-052263-A
the Guardianship of:) DEPT. B

10

KATHLEEN JONES,) **SEALED**

11

Protected Person(s).)

12

13

14

BEFORE THE HONORABLE LINDA MARQUIS

15

PARTIAL TRANSCRIPT RE: ALL PENDING MOTIONS

16

THURSDAY, FEBRUARY 11, 2021

17

18

19

20

21

22

23

24

25

1 APPEARANCES:

2 Petitioner(s)/
3 Temporary Guardian(s): ROBYN FRIEDMAN
4 For the Petitioner(s)/
5 Temporary Guardian(s): JOHN P. MICHAELSON, ESQ.
6 2200 Paseo Verde Parkway
7 Suite 160
8 Henderson, Nevada 89052
9
10 Protected Person: KATHLEEN JUNE JONES
11 For the Protected Person: MARIA L. PARRA-SANDOVAL, ESQ.
12 725 E. Charleston Blvd.
13 Las Vegas, Nevada 89104
14
15 Other: RODNEY GERALD YEOMAN
16 For the Other: TY E. KEHOE, ESQ.
17 871 Coronado Center Dr.
18 Henderson, Nevada 89052
19
20 Guardian of
21 Person and Estate/Other: KIMBERLY JONES
22 For the Guardian of
23 Person and Estate/Other: JAMES A. BECKSTROM, ESQ.
24 10001 Park Run Drive
25 Las Vegas, Nevada 89145

1 LAS VEGAS, NEVADA

THURSDAY, FEBRUARY 11, 2021

2 P R O C E E D I N G S

3 (THE PROCEEDING BEGAN AT 09:43:05.)

4 (REQUESTED PARTIAL EXCERPT BEGAN AT 10:08:00.)

5 MR. MICHAELSON: Okay.

6 THE COURT: All right. Let's move on -- and thank you,
7 counsel, for your cooperation.

8 Let's move on to Mr. Michaelson's petition.

9 Mr. Michaelson, I have reviewed all of the
10 pleadings and requests.

11 Does anyone, any of the family members have any
12 objections or concerns?

13 Ms. Butler, who is without counsel, any questions,
14 objection about the petition?

15 MS. BUTLER: I do. My mom doesn't know how to use a hat
16 -- an app. She doesn't even have a computer in her house.
17 So for her to have to use an app, it's just silly. She's 85
18 years old. She still reads books as a book, not on a
19 computer, not on a tablet. So (indiscernible)...

20 THE COURT: Me, too (indiscernible). Me -- me, too, Ms.
21 Butler. I -- I read real books, too. Ms. Butler, when you
22 talk about an app, are you referring to FaceTime or are you
23 referring to Talking Parents?

24 MS. BUTLER: Any app. My mom just doesn't use a
25 computer or a tablet that much. And the little that she

1 does, and the times I've seen her do it, my husband had to
2 sit down and explain it to her and write it down. And then
3 she just goes her own way. So that whole thing is just, to
4 me, ridiculous.

5 And, two, I've never had any problems with seeing
6 my mom or calling my mom or my mom coming over here. She's
7 never felt that she was isolated. And I just think this
8 whole proceeding that my sister, Robyn, has brought is silly.

9 She's trying to take my mom's free will away from
10 her. And my mom has the right to say, yes, I want to see you
11 or, no, I don't want to see you. And Robyn is forcing her
12 will on my mom. And I just don't see the necessity to pay
13 lawyers so my sister can have charge over my mom when Kim is
14 taking care of her.

15 THE COURT: Ms. Butler, and I -- I appreciate your
16 comments. When you -- so when you were talking about that
17 app, what were you -- what were you talking about? What were
18 you responding to?

19 MS. BUTLER: My -- my understanding is that my sister,
20 Robyn, wants my mom to use an app so she can schedule
21 appointments to see my mom.

22 THE COURT: So, Ms. Butler, I think the request is -- is
23 that the entire family, not your mom, use the app for
24 scheduling and communication purposes. And certainly there's
25 no anticipation or suggestion that your mom have to use it.

1 Your mom can, you know, write a letter or read a -- a real
2 book, not on her Kindle or do whatever she wants. I'm not
3 too worried about.

4 But do you have any concerns -- so now that you
5 understand that the -- the request was for the family to
6 utilize that to -- as an aid for communication, do you have
7 any concerns about that?

8 MS. BUTLER: I just think it's an unnecessary step.
9 When I want to see my mom, I call her.

10 THE COURT: Okay. And, Ms. Butler, just so I'm clear,
11 you live here in Las Vegas?

12 MS. BUTLER: No, I live in Dewey, Arizona.

13 THE COURT: All right. And will you tell me, how --
14 what -- how far of a drive is that? Where is that located?

15 MS. BUTLER: It's a four-hour drive to my mom.

16 THE COURT: Okay. So what major city are you close to
17 there in Arizona?

18 MS. BUTLER: Prescott Valley.

19 THE COURT: Okay. All right. That gives me a better
20 idea. Thank you. I appreciate that.

21 MS. BUTLER: Mm-hm.

22 THE COURT: All right. So thank you. When you say that
23 your sister is trying to take charge, what do you mean?

24 MS. BUTLER: Robyn has a tendency of wanting to be in
25 charge. And so I'll make a perfect example. When we plan to

1 do something, she has the whole day planned out. She doesn't
2 leave any time for somebody to do something other than what
3 she has planned.

4 THE COURT: So do you mean...

5 MS. BUTLER: And

6 THE COURT: Can I ask -- can I just interrupt you so
7 that I understand what you're saying? So do you mean when
8 you sisters get together or when the whole family gets
9 together, Robyn's got it all planned?

10 MS. BUTLER: Yes.

11 THE COURT: And is this (indiscernible)...

12 MR. MICHAELSON: Your Honor...

13 THE COURT: Mr. Michaelson, I just want to get an idea
14 of where we're -- where we're going. I've read everything.
15 I just want to make sure that Ms. Butler had...

16 MR. MICHAELSON: Sure.

17 THE COURT: ...a say. And that I understand her
18 perspective.

19 Ms. Butler, that -- you mean that for Robyn's whole
20 life?

21 MS. BUTLER: Robyn's been like that for as long as I've
22 known here. She -- she likes planning things. And I
23 understand that. And sometimes that's good. That's good.
24 But my mom does not.

25 My mom is a person who, if she wants to get up in

1 the morning and take a walk, she does. If she wants to be in
2 bed all day, she does. If she want to go shopping, she does.
3 If she wants to talk to me on the phone, she calls me. If I
4 call her, and she doesn't want to talk to me, it's okay. I
5 love you. Goodbye. My mom has a free will. And I think
6 Robyn is trying to take that free will away from her.

7 She is quite capable of making her own decisions.
8 And to me, making my mom have an appointment to see her when
9 maybe she doesn't want to that day is ridiculous.

10 THE COURT: Okay. Ms. Butler, do you think that --
11 well, I'm gonna ask you about all your sisters. Do you think
12 that they all love your mom?

13 MS. BUTLER: Oh yeah.

14 THE COURT: Okay. And there...

15 MS. BUTLER: We all love her.

16 THE COURT: I assumed that was the answer. But I want
17 to make sure. And I assume that you think Robyn and -- and
18 Donna and even Kim's intentions are pure in wanting to spend
19 time with their mom, that they value that?

20 MS. BUTLER: I would hope so, yes.

21 THE COURT: Okay. All right. Thank you, Ms. Butler.
22 Is there anything else you want to tell me?

23 MS. BUTLER: No, that's pretty much it.

24 THE COURT: Okay. Ms. Parra-Sandoval, is there...

25 And let me say this. I am -- as I said from the

1 beginning to these sisters, that I cannot fix with in
2 guardianship court the personality differences or the issues
3 with communication or relationships that have existed for
4 probably 40-plus years.

5 I don't always get along with my sister. I am
6 certain that -- that my sisters would say exactly what Ms.
7 Butler has said that I like to be in control. That -- that
8 is true.

9 And so I -- I -- I note that we all have different
10 personalities and families relate to each other differently,
11 especially sisters, relate with each other differently. And
12 those difficulties, I cannot solve. And those personality
13 differences that perhaps we like about each other or we don't
14 like about each other, I cannot solve.

15 Ms. Parra-Sandoval, I seen your objection. I note
16 that your client is present today. I am inclined today to do
17 a few things. But I want to give you the opportunity for you
18 to be heard again and for your client to be heard, before --
19 before I indicate how we're gonna proceed on these visitation
20 order. Ms. Parra-Sandoval.

21 MS. PARRA-SANDOVAL: Thank you, Your Honor.

22 THE COURT: Mm-hm.

23 MS. PARRA-SANDOVAL: I -- you know, I will now be
24 responding to, you know, the petitioners and Mr. Michaelson's
25 inappropriate homonym attacks, unless this Court really wants

1 me to.

2 Instead I -- I really want to focus on what the le-
3 legal issues are before the Court. And those are, you know,
4 should my client be forced to participate in mediation?
5 Should -- should my client be forced to comply with a
6 visitation schedule? Should she be subjected to the same
7 procedures that the Court uses in contested divorce cases?
8 And really the -- the answer is, no.

9 And we know that because June is able to form
10 preferences regarding these issues. She can reliably direct
11 her attorney because she's verbal, because she can express
12 those wishes. And those wishes should be respected under the
13 bill of rights.

14 You know, the -- the petitioners would have this
15 Court believe that June suffers from diminished capacity.
16 And because of that that somehow she's not able to have
17 opinions or preferences. But as this Court knows, you know,
18 many of the protected persons under guardianship, they have
19 diminished capacity and they're unable to manage their
20 affairs. But that doesn't mean they don't have, you know,
21 human feelings or opinions.

22 And in this case, you know, June is able to
23 instruct her attorney about those stated preferences. I
24 don't want to be redundant with quoting the bill of rights
25 because that's already in the pleadings.

1 But I do want to supplement June's opposition with
2 other rules and guidelines that this Court and the parties
3 are required to follow. And that's why we have the statewide
4 rules for guardianship and the guardianship mediation manual
5 that was approved by the Nevada Supreme Court and governs the
6 mediations or actions filed under Chapter 159 where this
7 Court would fall in.

8 I don't think I'm ambushing Mr. Michaelson at this
9 point. As, you know, he's well aware about these rules
10 because he was part of the rules making committee. And so I
11 want to point out to this Court Rule 13, Guardianship Rule
12 13, which talks about mediation. And it basically states to
13 follow the procedure in the guardianship manual.

14 And when I look that up, Policy number 3 mandate
15 voluntary participation. You know a party can withdraw from
16 mediation after the first session if they don't want to
17 participate.

18 So, you know, my argument is why -- why should we
19 compel a protected person, June, you know, to attend
20 something that she doesn't want to do. In addition, the
21 Policy number 3 of this manual talks about the parties and
22 the participants in the mediation.

23 And section two, letter d, talks specifically of,
24 you know, guardian ad litem. And I bring this up because in
25 the -- the petitioners say that maybe -- maybe it's time to

1 appoint a guardian ad litem.

2 But, you know, this Policy number 7 talks about
3 when a guardian ad litem should be appointed. And quote, it
4 states, when the degree of impairment is such that the
5 protected person or proposed protected person is -- is unable
6 to effectively communicate his or her wants and needs to an
7 attorney, then a guardian ad litem may be appointed.

8 You know, this clearly states that there has to be
9 some kind of impairment. And there's no such thing here as
10 June is able to direct me, her attorney, in what preferences
11 she has as to the legal issues today. And (indiscernible)...

12 THE COURT: Ms. Parra-Sandoval -- Ms. Parra-Sandoval,
13 does that limitation of the appointment of the guardian ad
14 litem in that context under Rule 13 apply only to mediation?

15 MS. PARRA-SANDOVAL: So in -- it's part of the
16 guardianship mediation manual. But there's also Guardianship
17 Rule number 8, I believe.

18 THE COURT: Correct.

19 MS. PARRA-SANDOVAL: And -- and even if a guardian ad
20 litem were appointed, under letter O of Rule number 8, states
21 that the guardian ad litem, quote, shall ensure the rights
22 set forth in -- in the protective person's bill of rights are
23 upheld.

24 You know, which we go back to, you know, honoring
25 her preferences under the bill of rights. So the fact that,

1 you know, the fact that June has these expressed wishes, you
2 know, just because Mr. Michaelson's clients want a guardian
3 ad litem to be appointed, you know, that guardian ad litem
4 would have to still follow the protected person's bill of
5 rights.

6 And we already know that her wishes are, you know,
7 she doesn't want to go to mediation. She doesn't want to
8 comply with the visitation schedule. She doesn't want all
9 these procedures. She just wants to be treated in the most
10 normal way possible under the bill of rights.

11 So, you know, to -- to summarize, June should not
12 be compelled to attend mediation because the guardianship
13 manual tells us that it's -- it's meant to be voluntary. You
14 know, June should not have to comply with the visitation
15 schedule because she's already expressed her preferences to
16 her court-appointed attorney.

17 And, you know, June should not be appointed a
18 guardian ad litem because, you know, this manual states it
19 shouldn't happen. And only it states the Court may. So it's
20 not must or shall. The court may appoint a guardian ad litem
21 if the protected person can't effectively communicate with
22 her attorney.

23 THE COURT: Thank you. Anything else?

24 MS. PARRA-SANDOVAL: Also I wanted to point out to Rule
25 number 9, which talks about what my role is. And Rule number

1 9, which states, the attorney for a protected person or
2 proposed protected person, shall zealously advocate for the
3 protected person or the protected person's expressed wishes.
4 That is my role. And that is what I have done for June.

5 In addition, that same rule, Rule number 9 states,
6 that the attorney shall maintain as far as reasonably
7 possible a normal client-attorney relationship as prescribed
8 the Nevada Rules of Professional Conduct. And that is what I
9 have done in this matter, Your Honor.

10 THE COURT: Thank you.

11 Michaelson.

12 MR. MICHAELSON: Yeah, Your Honor. It's difficult to
13 know where to begin with that. I -- I wonder whether Ms.
14 Parra-Sandoval has read our pleadings. I -- I mean, I don't
15 know how many times we can express that we are not seeking to
16 compel June to visit if she wan- if she doesn't want to.
17 That's been said verbally. It's been said in this Court.
18 It's been said in the pleadings. No one is compelling her to
19 do anything.

20 What we're saying is we've now endured almost a
21 year. I've counseled my clients the importance of meet and
22 confer. And we have tried the just call June train. Just
23 call June. It doesn't work. She does not have the ability
24 to schedule and call back on her own.

25 The only reason Ms. Butler gets visitation is

1 because Kimberly arranged it. She facilitated. She helps
2 out with that like a normal person.

3 UNIDENTIFIED SPEAKER: In a normal time frame.

4 MR. MICHAELSON: Yeah, I mean, we -- it -- it's
5 outrageous. We -- we need to determine. The other thing is
6 a guardian ad litem is not mutually exclusive with court
7 appointed counsel.

8 We can appoint guardian ad litem to give another
9 perspective because as Ms. Parra-Sandoval says and as Legal
10 Aid argued strenuously in a guardianship commission, they're
11 like automatons. They -- when they -- they actually do
12 exercise great influence with their clients. They present
13 things in a certain way based many times on their agenda.
14 But then if anyone questions what they are doing, they fall
15 back and they say, well, I'm simply following what she said.

16 So if she said, go jump off a cliff, I would argue
17 that she gets to jump off a cliff. And -- and to some extent
18 Ms. Parra-Sandoval is right. That's their hearing. That's
19 their -- that's Rule 9. But they'll follow what their client
20 says.

21 And that's why we're saying we need someone who has
22 a different perspective. The other thing is if we follow Ms.
23 Parra-Sandoval's rationale, How will we ever know what --
24 what June can and can't do? We can never get to that point
25 because she would be being compelled to submit to some kind

1 of mediation or process.

2 We would be happy if Your Honor wanted to conduct
3 that. We'll -- we'll provide in camera questions so that
4 they can't coach her on things that are just simple basic
5 questions, but they require context. So we know if you
6 present it to her and say, yeah, Robyn's at it again. She's
7 trying to compel you. Of course, the mother, June, is gonna
8 say, well, I don't wanna be compelled. But if you say, hey,
9 you know, she runs a business...

10 UNIDENTIFIED SPEAKER: Or how (indiscernible).

11 MR. MICHAELSON: ...how -- yeah, how often do want to
12 see her? You know, when she -- when we speak with her, Your
13 Honor, as I stand here today, as everyone says, she says she
14 wants to visit with Robyn. She has a great time. And they
15 do. Very infrequently, that does happen usually on the spur
16 of the moment when Kimberly chooses to condescend and
17 authorize a visit.

18 So we're not talking about compelling June. And
19 we've said that throughout these proceedings. And this is
20 wasting so much time and money. And I might add, Ms. Parra-
21 Sandoval is strengthening Mr. Kehoe's case. It -- it's
22 incredible.

23 It -- the malpractice that's happening here,
24 interestingly, if someone was gonna appeal a fee ruling, that
25 should be the guardian. But the guardian didn't do it in

1 this case because they recognized that saying that she can
2 direct appeal, it factors into whether she can consent to her
3 house being transferred. I mean, it's a nightmare.

4 And -- and so, Legal Aid, because they saw an
5 opportunity to use June and her situation to get an appeal,
6 they unilaterally filed an appeal without the guardian. And
7 I've been advised a couple of times that's not something they
8 want.

9 I almost feel like this visitation communication
10 matter should be held during the sealed hearing so we can
11 actually talk about the connections between all of this,
12 rather than just fueling the other end and just weakening
13 June's case.

14 She had a case to try to get her house back. In
15 this situation now, her mortgage is gone that she obtained
16 long ago. She has no ability to get back to where she was
17 before. And -- and -- and having a guardian ad litem,
18 because Ms. Parra-Sandoval says it, I have to do what she
19 pre- as she presents it to the client, she's gonna do exactly
20 that, which means there'll be no visitation, little or no
21 visitation for people who are not in Kim's good graces.

22 So and then -- and then if we try to discer-
23 discern what June wants, we can't do that because now we're
24 compelling mediation. And so it -- it just -- it's a
25 circular thing. It just says, no one can ask any questions.

1 And, Your Honor, we're trying -- we're done with --
2 with Ms. Parra-Sandoval. We're done. We understand where
3 she lies. She is going to oppose and -- and continue to
4 pretend that her client has full capacity and can do many
5 things.

6 And -- and so now we need the Court. We need you,
7 Judge Marquis, to finally -- it's been so long. And you told
8 her, I have quotes from you, you know, saying, this is it.
9 We need communication.

10 If you go back to Dr. Brown's evaluation, he's very
11 clear on June. Yes, June can speak. But her ability to
12 chain that together with logic and -- and put it in context
13 of, when was the last time you saw Robyn? It -- it's just
14 she does not have that level of capacity to effectively
15 coordinate visitation and communication without Kimberly.

16 UNIDENTIFIED SPEAKER: Who are her grandchildren.

17 MR. MICHAELSON: Yeah. So we have many questions that
18 would be good to ask, Your Honor.

19 THE COURT: Thank you, Mr. Michaelson.

20 Mr. Beckstrom.

21 MR. BECKSTROM: Your Honor, I'm gonna be somewhat brief.
22 First, I want to make it clear, I don't echo the comments of
23 Mr. Michaelson on the appeal. In fact, I'm not putting a
24 legal position on the record in this case. I think it's
25 highly inappropriate to do that. I've complained about that

1 throughout this case.

2 As far as Ms. Parra-Sandoval's comments, I agree
3 with them. We have trying to -- we have tried to take a step
4 away from this. And, you know, what I -- what I hear and
5 what I see in the briefs is very different Judge. And I
6 think it's extremely important to look at what authority the
7 petitioners are moving under and what are they really asking
8 for?

9 And if the Court directs itself to paragraph 83, it
10 is the quintessential example of -- of not communication
11 defined by petitioners, but what reasonable communication is.
12 And what they're requesting is not reasonable. And I can
13 read a couple of them to the Court. I've highlighted them.

14 The concern is and it has always been is Kimberly
15 has a full-time job caring for June. She is not a secretary
16 for the family. It is not comparable to say that Kim plans a
17 doctors appointment and doesn't plan family outings.
18 Scheduled calls are inappropriate.

19 And the requests we have here are not, hey, we
20 wanna schedule a vacation on this day or we want to take mom
21 every Saturday from 9:00 to 5:00. We'll pick her up. That's
22 not what we're discussing. What they're asking for and what
23 they've continued to ask for is (indiscernible).

24 MR. MICHAELSON: Your Honor, that's exactly what we're
25 discussing.

1 MR. BECKSTROM: No, no. I'm talking, Mr. Michaelson. I
2 didn't interrupt you. Okay.

3 I wanna read through these requests. Kim is
4 responsible for facilitating and scheduling communication,
5 visits and vacation. Nowhere in the guardianship statute
6 does it -- is that required.

7 Kim is required to drive Ms. Jones, the local
8 family visits 50 percent of the time. Not authorized
9 anywhere.

10 Kim must stop refusing to leave the home where she
11 lives.

12 Okay. It goes on. They want a standing call-in
13 time to check in with the family once a week, alternatively
14 ten minutes set aside every week.

15 These specifics are unreasonable. And there is a
16 division of what is reasonable. There is reasonable
17 communication. There always has been. There is no authority
18 that requires the guardian to bend over backwards and
19 schedule more meetings than any of these children have before
20 the mother was in guardianship.

21 I want to point out to the Court that I have all
22 the respect to the world for everyone on this call. But the
23 Friedman's live approximately ten miles from June, ten miles.
24 And they're saying they -- they don't know if she's safe?

25 I don't know how the Court can make a finding on

1 this. I don't think there's any actionable claim here. And
2 I think the requests are unduly burdensome to both the
3 guardian and complete in derogation of what the protected
4 person has asked the Court to im- implement.

5 THE COURT: Thank you, counsel.

6 Today I am going to appoint a guardian ad litem.
7 It is not Rule 13 and the mediation manual that govern the
8 Court's ability to appoint a guardian ad litem. It is NRS
9 159.0455. As Ms. Parra-Sandoval indicated the rules and
10 duties of the guardian ad litem, separate from counsel for
11 the protected person, are delineated in Rules 8 and 9.

12 I am going to appoint Elizabeth Brickfield as
13 guardian ad litem, should she accept the appointment. I will
14 have my office contact her and allow her to confirm or reject
15 the appointment of the guardian ad litem. I think it's
16 (indiscernible)...

17 MS. DONNA SIMMONS: Your Honor -- oh go ahead. I'm
18 sorry.

19 THE COURT: I'm sorry. Who was that? Go ahead.

20 MS. DONNA SIMMONS: This is Donna. I -- I -- I just --
21 I have some things that I want to say. (Indiscernible) I...

22 THE COURT: Did -- Donna...

23 MS. DONNA SIMMONS: I didn't...

24 THE COURT: Donna...

25 MS. DONNA SIMMONS: I didn't mean to interrupt you.

1 THE COURT: Thank you. Mr. Michaelson has spoken. I've
2 heard from all counsel.

3 Mr. Michaelson, you're representing Donna; correct?

4 MR. MICHAELSON: Yes, Your Honor.

5 THE COURT: All right.

6 So this -- this is what I'm going to do today is
7 appoint the guardian ad litem. I'm appointing Ms.
8 Brickfield, so long as she is able to accept the appointment.
9 Her duties as delineated by Ms. Parra-Sandoval are listed in
10 the rules.

11 I'm also going to do something else. I'm going to
12 appoint AOC investigator. There are, Mr. Michaelson has
13 suggested, some tools to assist the parties in this case. As
14 Mr. Beckstrom and Ms. Parra-Sandoval have indicated they are
15 opposed to mediation. And so I'm not going to order
16 guardianship mediation. I am not gonna order FMC neither.

17 I -- I don't know -- and -- and the reason is, is
18 because I don't know that FMC is well-prepared or well-suited
19 to resolve this issue. I think that there has been a showing
20 that -- at least a threshold showing that there is an
21 unwillingness for the guardian.

22 And I understand the guardian's position and Ms.
23 Parra-Sandoval's position. But it should solely be left to
24 June and that the protected person direct, plan, schedule,
25 execute visits with her two daughters. I am not sure based

1 on a couple of things.

2 First guardianship and the medical reports that
3 have been provided herein; the statements that Ms. Parra-
4 Sandoval throughout the proceeding regarding her client and
5 that we've heard at -- at different hearings that the
6 protected person is able to execute, facilitate, plan events,
7 contacts, with her family. I -- I'm not sure, and I haven't
8 been provided any evidence or suggestion that she is able to
9 execute, facilitate, plan, schedule time with Mr.
10 Michaelson's clients.

11 We have heard that she loves all of her daughters;
12 that she wants to direct her day, certainly. Ms. Butler said
13 today, sometimes she'll wake up and want to take a walk. And
14 sometimes she'll wake up and want to stay in bed all day.
15 And that is her personality and -- and that's how her -- her
16 wants, I guess, manifest on a day-to-day basis.

17 What Mr. Michaelson is requesting is not a schedule
18 for visitation, but an opportunity for June to say each day
19 whether or not she wants to take advantage of an opportunity
20 to visit with her two daughters.

21 You know, there is a lot of facilitation and
22 encouragement prompting that a guardian, such as Kim,
23 undertakes on a day-to-day basis. She makes sure and -- and
24 gets her to her doctors appointments, as Mr. Michaelson said.

25 Based on, you know, Mr. Beckstrom's statement that

1 this is a full-time job for Kim caring for her mom. And --
2 and I bet it is. And there are ways in which I know Kim
3 prompts and encourages her mom to do certain things that are
4 a benefit to June because Kim knows she needs to do 'em,
5 right, like go to the doctor; like make sure she eats
6 breakfast, even if June wants to skip breakfast; right? I --
7 I'm certain that -- that Kim encourages her, maybe doesn't
8 tell her, maybe facilitates, right, makes the breakfast,
9 presents it...

10 UNIDENTIFIED SPEAKER: Right.

11 THE COURT: ...reminds her, encourages her to do those
12 things. So I'm not considering necessarily a visitation
13 schedule that is an order that the protected person
14 participate in or attend, but a scheduled opportunity to
15 facilitate visitation if the protected person like to take
16 advantage; right?

17 And -- and I -- I do think that there has been a
18 threshold showing. But I don't know, and there is certainly
19 a great dichotomy. Ms. Parra-Sandoval states today and in
20 her objection to this visitation that June is direct, knows
21 exactly what she wants, is able to direct Ms. Parra-Sandoval
22 and tell her specifics. But the medical evidence kind of
23 shows otherwise. And I want -- and -- and is doing full-time
24 care giving.

25 And so I need some more information about what

1 exactly, as we sit here today, not at the time that the
2 guardianship was instituted because I've reviewed those
3 medical records, if things have changed now or they've
4 improved or they've declined, I would like to know so that I
5 can make a determination about how much facilitation, how
6 much prompting, how much encouragement, scheduling and
7 participating and execution is appropriate given the
8 protected person's wants.

9 So I'm going to appoint the AOC investigator to
10 review the current medical records, the current suggestions
11 by June's doctor about what's appropriate in her level of
12 care so that I understand a little bit more.

13 I'm gonna ask the AOC investigator, I assume it's
14 gonna be Ms. Carol but I don't know that, (indiscernible) to
15 speak with all of the sisters, Ms. Butler included, they're
16 counsel can certainly be present if they would like or -- or
17 not, to discuss visitation, time together, communication and
18 what -- what their needs and requests and concerns are.

19 And then I would like Ms. Carol to review all
20 records relative to that, phone call records, text messages
21 that are supplied to her by the family members so that I can
22 understand better relative to statutory requirements whether
23 or not this has been un- the guardian has acted unreasonably
24 to this point.

25 I'm gonna set a hearing in 90 days. That hearing

1 in 90 days will be for Ms. Carol's report return. That's the
2 time limit she's required. I would like Ms. Brickfield to
3 have the ability to review all of the pleadings in this case
4 to review Ms. Carol's report, to speak to all of the sisters
5 (indiscernible) present.

6 I am not going to order Ms. Brickfield, and I want
7 to make that clear today, to speak with June, certainly with
8 Ms. Parra-Sandoval present. I'm going to leave that to Ms.
9 Brickfield's discretion after she has reviewed all of the
10 documents and information that she needs to make a
11 determination if that would be helpful to her at that
12 juncture and -- and allow her to proceed.

13 MS. PARRA-SANDOVAL: This is Ms. Parra-Sandoval. I -- I
14 have a question regarding Ms. Brickfield. Will she be
15 serving as a -- on a pro bono basis?

16 THE COURT: That is my request to her. However, as you
17 know, Ms. Parra-Sandoval, the rules allow her to recover fees
18 from the estate should she file that petition. I have
19 several cases, they are longstanding cases, older cases,
20 where Ms. Brickfield serves as a guardian ad litem. I note
21 in those cases perhaps she was appointed a guardian ad litem
22 before the protected person had counsel. So I'd leave that
23 to her. She can certainly file a request. I would consider
24 it.

25 Mr. -- so my goal is for us to return...

1 (WHEREUPON THE MATTER WAS TRAILED

2 AT 10:43:05 AND RECALLED AT 10:43:05.)

3 THE COURT: ...in 90 days with that investigators
4 report. I'm not gonna rule today on a visitation or an order
5 about communication.

6 I have denied the request for FMC, for Talking
7 Parents and for mediation. But I am ordering and appointing
8 a guardian ad litem and appointing an investigator. We'll
9 see you all back in 90 days. We'll continue...

10 MR. MICHAELSON: Your Honor...

11 THE COURT: ...what we...

12 Mr. Michaelson, hold on one second. We'll continue Mr.
13 Michaelson's motion for until that 90 days. And we'll give Ms.
14 Brickfield an opportunity to indicate whether or not she can accept
15 that appointment.

16 Mr. Michaelson.

17 MR. MICHAELSON: Your Honor, I know that others may feel that
18 this is taking it too far. But we -- we have concerns that if this
19 settlement were to go through, it leaves June in a -- in a
20 homelessness potential situation. Now the family is here and we --
21 and there are facilities in place. As -- as you know, a guardian
22 absolutely does not have to live with the protected person. There
23 are many ways that we can approach this. But -- but one of the
24 issues is going out of state. We're concerned that -- and -- and
25 again you -- of course the Court can say, we're not ruling on

1 something that hasn't happened. But maybe your feelings, the
2 Court's feelings on if someone were to, say, hey, I had to move
3 because I didn't have a house because of the settlement; and so I
4 left; and now I'm in another jurisdiction. And we feel that that
5 should not happen without prior order of this Court.

6 THE COURT: So certainly that is something that we will talk
7 about, the effects of this settlement on the protected person's
8 well-being at our hearing tomorrow morning. And -- and tho- those
9 may be some of my questions about plans, as well.

10 I would advise all counsel that I would expect that
11 before anyone is relocated that a petition be filed with the court
12 or that notice be filed with the court consistent with 159. I'm
13 certain that Mr. Beckstrom is -- is familiar with those
14 requirements.

15 But I understand your concerns about the negotiation.
16 But I don't know that I can properly address those today.

17 MR. MICHAELSON: Thank you, Your Honor.

18 THE COURT: Ms. Parra-Sandoval?

19 Mr. Beckstrom?

20 MS. PARRA-SANDOVAL: No further comments from me. This is...

21 THE COURT: Mr. Becks...

22 MS. PARRA-SANDOVAL: ...Ms. Parra-Sandoval.

23 THE COURT: Thank you.

24 Mr. Beckstrom, anything else?

25 MR. BECKSTROM: No further comments. And, no, there's no plan

1 to take the protected person out of the state, so. We'll hold
2 tight. And we...

3 THE COURT: Thank you.

4 MR. BECKSTROM: ...will file the appropriate motion.

5 THE COURT: Thank you, counsel.

6 And again, I'll see Mr. Michaelson, Mr. Beckstrom, Ms.
7 Parra-Sandoval tomorrow at 9:00.

8 Mr. Beckstrom, I know that you had a request that
9 perhaps just counsel be -- I will send you -- well, my office will
10 send you a BlueJeans link for tomorrow's hearing. Part of that, I
11 will indicate to everyone, has the ability to facilitate a breakout
12 session for, you know, conferences at the bench on the record in
13 that breakout format.

14 MR. BECKSTROM: Thank you.

15 THE COURT: So I'll consider any requests procedurally
16 regarding that tomorrow morning.

17 Mr. Michaelson?

18 MR. MICHAELSON: I think I'm clear now, Your Honor. I would -
19 - so -- so we'll plan -- I know my clients, Donna and Robyn, will
20 want to participate. I think you were saying that you could -- you
21 have the ability to go into another room with just attorneys, so.

22 THE COURT: Correct. So just as we would have a bench
23 conference or a -- and I only say this in reference to Mr. Breck-
24 Beckstrom allusion previously that -- that he may want to leave
25 fact witnesses out of -- potential fact witnesses out of any

1 conversation tomorrow. What I'm telling you is that we will have
2 technically the ability to do that within the hearing. So we'll go
3 on the record. And you can make any requests procedurally that you
4 like. And I'll be able to facilitate those.

5 Thank you so much, counsel.

6 MR. MICHAELSON: Thank you, Your Honor.

7 MS. PARRA-SANDOVAL: Your Honor, what about the 120-days
8 status check?

9 THE COURT: I'm sorry. That's right. Let's do 110-days
10 status check regarding sealing of the hearing.

11 Tanya?

12 THE CLERK: June 3rd at 1:00.

13 THE COURT: June 3rd at 1:00, Mr. Kehoe, did you get that?

14 MR. KEHOE: Yes, Your Honor.

15 THE COURT: Mr. Beckstrom...

16 THE CLERK: And then did you want...

17 THE COURT: Mr. Beckstrom, you'll prepare that order.

18 MR. BECKSTROM: Understood, Your Honor.

19 THE CLERK: (Indiscernible).

20 THE COURT: And you'll include that...

21 I do. Hold on one second.

22 And, Mr. Beckstrom, you'll include that 110-day status
23 check date and give that to counsel to sign off on. The 90-day
24 date for Ms. Jones...

25 THE CLERK: May 13...

1 THE COURT: ...for Ms. Carol's report.
2 THE CLERK: Sorry. May 13th at 1:00.
3 THE COURT: Thank you so much. Thank you, counsel.
4 MR. MICHAELSON: Thank you.
5 MS. PARRA-SANDOVAL: Have a great day.
6 (THE PROCEEDING ENDED AT 10:48:50.)

7
8 * * * * *

9
10 ATTEST: I do hereby certify that I have truly and
11 correctly transcribed the video proceedings in the above-
12 entitled case to the best of my ability.

13
14 *Sherry Justice*
15 SHERRY JUSTICE,
16 Transcriber II
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FILED

JUN 13 2022

Sharon A. Williams
CLERK OF COURT

1 TRANS

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3 COPY

4
5 EIGHTH JUDICIAL DISTRICT COURT
6 FAMILY DIVISION
7 CLARK COUNTY, NEVADA
8

9 IN THE MATTER OF THE)
GUARDIANSHIP OF:) CASE NO. G-19-052263-A
10)
11 KATHLEEN JONES,) DEPT. B
12)
Protected Person.) APPEAL NOS. 81414, 81799,
83967, 84655

13 BEFORE THE HONORABLE LINDA MARQUIS
14 DISTRICT COURT JUDGE

15 TRANSCRIPT RE: STATUS CHECK

16 FRIDAY, MARCH 12, 2021
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20
21
22
23
24

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1 LAS VEGAS, NEVADA

FRIDAY, MARCH 12, 2021

2 PROCEEDINGS

3 (THE PROCEEDINGS BEGAN AT 2:21:57)

4
5 THE CLERK: We're on the record.

6 THE COURT: It's the Matter of Guardianship of
7 Kathleen Jones, G-19-052263-A. I'm Judge Linda Marquis. Also
8 joining us is Ms. Brickfield. Ms. Brickfield, your appearance
9 for the record. Oh, you're muted.

10 MS. BRICKFIELD: Sorry, am I muted?

11 THE COURT: Ms. Brickfield, you're muted. There you
12 go. Ms. Brickfield, you're muted.

13 MS. BRICKFIELD: Let's try it again. Can you hear
14 me now?

15 THE COURT: There you go. I can.

16 MS. BRICKFIELD: Okay. Elizabeth Brickfield, 6236.
17 I'm the guardian ad litem.

18 THE COURT: Thank you. Ms. Parra-Sandoval?

19 MS. PARRA-SANDOVAL: Good afternoon. Maria
20 Parra-Sandoval, 13736, from Legal Aid Center, on behalf of
21 Kathleen June Jones.

22 THE COURT: All right. And also Mr. Michaelson.

23 MR. MICHAELSON: John Michaelson, bar number 7822,
24 on behalf of Robyn Friedman and Donna Sim -- Simmons.

1 THE COURT: I have Mr. Beck -- Beckstrom there in
2 line. Mr. Beckstrom, your appearance for the record.

3 MR. BECKSTROM: Yes, James Beckstrom on behalf of
4 Guardian Kimberly Jones.

5 THE COURT: Mr. Michaelson, you have one of your
6 clients with you and another one joining us on the telephone;
7 is that right?

8 MR. MICHAELSON: Yes. Donna is appearing where it
9 says Sam.

10 THE COURT: Okay. Donna.

11 MR. MICHAELSON: And --

12 MS. SIMMONS: Hi.

13 MR. MICHAELSON: -- Robyn is here in my office along
14 with her husband, Perry (ph).

15 THE COURT: Okay. All right. And who is joining us
16 on telephone number ending 2061? Is that Kimberly?

17 MS. JONES: Yes, it is.

18 THE COURT: So good afternoon, Kimberly. Thank you
19 everybody for joining us. I'm sorry that I'm a few minutes
20 late. We are still -- we -- we handled a busy calendar today
21 and I apologize for our technical difficulties yesterday.
22 BlueJeans was out county wide which resulted in me having to
23 hear citation hearings over the telephone. But I had to call
24 each person individually on the telephone and many of our

1 lawyers are working from home. It was just very difficult and
2 made us run really, really late yesterday. My civil
3 colleagues were able to continue all of their calendars, but
4 the nature of our citations we can't. So I appreciate your
5 ability to move to today. We wouldn't have been able to see
6 each other yesterday. And I was still handling other things.

7 Let's first get an update from Mr. Beckstrom. Mr.
8 Beckstrom, where are we at with the move and the settlement
9 and -- and all of that?

10 MR. BECKSTROM: Yes, Your Honor. So the settlement
11 agreement's been finalized. That's done. We're subject to
12 the conditions of the time frame under there that everyone's
13 aware of. Kimberly's been adamantly looking for housing. And
14 she's looked in California. She's also looked out here. She
15 has not been able to locate -- rentals are pretty difficult to
16 come by right now. There's no evictions going on. So there's
17 not really an update right now. We would ask the Court to
18 pass this two weeks. We're hopeful we can get an update to
19 everyone before that time.

20 But right now the -- the likely candidate's actually
21 looking like potentially The Willows up in Summerlin. It's a
22 55 and older community condo area. So, you know, that could
23 change. But there's just not a lot of availability out there
24 for rentals right now.

1 THE COURT: Okay. Let me ask you this just so that
2 I understand, Mr. Beckstrom. And everybody else may know the
3 answers to these questions. So bear with me. Is it
4 Kimberly's intention to work or is it her intention just to
5 care for her mother?

6 MR. BECKSTROM: Well, that's somewhat fluid. Right
7 now, you know, she can't really work. But if the situation
8 came up where she could work, she works mostly from home, she
9 would like to do that.

10 THE COURT: What is her area that she works in, Mr.
11 Beckstrom?

12 MR. BECKSTROM: Oh, man, I don't -- I don't want to
13 mess this up. She has a degree in geriatrics and I believe
14 she is a -- can I just have her opine on that? Because I
15 don't -- I --

16 THE COURT: Absolutely. I just need to understand,
17 you know, is -- is she going to --

18 MR. BECKSTROM: Yeah.

19 THE COURT: -- deal --

20 MR. BECKSTROM: Kim, can you ex --

21 THE COURT: -- craps at -- at night at the Wynn
22 Hotel or, you know, I just need to know.

23 MR. BECKSTROM: Yeah. Kim, can you give the Court
24 an explanation of what you did prior to moving out here?

1 MS. JONES: I have a -- hello?
2 THE COURT: Yes, go ahead, Kimberly.
3 MS. JONES: Oh, sorry. I have a supervised
4 visitation company that does -- we provide the monitors for
5 the courts between parents and their children. The court
6 ordered --
7 THE COURT: So --
8 MS. JONES: -- supervised visitation company.
9 THE COURT: Is that here in Las Vegas or is that in
10 California?
11 MS. JONES: It's in California.
12 THE COURT: And are you still running that company?
13 Kimberly?
14 MS. JONES: I didn't hear you.
15 THE COURT: Yeah, are you still running that company
16 in California? Kimberly, can you hear me all right?
17 MS. JONES: Yes.
18 THE COURT: Everyone is --
19 MS. JONES: Yes, I can --
20 THE COURT: -- can you hear me?
21 MS. JONES: -- hear you.
22 THE COURT: Okay. So Kimberly, my question is is
23 that company defaulted out of business or are you still
24 running that company?

1 MS. JONES: We haven't -- we've been closed down due
2 to COVID. So as soon it comes back up, then we'll be back in
3 business.

4 THE COURT: Okay. Very good. Are so if -- do you
5 anticipate a date that the Court would allow in person visits
6 in California?

7 MS. JONES: No, we haven't been given a date yet.
8 Everything's been on hold.

9 THE COURT: Okay.

10 MS. JONES: There is a --

11 THE COURT: Do you --

12 MS. JONES: -- a statewide order.

13 THE COURT: Do you anticipate a date? So
14 anticipate --

15 MS. JONES: Hello?

16 THE COURT: Yes, this is Judge Marquis. Anticipate
17 means like have you heard a rumor that it might start back
18 on --

19 MS. JONES: No.

20 THE COURT: -- or did --

21 MS. JONES: No, I did not. There's --

22 THE COURT: Okay.

23 MS. JONES: -- literally an order from -- an order
24 of -- from the Court saying that it -- it is stopped. And as

1 soon as that order is changed, then we'll start working again.

2 THE COURT: Okay. So is this is a company that you

3 can run from home and not be in --

4 MS. JONES: Yes.

5 THE COURT: -- California?

6 MS. JONES: Yes.

7 THE COURT: So it doesn't matter to you business

8 wise whether you're in Las Vegas or California; is that right

9 or wrong?

10 MS. JONES: If I -- if I was able to, you know, be

11 in the same state that my company is; however, it's not

12 necessary.

13 THE COURT: Okay. So are you saying that if you

14 were able to be in California it would be a benefit to you?

15 MS. JONES: Sorry, it's -- it's cutting out. Can

16 you hear me?

17 THE COURT: Yeah, I can. So I -- and I'm sorry that

18 your connection is cutting out. I think what you said is that

19 it might be a benefit to you to be in the same state as your

20 company.

21 MS. JONES: Yeah. Yeah. Of course, yeah.

22 THE COURT: Okay.

23 MS. JONES: But when I did come up here to Las

24 Vegas, I myself just wasn't personally doing the visitations.

1 I was just managing the company.

2 THE COURT: Got it. All right. And the Court is
3 very familiar with the supervision process of children and --
4 and families and -- and the orders associated with those. So
5 where in California is the company?

6 MS. JONES: In Orange County.

7 THE COURT: Okay. And do you also have family in
8 Orange County?

9 MS. JONES: Yeah. Yeah, my mom has -- her grandkids
10 are in Orange County.

11 THE COURT: Does that one of your sisters is in --
12 or brothers is in Orange County?

13 MS. JONES: I believe that my brother is in
14 Riverside County and Donna's also in Riverside County, but
15 it's only like a 30 minutes drive.

16 MS. SIMMONS: I'm not -- I mean, my physical address
17 is in California in Orange County. We're building a house
18 that's 40 minutes away. So I've been spending a lot of time
19 there. But my physical mailing address and everything is
20 right here in Orange County.

21 THE COURT: All right. Thank you. Okay. So Mr.
22 Beckstrom, from that, is -- you know, I would -- I guess I'm
23 trying to get my arms around, you know, how's she's making
24 this decision, right, of -- of where she wants to go. It

1 seems like her preference should be moving to California.

2 MR. BECKSTROM: So is mine, Your Honor. It's --
3 it's just expensive and they're in a different situation right
4 now with COVID. So there's not a lot of rentals online and it
5 shouldn't be a surprise to anyone that there's going to be a
6 universal agreement that needs to be, you know, an accessible
7 residence, it needs to have the right amount of rooms.

8 So there has been efforts to locate down there and
9 that is the preference; however, you know, the reality of it
10 is this -- the settlement terms in here technically around
11 June to reside in this Kraft Avenue house in Las Vegas until
12 April 11th; however, as of yesterday the rent starts
13 increasing every day they're there. So, you know, to the
14 extent there -- there may have to be a petition to the Court
15 for a six month move somewhere to Las Vegas until, you know,
16 the real estate market as far as rentals stabilizes a little
17 bit. I mean, because --

18 THE COURT: Is there --

19 MR. BECKSTROM: -- the -- the rental rates for the
20 Kraft Avenue house under the settlement agreement go up pretty
21 drastically.

22 THE COURT: So is there any other family or somebody
23 that, you know, Kathleen and Kimberly can move in with in
24 Orange County for a period of, you know, let's say six months

1 while they look for something? And I'm familiar with the
2 Orange County area. I know it may be expensive. Right, they
3 are, but there's certainly opportunities inland and in the
4 surrounding area that may be more reasonable, right, and a lot
5 of people who work in Orange County live in other areas and
6 commute. That's kind of the -- the Orange County dream.

7 Mr. Beckstrom, have you thought about that?

8 MR. BECKSTROM: Yeah, we have.

9 THE COURT: Or has your client --

10 MR. BECKSTROM: We have. We've looked at those. I
11 think that part of the problem is Donna I guess is building a
12 house like she said. So I think she's living in temporary
13 housing right now unless that's changed. So and then the
14 other son, Scott (ph), he's in the Inland Empire, but if the
15 Court recalls he was one of the individuals who's actually
16 evicted from June's rental property and he wasn't very happy
17 about that. So, you know, as far as family, I'm not aware of
18 anyone else down there. But there has been efforts to -- to
19 look down there and they continue.

20 MS. SIMMONS: And we haven't been involved to even
21 being asked if she could stay with us because we could make
22 some kind of arrangement for them to stay in Orange County,
23 but we never have been involved in any of that whatsoever.

24 MR. MICHAELSON: Mom asked on it and she would let

1 Kim move --

2 THE COURT: Donna, can I ask you this?

3 MS. FRIEDMAN: Would you let Kim move into your
4 house?

5 THE COURT: Hold on -- hold on a second, both. I --
6 I just need to ask Donna a question. Donna, are -- so I know
7 you're -- you're building a house. I -- I hate that process.
8 It's horrible. But are you living in temporary housing right
9 now or -- or what's your situation right now?

10 MS. SIMMONS: Okay. So we -- I have a place in
11 Orange County that we stay, but right now I've been staying a
12 lot at Canyon Lake where we're having our house built. And we
13 have a fifth wheel trailer that we're staying in.

14 THE COURT: Okay.

15 MS. SIMMONS: Right now, we're looking to move into
16 our house within probably the next -- no longer than a month.
17 And in the meantime if that was the case, we would still have
18 our trailer there. She would have to pay the fee to have our
19 trailer stay there and her stay in it. But that's an option.

20 But my biggest question is what's wrong with her --
21 her moving in to her house that she has in Anaheim in Orange
22 County, her own house? Why is Kim not moving there?

23 THE COURT: Okay. So hold on. Hold -- we'll get
24 there. I just wanted to make sure -- so when you say that

1 that you're staying in Orange County as you're finishing up
2 this build, is it just like an apartment? Is it a -- is it a
3 rental or is it? What is it?

4 MS. SIMMONS: Well, it's part of -- yeah, it's a one
5 bedroom apartment more or less.

6 THE COURT: Okay.

7 MS. SIMMONS: Yes.

8 THE COURT: And it's just temporary.

9 MS. SIMMONS: Right. And my -- and my brother also
10 has a back house. And he has no problem with my mom and --
11 staying there. And I would be able to help with my mom
12 because we're close enough that I can get there and -- and
13 stay there and do that. But in no way is he going to allow
14 Kim to stay there.

15 THE COURT: Okay. So Donna, you said your brother
16 who's in Riverside, he has a back house. Is that like a
17 casita, a separate house or unit in the backyard that has a
18 bathroom facility?

19 MS. SIMMONS: Yes. Yes. It's a full on one bedroom
20 place.

21 THE COURT: Oh.

22 MS. SIMMONS: And --

23 THE COURT: Okay.

24 MS. SIMMONS: Yeah.

1 THE COURT: I'm -- I'm just asking because I -- I --
2 these details are kind of helping me put the picture together.
3 Mr. Michaelson, was that the --
4 MR. MICHAELSON: Yes.
5 THE COURT: -- question that your client had or did
6 she have a different question?
7 MR. MICHAELSON: I think it was -- it was -- yes ==
8 MS. FRIEDMAN: Yeah, I -- I want to clarify so that
9 Donna understands. You're -- you're -- would you let Kim live
10 at your house with mom or are you like stuck where you
11 wouldn't --
12 MS. SIMMONS: I would --
13 MS. FRIEDMAN: -- be I think --
14 MS. SIMMONS: Yeah, no. I mean, how it is, it's my
15 fiancée and everything going on. My mom would be able to stay
16 there. But no, I would prefer not to have Kim there. But --
17 THE COURT: Okay.
18 MS. FRIEDMAN: And Ms. --
19 MS. SIMMONS: -- and (indiscernible) --
20 MS. FRIEDMAN: -- Ms. -- Judge Marquis --
21 MS. SIMMONS: Go ahead, Robyn.
22 MR. MICHAELSON: Your Honor --
23 MS. FRIEDMAN: We have -- I can tell --
24 MR. MICHAELSON: -- we want to --

1 MS. FRIEDMAN: -- that (indiscernible), yeah.
2 MR. MICHAELSON: -- we want to let you direct who
3 you want to talk. We -- we have things to say, but obviously
4 we'll wait --
5 MS. FRIEDMAN: Well, I want to contribute to about
6 -- I know the Scott situation.
7 MR. MICHAELSON: She -- Robyn has a few things to
8 say about Scott. Do you want her to talk or do you want us to
9 wait for a minute?
10 MS. FRIEDMAN: And his ability --
11 THE COURT: Well --
12 MS. FRIEDMAN: -- to let my mom live there.
13 THE COURT: But so -- and can -- is Scott willing to
14 let mom be there?
15 MS. FRIEDMAN: Not if -- not if he has to have any
16 involvement with Kim at all. His -- and Elizabeth will speak
17 to him. His situation with my sister right now is he won't
18 even see her to pick up or to -- they haven't talked for a
19 year because Kim told him the last time they went to visit
20 that he -- she was bringing my mom to go visit with them. She
21 showed up without my mom and with Dean (ph) and my brother
22 feels like he was threatened in his home. And he will not be
23 around Dean or Kim or have communication with him at all
24 because of that because of how he felt he was intimidated and

1 that they, you know, said -- use my mom as a guise to get over
2 there into the house and talk to him and then threaten him.
3 So I guarantee that he would probably be willing to have my
4 mom stay there as long as there was no connection to Kim at
5 all. I would be shocked -- he doesn't even want Kim to know
6 where he lives. And so --

7 MR. BECKSTROM: Judge, I'm --

8 MS. FRIEDMAN: -- I have --

9 MR. BECKSTROM: -- just going to object to this
10 narrative. This --

11 THE COURT: Okay.

12 MR. BECKSTROM: -- is getting -- I mean, this has
13 been the problem in this case. And --

14 THE COURT: No, so this is what I'm doing. Mr.
15 Beckstrom, I'm not really concerned about the truth of why
16 Scott and Kimberly don't like each other. Told me they don't.
17 I -- I don't need the details of it. I'm not saying one side
18 is correct or not correct. I'm not -- I -- I really
19 absolutely do not care about that. What I'm trying to do is
20 get us to problem solve where Kathleen Jones is going to live,
21 all right, and protect her estate. I'm -- I'm worried about
22 it. I -- I need more information, these details and
23 opportunities. I just want to check off my list. All right.
24 So Kim and Kathleen can't live with Donna. Kim and Kathleen

1 can't live with Scott. Is there anyone else in California?
2 And I'm going to get to the rental property in a moment.
3 Anyone else in California, any family member or close family
4 friend that would allow Kim and Kathleen to live there
5 temporarily until they find a rental?

6 MR. BECKSTROM: No, there's not.

7 THE COURT: Okay. So let's go to the rental. I
8 know we -- we discussed it on the last time when we talked
9 about renovations. Mr. Beckstrom, what's the status of that
10 rental property in Anaheim which is, you know, right next
11 door, knocking on the door of Orange County?

12 MR. BECKSTROM: Yeah, Anaheim's in Orange County.
13 The status is it's occupied by a tenant. It has been a
14 possible option. There would have to be a 30 day notice to
15 breach the lease and then, you know, get that tenant out.
16 Again, there's potentially a problem because you can't evict
17 anyone right now.

18 THE COURT: Is there a lease?

19 MS. SIMMONS: No lease.

20 THE COURT: Hold on. Hold. Hold. My -- okay.
21 Everybody, let me ask some questions, please. Is there a
22 written lease on the Anaheim rental property?

23 MR. BECKSTROM: Yes, Your Honor.

24 THE COURT: Please file it into this case so that if

1 you file it confidentially, I want to see it so that I can see
2 the terms of the lease. And Mr. Beckstrom, I don't anticipate
3 you're going to off the hand -- offhand know the terms of this
4 lease. But generally was it a year lease?

5 MR. BECKSTROM: No --

6 THE COURT: So there's --

7 MR. BECKSTROM: -- it's a month-to-month -- it's a
8 month-to-month lease. That was -- that was the reason -- the
9 Court may remember awhile back, but it -- it's a
10 month-to-month lease. It's generating income for June, you
11 know. But that -- that is an option.

12 THE COURT: What is the monthly income, not the --
13 not the gross, but the income to her approximately? I'm not
14 -- I'm not keeping you to the --

15 MR. BECKSTROM: Yeah.

16 THE COURT: -- dollar amount.

17 MR. BECKSTROM: It -- it's over a thousand dollars a
18 month. And I -- I guess my understanding is that June doesn't
19 want to live in that house. Whether that's going to be a
20 consideration or an option is going to be a question, I
21 suppose, but that has been discussed and apparently it was her
22 position she doesn't want to live there.

23 THE COURT: Is there a -- is there a reason -- I
24 mean, is there a specific reason so that I can just understand

1 that better?

2 MR. BECKSTROM: I -- I do not know firsthand. Kim

3 may be able to speak to it briefly, but I'd like to keep it

4 limited, if possible.

5 THE COURT: Kim, do you know --

6 MR. MICHAELSON: Your Honor --

7 THE COURT: -- (indiscernible) -- Go ahead.

8 MS. JONES: Are you asking me, Kim?

9 THE COURT: Yes.

10 MS. JONES: My mom says that she doesn't want to

11 live in the house. She's content and with it being a rental.

12 And she says that she just would like to live in Orange County

13 and that's where she's -- that's her position.

14 THE COURT: Okay.

15 MR. MICHAELSON: Your Honor --

16 THE COURT: Uh-huh?

17 MR. MICHAELSON: -- I had some -- I had some

18 discussion with June on this. Would you like to hear what she

19 --

20 MS. FRIEDMAN: Recently.

21 MR. MICHAELSON: -- what June told her?

22 THE COURT: Sure.

23 MS. FRIEDMAN: I met with my mom at the park on I

24 think last Friday and Perry was there. And I said hey, then

1 -- you're -- you know, you're moving. That's exciting. And I
2 said where -- do you know where you're going yet. And she
3 said she didn't know. And I said where -- what do you think
4 about the Anaheim house. And -- and she said no, I don't want
5 to live there. And I said okay, why not. And she said I
6 don't know. And that's normal. And then 10 minutes later we
7 were talking again. And I said something to the effect of do
8 you know why you don't want to live in the Anaheim said. And
9 she said it's too small. And then I said oh, okay, where
10 would you rather live. And she said Yorba Linda.

11 It's close to everyone. And I said oh, okay. Maybe
12 you'll be in by Easter and left it at that. But the hou -- I
13 don't know that the house that she understands that this is my
14 mom's cognitive abilities. She doesn't understand that an
15 apartment or someplace else is likely to be smaller than the
16 Anaheim house with the big yards and garages and three
17 bedrooms and a living room and, you know. But that was just
18 my conversation with her recently and Perry was there for it.

19 THE COURT: Mr. Beckstrom, what is the price of the
20 rentals that -- and first, let me ask you this. You said that
21 rental in The Willows, it's a 55 plus condo community. So I
22 would anticipate then the rental would be by an owner renting
23 back the condo. Would it be all right for Kim to live there
24 and I -- I don't mean to be rude so I don't want to anticipate

1 that Kim is over 55, I don't have her age written down here in
2 front of me. Will -- will you address that for me?

3 MR. BECKSTROM: Yes. So she would qualify under the
4 caregiver statute that I'm aware of. So I -- I don't think
5 she is 55. So I would be -- estimate she's under that. But
6 she can speak to that. But that's our understanding and this
7 is -- I don't think it's an actual condo. They're set up like
8 condos but they're actually the senior apartments up there off
9 the 215 and Town Center I believe, The Willows.

10 THE COURT: Okay. So they're senior apartments.
11 Okay. And what's the -- what's the nature of the apartment
12 that you're looking at? Is it a two bedroom or a one bedroom
13 or --

14 MR. BECKSTROM: Two bedroom --

15 THE COURT: -- first --

16 MR. BECKSTROM: -- Your Honor.

17 THE COURT: -- Two bedroom?

18 MR. BECKSTROM: Yes.

19 THE COURT: And -- and the residents would be Kim
20 and Kathleen?

21 MR. BECKSTROM: That's correct.

22 THE COURT: And what's the rent approximately?

23 MR. BECKSTROM: Approximately \$1700 from what I
24 understand.

1 THE COURT: Plus utilities?

2 MR. BECKSTROM: That's my understanding.

3 THE COURT: And what are the prices of rentals that
4 Kim's looking at in Orange County?

5 MR. BECKSTROM: There's been a couple. They range
6 from about 2500 to \$3500 a month. So those are for single
7 family houses, most of --

8 THE COURT: Okay.

9 MR. BECKSTROM: -- them one stories. And of course,
10 you know, that's more. So there -- there would be a -- a
11 split between Kim and June to stay at least. We would ask the
12 Court of that. Kim's preference is she'd like to pay for most
13 of it if possible and then, you know, have June just
14 compensate for the room she's occupying if that situation ever
15 came up.

16 THE COURT: Okay. I guess my -- my concern is the
17 same concern that I've had from the outset. And I -- I think
18 I've been clear. I don't want for -- especially if Robyn and
19 Donna agree. I don't want for Kathleen to have to move two
20 times or three times. Right. And I understand COVID makes
21 things difficult. I get that. Right. It's difficult on many
22 levels. It's difficult for rentals. Gotcha. I -- I would
23 like for this to be rather seamless. We've had some lead
24 time. Right. It -- it was a surprising settlement. But

1 we've had some lead time.

2 It sounds like California is the goal, that there's
3 no reason to stay in Las Vegas. I mean, Robyn is the only one
4 here and her children. It sounds like everyone else would be
5 closer in California. Kim's business is in California. It --
6 it sounds like Kim's -- Kim's business may bounce back like
7 gangbusters within just a few months. Certainly I would think
8 within the next three to four months. I -- I don't understand
9 any want to remain in Las Vegas other than it is cheaper and
10 you can get a condo. But that still is not the final goal.
11 Am I hearing that right, Mr. Beckstrom? Is there any --

12 MR. BECKSTROM: Yeah, that's --

13 THE COURT: -- other reason to stay in Las Vegas?

14 MR. BECKSTROM: No, that's correct. I mean, you
15 know, there's not really -- the only concern was, you know, if
16 -- if the Court thinks it's in the best interest, there is --
17 there is quite of an expensive rent period coming at the
18 current house. So they can stay there until -- I think it's
19 April 11th like I said or they can try to find some temporary
20 housing in Las Vegas while they continue to search. But, I
21 mean, I'm hopeful that -- I mean, she has a -- a real estate
22 agent looking for property. She's been looking. I'm hopeful
23 they're going to come up with something in Orange County if we
24 pass this another week or so is the goal.

1 THE COURT: Ms. Parra-Sandoval, do you want to weigh
2 in on any of that?

3 MS. PARRA-SANDOVAL: So Your Honor, June and I spoke
4 not quite recently, but I didn't have any addresses provided.
5 So I couldn't discuss exactly where. And it looks like the
6 Guardian is still struggling to find a place. But June is
7 willing to move to Southern California with her guardian and
8 that's as much as I can, you know, state. As far as what she
9 wants, it's to remain with her guardian and she's willing to
10 move to California.

11 THE COURT: Ms. Parra-Sandoval, I think I know the
12 answer to this, but let me make sure -- and I'll task you with
13 talking at her specifically about it. Have -- have you talked
14 to her about living in that Anaheim rental?

15 MS. PARRA-SANDOVAL: So no, I didn't know that that
16 was an option because I knew that it was being leased.

17 THE COURT: Okay. I'm going to ask you to talk to
18 her about it specifically and -- and talk to her about the
19 details. If in fact she's concerned that it's too small, I
20 want you to be -- review the record and -- and take a look at
21 how many bedrooms in a square footage there, the size of the
22 yard and -- and the other features of that home compared to
23 what the square footage would be of the apartment at The
24 Willows and -- and the amenities at The Willows.

1 I understand that, you know, it -- it may be her --
2 you know, she may be concerned about staying in that rental
3 because it's too small but I don't know that a larger
4 residence or apartment is within the budget at all. So, you
5 know, so that -- that would make a difference to me. If her
6 request -- her concern is that it's too small and she doesn't
7 want to be there, but, you know, I am provided with
8 information that there's nothing else that's bigger that's ev
9 -- even viable, I would take that into consideration.

10 So Mr. -- Ms. Parra-Sandoval, I would just ask you
11 and request that -- that you dig a little deeper on if in fact
12 she doesn't want to live there, why. You know, if it's
13 something like, you know, the rooms are painted yellow, you
14 know, that's -- that's something we can change. Right.
15 Because that's what my grandmother would say and Ms.
16 Parra-Sandoval you probably know that. She hates yellow and
17 she would be very upset about that. But that's something that
18 I can change. But if -- if it's something else, I'd -- I'd
19 like to know.

20 Has anybody else -- Mr. Michaelson, do you want to
21 weigh in? Do you have anything else to say?

22 MR. MICHAELSON: Yeah, Your Honor. We have a lot to
23 say about that. A couple things are just to give the Court a
24 little bit of context. Ms. Jones raised her family in that

1 house. They have been there -- so it isn't just some unknown
2 filthy rental place. It's a place where they -- they raised
3 everyone. And -- and supposedly it's been newly remodeled
4 just recently.

5 THE COURT: So --

6 MR. MICHAELSON: And so --

7 THE COURT: -- Mr. Michaelson, you say Ms. Jones,
8 you mean Kathleen Jones, right?

9 MR. MICHAELSON: Yes. Yeah. June.

10 THE COURT: Okay.

11 MR. MICHAELSON: I'll say June. Yeah.

12 THE COURT: Oh, I'm sorry. I'm --

13 MR. MICHAELSON: June --

14 THE COURT: -- just making sure if it was someone
15 else. Okay. She -- she --

16 MR. MICHAELSON: Yeah.

17 THE COURT: -- raised her children in that home.

18 MR. MICHAELSON: Yes. And --

19 THE COURT: Okay.

20 MR. MICHAELSON: And --

21 THE COURT: Got it.

22 MR. MICHAELSON: -- has lived -- yes. And has lived
23 there and owned that house from our understanding the best we
24 can tell over 50 years because Scott said he was raised there.

1 He moved there when he was very, very small. So it's not just
2 some, you know, rental house that they -- nobody knows about.
3 This is a family heirloom so to speak. It's a place -- it's
4 their -- their legacy home where they come from. And so I'm
5 not sure why she -- and under these circumstances, you know,
6 you would think that she would kind of want to go there.

7 I also am just curious why -- I mean, maybe there's
8 an incentive somewhere to liquidate money, you know, to -- to
9 move somewhere else because we can liquidate money. But it
10 seems like it pencils out fairly well for her to live there
11 and have the room for Kim to be able to be there and -- and
12 help her out.

13 MS. FRIEDMAN: And another (indiscernible).

14 MR. MICHAELSON: So -- yeah, and then I have, Your
15 Honor, some related items on this -- where we -- it -- that it
16 would be helpful is that the -- the accounting -- it's hard to
17 piece this together when the accounting doesn't get served on
18 us and we -- we do get it eventually. But the compliance
19 office found that it was lacking a lot of information. And
20 we're not trying to be these jerks always bringing it up, but
21 it's just -- it is time to probably put some things in
22 writing. I mean, even the Court is saying okay, now how much
23 is the rent, you know, what -- we need to put some of this
24 stuff in writing so we understand what the costs are, like how

1 much cash does she have, how's she going to pay for a move,
2 normal families with Counsel about this. There are ways to do
3 this.

4 And I -- I want to just remind the Court. I know
5 the Court knows this, but to -- to say, to express that if a
6 guardian has a personal problem with people, that is a
7 personal issue, but if you accept the role of being a
8 guardian, then it's kind of like the axiom of with great power
9 comes great responsibility. You know, you -- if you want to
10 do -- if you don't want to do that, then you shouldn't be the
11 guardian. If -- but if you accept the role to represent a
12 protected person, whether you want to or not, you must
13 communicate. You must discuss with the -- with the family the
14 options that are available and that are there.

15 And -- and there are options that are there, but we
16 really would like to ask the Court to -- to ask for -- that
17 the accounting be updated and -- and t hat we go through some
18 discussion of -- we have quite a lot of points. And I don't
19 know whether I can -- I can go through them here or maybe give
20 some time to Robyn if that's okay with the Court.

21 MS. FRIEDMAN: I'd rather you.

22 MR. MICHAELSON: Do you like me to just read through
23 some of the questions we have?

24 MS. FRIEDMAN: Relating to move.

1 MR. MICHAELSON: Relating to the move, Your Honor.

2 THE COURT: Please, go ahead.

3 MR. MICHAELSON: Okay. So we're just wondering has
4 she hired an agent to help with this. We think that 55 plus
5 the rent is a little bit more expensive. Robyn has access to
6 rental properties and buys and sells and rents homes a lot.
7 So Robyn and Perry have a lot of expertise in this area that
8 -- that could be brought to bear. In California or Nevada,
9 what is the plan for who will live with June? She's
10 everyone's mother here -- well, of the family's mother. And
11 so, you know, is for example would Kim have a companion or a
12 partner living there, who is that person, is there a criminal
13 record, that kind -- those are just things that are just
14 normal that one would -- would want to understand. How are
15 they applying to qualify for their lease or rent or anything?

16 MS. FRIEDMAN: Is that part of the problem.

17 MR. MICHAELSON: One of the challenges we think
18 could be that instead when you don't use the Anaheim house
19 which she already owns and you apply to live other places, you
20 have to do a credit and background checks.

21 MS. FRIEDMAN: Kim's unemployed.

22 MR. MICHAELSON: And -- and if -- if Kim is not
23 bringing in income, it might be a situation where she will not
24 be able to qualify to rent a place.

1 MS. FRIEDMAN: Or if Dean has a record.

2 MR. MICHAELSON: And -- and -- or -- or perhaps if
3 there's -- if -- if Dean has a record or whatever, it could --
4 could be an issue. And just also wanting to know what the
5 long term financial plan is. You know, like if there's a -- a
6 desire to sell Anaheim to liquidate cash, let's describe that.
7 What -- what's the purpose of that. What -- where would that
8 money go. Because it's a safe harbor for her that she's very
9 accustomed to right now.

10 But -- but it may make sense, but we just don't
11 understand the thinking and there's no need for secrecy here.
12 This is not a -- a major legal issue. It's more of a family
13 issue.

14 MS. FRIEDMAN: We're looking for continuity here.

15 MR. MICHAELSON: We just need a, you know, a
16 continuity of care. We talked about that the -- the
17 accounting is incomplete. There are also -- we -- we
18 forwarded some information. There's a timeshare bill that's
19 not being addressed. It could be a potential issue. Robyn
20 conveys that she rents a condo she owns now for a thousand
21 dollars for a two bedroom. It's at Durango and the 215. So
22 it's much less than the HOA community.

23 Also, the cost of staying in the Kraft house, Mr.
24 Beckstrom may have it right in front of him right now, but I

1 believe just -- I -- I don't know if Your Honor is -- is --
2 has that in front of you, but it's -- it might be around
3 \$4,000 a month. So it's -- and soon in the next couple weeks.
4 So that can be kind of astronomically expensive to -- to stay
5 in the Kraft house.

6 We would just love to have more information. I
7 guess it'll come out and -- and Kim if she's going to petition
8 for fees or something, just the representation of her company
9 and the income and what she's doing.

10 MS. FRIEDMAN: I --

11 MR. MICHAELSON: If she's not --

12 MS. FRIEDMAN: I have concerns -- we have -- I have
13 concerns about that, that -- that there's being this
14 representation of this company existing and as we -- we have
15 concerns about the -- the kind of legitimacy of that and the
16 income that's derived from it yearly and -- and whether that
17 actually is something that is able to support her. Donna can
18 speak to this, but in our experience or what we've seen in the
19 past it was very piecemeal and was not providing an income to
20 be able to support her stably.

21 MR. MICHAELSON: That's -- okay, that's good. Yeah,
22 so we just want to reque -- the -- as you can see, hopefully
23 Your Honor there are options here. There's a lot at play.
24 Donna and her family have options. There's a lot of things

1 that can happen. But it just takes talking. And whoever's
2 going to be the guardian, it needs to -- to be in a position
3 to communicate with the family. And if they can't do that,
4 then, you know, that -- then -- then they're not able to be a
5 guardian. I mean, that -- that's the -- the thing about that.

6 And so right now we have a -- what is really a
7 crisis for June. I mean, we have loving people. All the --
8 the Court is very gracious to her, but there's a crisis here
9 and it's a time to try to -- to communicate on this about it
10 and just going alone or not talking -- I mean, even the Court
11 is having to take time to -- to pull out these details that
12 most people would say Your Honor, I'm going to file -- without
13 being asked, let me file a written plan of -- of how this is
14 going to work and -- and that sort of thing. So yeah, if --
15 if Kimberly's not working, then she hopefully has all day and
16 has had all day for -- for awhile. I know she provides care
17 but, she does have -- have a lot -- a good amount of time to
18 -- to do this.

19 MS. FRIEDMAN: And I'll help.

20 MR. MICHAELSON: Yeah, and Robyn will help, so --

21 THE COURT: Mr. Beckstrom, did you want to respond
22 to those things? Is it about 4,000 a month you think? Is
23 that a correct description about that fee as it increases?

24 MR. BECKSTROM: If it goes through April 11th, the

1 maximum it would be is \$4,000 a month. It goes to \$3,000 a
2 month as of I believe today going forward it's prorated daily.
3 So yeah, and that's -- that's why we raised the issue of do we
4 move somewhere locally temporarily -- temporarily.

5 I mean, on the other points, Judge, like we've been
6 through this. there's no secrecy here. If there was an
7 update, we had provided -- I provided an email to everyone
8 involved relaying the same. And, you know, the accounting is
9 coming. There's been a lot going on in this case. And I know
10 everyone has opinions on this but the only person who's been
11 doing the work is Kimberly.

12 So we're getting the documents together. We'll file
13 the lease with the Court. Anaheim may be a possibility. And
14 it sounds like there's no objection to it by anyone. So if
15 the Court wants us to go and explore that further, we can go
16 down that road, you know --

17 THE COURT: Well --

18 MR. BECKSTROM: -- I mean --

19 THE COURT: -- I guess -- Ms. Brickfield, I was
20 going to ask you this, because Ms. Brickfield I know -- I
21 mean, you -- you have a vast experience in guardianship. I --
22 I -- I'm concerned because I am babysitting -- I'm trying to
23 problem solve a move. But -- and I'm happy to do that, but my
24 worry is that this is like super unique. Right. This is not

1 what we do. A guardian -- and utilizes their decision making
2 power and -- and presents their proposal to me and then there
3 is an opportunity for objections. I -- I do this because I'm
4 concerned about the fast pace, right, and the limited income
5 that's coming in. The limited assets. Kathleen June needs to
6 be -- I think it's important that she move once. But if she
7 cannot, then she cannot. And if it has to be two moves, then
8 it has to be.

9 But Ms. Brickfield, I -- I don't know if -- would
10 weigh in, you know, to -- this is just very unique. This is
11 not normal, Ms. Brickfield.

12 MS. BRICKFIELD: No, Your Honor. I -- I agree with
13 you. It's -- it's not -- it's not normal. We have children
14 who are offering -- children who are caring for mom, children
15 who are offering to care for mom. One of my concerns in the
16 role you've given me is to the extent that there is a place
17 where June wants -- where June ends living where she is not
18 the primary owner or the primary tenant. We may have other
19 issues relating to a -- any child's ability to visit mom. I
20 like to -- I liked visiting my mother and her home and feeling
21 welcome and not being concerned about whether there are other
22 people there with whom I could not interact.

23 And so that to me is a primary concern that every
24 child feels free and welcome in mom. So let me -- let me just

1 start with that.

2 I have not talked to June specifically about the --
3 the issue of her relocation. I have had conversations with
4 two children so far. I'm expecting to have conversations with
5 other children. And if the Court wants, I expect to ask them
6 what their opinions are about the move as well.

7 But to me, that's a primary concern. I want to feel
8 welcome in my mother's home. I want my mother to feel that it
9 is her home. And if necessary, I want to be able to spend
10 time with my mother in that home without having to worry about
11 having to leave the home with her.

12 THE COURT: Right. This -- you know -- I -- I think
13 from the start Donna and Robyn have set -- don't have an
14 objection to mom moving to California. I mean, right? So --
15 and the question was, you know, about my jurisdiction and
16 ability to -- to hear the pending motions which I indicated
17 that I would. I will make a decision about visitation, but,
18 you know, the decision I make about visitation is impacted by
19 where June lives. Right. So if I'm going to make a certain
20 decision about visitation, it depend -- it -- I need to take
21 into consideration if Robyn lives five hours away or if Robyn
22 lives five miles away. Right.

23 And the type and duration and frequency of that
24 visitation is important. Right. So now if Donna lives 40

1 minutes away, you -- you know, that's different. And that is
2 why I would like to know where she's going to live before I
3 make this decision.

4 I think Donna and Robyn have been really clear. I
5 don't think it's any secret to them. And -- and it seems like
6 based on the facts Kim told me today that the ultimate goal is
7 this move to California, right, because for family, for June,
8 has a lot of family there. Also Robyn has a family there.
9 And Robyn's business is there.

10 So I -- I can understand, Mr. Beckstrom, the
11 inability to find rental properties, but I'm not sure that a
12 rental property is the appropriate setting for June to -- to
13 live the rest of her years. She has a very, very limited
14 income when I look at this accounting which was filed long ago
15 but I don't have a hearing date for.

16 So her income is very, very small. It's not going
17 to increase. Just -- it may make sense that that Anaheim
18 property is the only option. I understand she might not want
19 to live there. If it's -- is a written lease that is
20 month-to-month, I'm not sure what the eviction protocol is in
21 California, but an eviction process would be at the end of the
22 lease, right. It wouldn't be for nonpayment due to COVID.
23 Right. So I'm -- I'm not sure about those specific
24 regulations, but if you can have somebody out in 30 to 45

1 days, certainly that's very soon. That would allow her to
2 move one time.

3 And if that's acceptable for everybody and what I'm
4 not hearing is -- is an objection to this idea. And -- and we
5 still don't have a petition for relocation. Right. So I will
6 still deal with the issue of visitation. I would like to deal
7 with the issue of visitation after I know what the plan is for
8 June because I will waste a whole bunch of attorney time
9 dealing with and making an order about possible visitation and
10 hearing tons of arguments and then she's going to move in six
11 months or 45 days later and we're going to be back and we're
12 going to run the whole thing again.

13 So I would like to do it in order. We have spent an
14 inordinate amount of time in this case and I know that it is
15 necessary. But I also note that this is -- some of these
16 issues are such commonsense. Right. Like if we are moving to
17 California and if there is already a property and it's hard to
18 find rentals, this seems like we need to explore this further
19 and make some determinations and -- and change things and --
20 and make some priorities.

21 I'm worried that we're spinning our wheels and we're
22 not getting anywhere. I'm worried we're going to spend a
23 bunch of money. If The Willows condo is \$2500 a month, she
24 don't have \$2500 a month. So how does that work and how is

1 the rent going to be split? And who's paying for what
2 utilities? So I just have a lot of concerns.

3 I don't want to continue status checking this, but
4 time is of the essence. She only has a few -- but just this
5 window of making a decision and then filing a petition or
6 filing a notice of change and -- and allowing us to move
7 forward. So Mr. Beckstrom, I know you asked for a status
8 check in two weeks. Ms. Parra-Sandoval, how would you like to
9 proceed from here?

10 MS. PARRA-SANDOVAL: So Your Honor, I will actually
11 be out of office from March 15 to March 26th. So even if you
12 schedule something sooner, I won't be available; however,
13 another Legal Aid attorney would be able to cover if you
14 schedule something sooner than the two weeks.

15 THE COURT: So you're out. Let me make sure I
16 heard. So you're out the next two weeks. So I couldn't --

17 MS. PARRA-SANDOVAL: Yes.

18 THE COURT: -- do sooner than two weeks. You're --
19 you're leaving on Monday. You're out of --

20 MS. PARRA-SANDOVAL: Yes.

21 THE COURT: -- the office, right?

22 MS. PARRA-SANDOVAL: This --

23 THE COURT: Okay.

24 MS. PARRA-SANDOVAL: -- Monday.

1 THE COURT: Okay. For two weeks. So if I set it
2 over for two weeks, I would set it on the 26th and you
3 wouldn't be in the office. Okay.

4 MS. PARRA-SANDOVAL: No.

5 THE COURT: All right. Mr. Michaelson, Mr.
6 Beckstrom's asking for a two week status check. What's your
7 request procedurally?

8 MR. MICHAELSON: Just, I mean, I'm all in favor of
9 this. I -- I agree and echo what you're saying, Your Honor.
10 This is costing the clients thousands and thousands of
11 dollars. I mean, I -- honestly and it's against my own
12 interest to say it. I know it's kind of weird to say it, but
13 I'm ready to be done with this case. I mean, we -- the --
14 this is just ridiculous. I mean, we're -- we're saying -- the
15 -- the report that Mr. Beckstrom said he gave, his report in
16 his email, he's told you I gave them the report, what I --
17 what his report said, I don't have the report. That's what he
18 said. The email said I have nothing.

19 And so what we're saying is we're always portraying
20 like we're jerks, but we're saying we double checked while
21 you're consi -- conferring with them. It goes to \$4,000 a
22 month in the Kraft house in the -- on the 27th. So about 2 --
23 less than two weeks from today we'll be at \$4,000.

24 And -- and our concern is if Kimberly's not working

1 and has no income, let's just be real here. I respect her and
2 grateful for the care she's giving, but she is not going to
3 qualify for an apartment. That's not going to happen. And so
4 what we need to do is talk to the family who has other rental
5 properties that are a lot less, you know, and -- and just like
6 a normal family. It's time to talk.

7 I mean, the only reason we're even here with you
8 babysitting this is because they can't talk. And -- and maybe
9 you'll say well, they can't talk so they can't talk. So we
10 got to do it with the Court. But this can get resolved very
11 quickly with some just, you know, like I'm thinking you're
12 having to tease and pull out the plan when it could have been
13 presented more fully in writing so we can review it. But --
14 but we're getting -- the -- this is what we've been dealing
15 with for a long -- over a year now which is promises that
16 something will come forth but it never does. And then the
17 more we ask and the more we bring it up, we're portrayed like
18 impatient jerks.

19 MS. FRIEDMAN: She wasn't going to qualify --

20 MR. BECKSTROM: Your --

21 MR. MICHAELSON: You know --

22 MR. BECKSTROM: Your --

23 MR. MICHAELSON: -- so --

24 MR. BECKSTROM: -- Honor --

1 MR. MICHAELSON: So we --

2 MR. BECKSTROM: I could --

3 MR. MICHAELSON: -- we would just -- status check is
4 fine, but we -- we do -- would like to see some -- there is
5 power in this family to resolve this, but it takes a certain
6 humility and step back on the part of the guardian.

7 MS. FRIEDMAN: And how are they going to qualify for
8 an apartment?

9 MR. BECKSTROM: Judge, I -- I mean, I've been fine
10 on the issue, okay, and -- and I want the Court to be clear
11 and remember the timeline here. There hasn't been a waste of
12 time and we're in full agreement with the Court on the pros of
13 the Anaheim property. But the Court can appreciate and
14 understand that if we came back and just said well, we didn't
15 look at anything else, we're just going to move into this
16 property, that wouldn't -- that would have been met with
17 criticism too. So there was a week-and-a-half spent looking
18 for property which is not unreasonable. And the result's been
19 reported.

20 So, you know, there's been a lot of attack here but
21 no one's delaying this and no one wants to babysit this any
22 less than us. So, I mean, we can status check it in a week if
23 the Court desires to move it quicker. We certainly do. And
24 if there's no update, we can email everyone including the

1 Court and maybe push it out another week.

2 But there -- there's absolutely a universal desire
3 to get this done. And, I mean --

4 MR. MICHAELSON: I would be in favor of next week.

5 THE COURT: So I'm -- I'm a little bit at my wit's
6 end. I am going to set it for next week. I -- I want you to
7 -- ot know that I'm like growing extraordinarily impatient.
8 If I could, and I want you guys to consider this, I would lock
9 -- well, other than COVID regulations. I would like to lock
10 everybody in the same conference room with me and for me to
11 mediate all issues and come up with a universal resolution. I
12 got a lot to say and I think there's a lot that needs to be
13 said that can't be said on the record.

14 And I'm -- I'm worried about that, like the -- it
15 just continues to build this pressure of the past, right, when
16 we just need to problem solve what's going on right now, setup
17 a specific plan for moving forward. These issues are super
18 interrelated. And if I could draw up a creative plan that
19 gave everybody and empowered everybody to get what they want,
20 which I think is palpable, it's on the surface here, right.

21 And Ms. Brickfield, I don't know if you see it and
22 you visualize it and it's like -- you know, it's like the Loch
23 Ness Monster, right, like parts of it keep coming up and it's
24 so obvious. But I -- I can't do it. Right.

1 So first consider waiving the issue of me doing a
2 settlement conference and -- and just handling it. Right.
3 But -- and then there's no cost to the estate and I'll be
4 done. But Ms. Parra-Sandoval's got to be in town for that. I
5 -- I can't -- I can't do that with her out of town even if
6 there -- there's another attorney standing in for her.

7 I also am going to need a full day. I'm going to do
8 it in the courtroom because I'm going to be upset so I'm going
9 to have to move around a little bit. I can't scream and yell
10 at my home all day long or my coworkers here will go crazy.
11 So I want you to think about that.

12 If that doesn't work, which I concede may not work,
13 and -- and nobody may be interested in waiving, I am happy to
14 give you any senior judge. I am happy to beg any private
15 attorney to resolve this universally and waive their fees or
16 set up a creative payment plan. If you can agree on the
17 person and you can beg and borrow or Ms. Brickfield can beg
18 them to -- to do it, wonderful. You need me to beg them to do
19 it, I will do it. But it appears that we just need to spend
20 the time that it's going to take to resolve all of these
21 issues and for somebody just to get it done.

22 I will see everybody back on Friday. This is what I
23 want to know from you. Number one, will you waive and let me
24 do a settlement conference. I'll set it on a priority basis.

1 Number two, if you don't want to waive, which I'm never going
2 to hold against you, listen, I -- I absolutely get that
3 there's a -- a lot of interest and there's a lot going on. So
4 I'm not going to take it personally at all. I say this only
5 because I'm happy to do the heavy lifting. Second, if you
6 don't want to waive and you don't want me to do it, is there a
7 senior judge who you might consider to handle it. Even a
8 senior who doesn't have their commission yet. Or is there a
9 privately -- some private attorney that you can agree on or,
10 you know, senior justice or somebody doing private mediation
11 that you can agree on.

12 And then I want an update, Mr. Beckstrom, from kind
13 of where we're at. I -- I need really to give me an idea of
14 what the rules are in California to have the eviction
15 moratorium and does it cover end of lease evictions or does it
16 just cover nonpayment of rent.

17 MR. BECKSTROM: Yes, Your Honor. Yeah, and --
18 and --

19 THE COURT: I -- I don't know.

20 MR. BECKSTROM: Yeah, I do know. I practice out
21 there. So no, I'm -- I'm in agreement with the Court that we
22 could evict. I mean, it may take 45 days. I think that's the
23 time frame you're looking at. So certainly that's an option.
24 And to the Court's -- we'll just save you the time. We -- we

1 would waive and welcome the conference. We would appreciate
2 it.

3 MR. MICHAELSON: Your Honor, and we --

4 THE COURT: We --

5 MR. MICHAELSON: -- would waive and welcome --
6 welcome you doing that.

7 THE COURT: Ms. Brickfield.

8 MS. BRICKFIELD: I agree, Your Honor. I'm happy to
9 waive.

10 THE COURT: All right. Ms. Parra-Sandoval, I know
11 you didn't talk to your client about this.

12 MS. PARRA-SANDOVAL: No. And so, you know, I would
13 be happy to also waive and welcome a conference with you. I
14 don't know what my client would say to that, but if everyone
15 is in agreement at this point, it would be wrong of me to say
16 no.

17 MR. BECKSTROM: I just think you're more up-to-date
18 on -- on the issues, Your Honor, and it's -- you have a better
19 overview of everything. So I think you hit the nail on the
20 head there.

21 THE COURT: I'm really happy right now. I just want
22 to get this done. All right. This is what we're going to do.
23 I'm going to see you on Friday the 19th for a status check at
24 1:00 o'clock.

1 MS. BRICKFIELD: Your -- you --

2 THE COURT: Yeah.

3 MS. BRICKFIELD: It's Elizabeth Brickfield. There's
4 one more piece of information. I was hoping Mr. Beckstrom
5 could at least find out for us. My understanding is that
6 there is a lot of equity in that house. And it may be that if
7 we can find out the -- the amount of the -- any mortgage and
8 the equity that that might also open some possibilities in the
9 short and the long run for June. Right. The -- the reality
10 is if this is going to be her residence, then it's protected
11 from -- from creditors or it would be protected from Medicaid
12 and Medi-Cal and -- and if it's not, then it won't be. So
13 that's something that should be taken into consideration.

14 And also if there is an objection to her living
15 there, it may simply be that this -- that we need to just find
16 out what the real estate market is like, how much equity there
17 is, and whether that opens a series of options long and short
18 term.

19 THE COURT: All right. I -- thank you, Ms.
20 Brickfield. Mr. Beckstrom, if you can get that information
21 for Friday, that would be great. You don't need an exact
22 dollar amount for us, but an approximation would be wonderful.
23 I'm going to tell you right now I've got next week -- or it
24 would be -- I'm sorry, March 23rd or March 24th. Counsel, I'm

1 going to ask for your availability. I'm going to start at
2 8:30 with you. And I want to go until we get it done. And
3 we're going to be putting the resolution on the record.

4 So to that extent, I -- I certainly don't think --
5 oh, Counsel, you're not in town then; is that right? Ms.
6 Parra-Sandoval, you're still not back by then, is that right?

7 MS. PARRA-SANDOVAL: That's right.

8 THE COURT: Okay.

9 MS. PARRA-SANDOVAL: I --

10 THE COURT: So I don't -- no, no, no. I -- I don't
11 think having a substitute for you is -- is a good idea at all.
12 I -- I need for you to be there. So I can do the 30th,
13 Counsel. Mr. Michaelson, are you available on the 30th,
14 Tuesday the 30th?

15 MR. MICHAELSON: I think I am. Let me just check.
16 I'm just pulling it up here.

17 THE COURT: It -- it is the week before Easter.

18 MR. MICHAELSON: Yeah, I'm -- I'm available.

19 THE COURT: Ms. Brickfield?

20 MS. BRICKFIELD: I'm available.

21 THE COURT: Mr. Beckstrom?

22 MR. BECKSTROM: I have a hearing at 9:00 a.m., so as
23 long as the Court doesn't mind me stepping out I can take it.

24 THE COURT: Sure. Who's the hearing in front of?

1 MR. BECKSTROM: I believe it's in front of Judge
2 Delaney.

3 THE COURT: Okay. Do you think it's going to be a
4 -- a -- it's not like 10 motions in limine and a summary
5 judgment?

6 MR. BECKSTROM: A motion to amend in a sex abuse
7 case, so we'll see. It shouldn't be too long. More than half
8 an hour.

9 THE COURT: Okay. And I think we can probably work
10 with Mr. Beckstrom coming in and out anyway. I -- I -- that
11 -- that works and it's okay if that's okay with you, Mr.
12 Beckstrom?

13 MR. BECKSTROM: Yeah, that's fine with me.

14 THE COURT: I would set up Mr. Michaelson a
15 BlueJeans feed for Donna and any other family members from out
16 of state so they don't feel like they need to come in -- in
17 town.

18 MR. MICHAELSON: And -- and, Your Honor -- and this
19 may be totally out of the course, but is it possible to do
20 something in person or is that not going to fly?

21 THE COURT: I think we may be able to. And I
22 anticipated this week a new admin order from our chief. It
23 didn't come this week, but it should be coming next week.
24 This is going to change our rules and -- and roll us back a

1 few -- a few steps. So I think that we can do it in person.
2 If -- I'm going to ask you next week how many humans you want
3 to have there in person. And I'm going to take count because
4 I have us -- for every room in the courtroom we have a -- a
5 maximum. I'm giving the six feet distance. If I need to get
6 another courtroom, I need to get a conference room, if I need
7 to get something else, I will make that happen.

8 I also have space at the convention center that's
9 leased by the District Court. I will reserve the space at the
10 convention center if I need to. I do think that some of this
11 has to happen in person. I need to see your eyeballs or maybe
12 you need to see my eyeballs. Mr. Michaelson.

13 MR. MICHAELSON: Your Honor -- oh, Robyn has a
14 venue. She does events that has -- can hold 50. So, I mean,
15 that's that. But it sounds like you've got venue as well.
16 But we -- we have a place that we can social distance and --

17 MS. FRIEDMAN: I could do internet.

18 MR. MICHAELSON: -- can do that, so --

19 MS. FRIEDMAN: -- internet.

20 THE COURT: So you know they don't like me, Mr.
21 Michaelson, going on -- going anywhere without my whole crew.
22 It -- it starts to get a little dicey. The great thing about
23 the convention center is we already have our same computer
24 system and security. We have an advanced team that speaks --

1 not because of my days in the guardianship court, be -- but
2 from my days before I have some specific security risks. So
3 we'll be staying in the courtroom or in a convention center if
4 we can. But thank you. I appreciate the offer. I just -- I
5 -- I bring a lot of baggage with me. So I -- I apologize.
6 I'm not always the best guest.

7 Mr. Beckstrom, I think that date will work for us
8 then. I am going to ask you all to talk to your clients about
9 who you want to be there and who you want to be joining us by
10 video. That video feed will be live and I can operate that in
11 a courtroom so we can see on a big screen. It's no problem
12 for me. But talk to your -- to your people about that and
13 we'll -- we'll come up with a decision.

14 We're going to start at 8:30. We're going to let
15 Mr. Beckstrom go and -- and handle his -- his hearings. Maybe
16 he has to stand in the hallway on his phone or -- or maybe
17 he'll go to the courtroom. I don't know. But I will direct
18 your attention to that new order when we see it. But expect a
19 law -- phone call Counsel from my law clerk telling you about
20 that new order when it comes from the chief next week and what
21 the rules that will be able to operate are and then I'll find
22 a space. All right?

23 MS. SIMMONS: Your Honor, thank you so much for --
24 for doing this for our family. I appreciate it.

1 MR. BECKSTROM: Can we get the --
2 THE COURT: Anytime.
3 MR. BECKSTROM: -- date one more time, Judge? Is
4 there a --
5 THE COURT: Anytime.
6 MR. BECKSTROM: -- status check or --
7 THE COURT: Yeah, I'm going to status check you next
8 week, the 19th at 1:00 p.m. And then we're set for the 30th
9 at 8:30. Place to be determined and will be impact by a new
10 admin order from our chief. But I will make it happen. All
11 right?
12 MS. BRICKFIELD: Thank you.
13 MR. BECKSTROM: Thank you, Your Honor.
14 THE COURT: This hearing -- this hearing remains
15 sealed. So the minutes will be sealed until further order.
16 Thank you.
17 MR. BECKSTROM: Thank you.
18 MS. BRICKFIELD: Thank you.
19 (PROCEEDINGS CONCLUDED AT 3:26:01)
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ATTEST: I do hereby certify that I have truly and
correctly transcribed the digital proceedings in the above-
entitled case to the best of my ability.

Adrian Medrano

Adrian N. Medrano

FILED

MAR 25 2022

Sharon A. Blinn
CLERK OF COURT

1 TRANS

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3

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COPY

5

EIGHTH JUDICIAL DISTRICT COURT

6

FAMILY DIVISION

7

CLARK COUNTY, NEVADA

8

9	In the Matter of)	CASE NO. G-19-052263-A
	the Guardianship of:)	DEPT. B
10)	
	KATHLEEN JONES,)	APPEAL NO(s) . 81414, 81799
11)	81799-COA, 82974, 83967
	Protected Person(s).)	
12)	

13

14

BEFORE THE HONORABLE LINDA MARQUIS

15

TRANSCRIPT RE: EVIDENTIARY HEARING

16

TUESDAY, JUNE 08, 2021

17

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25

1 APPEARANCES:

2 Petitioner(s) /
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4 For the Petitioner(s) /
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14 For the Protected Person: MARIA L. PARRA-SANDOVAL, ESQ.
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17 Other: RODNEY GERALD YEOMAN
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21 Guardian of
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23 For the Guardian of
24 Person and Estate/Other: JAMES A. BECKSTROM, ESQ.
25 10001 Park Run Dr.
 Las Vegas, Nevada 89145

I N D E X O F W I T N E S S E S

PETITIONER'S WITNESSES DIRECT CROSS REDIRECT RECROSS

SCOTT SIMMONS

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CAMERON SIMMONS

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ROBYN FRIEDMAN

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By Mr. Michaelson		327		
By Mr. Whittaker		345		

TERI BUTLER

By Mr. Beckstrom	358			
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I N D E X O F E X H I B I T S

PETITIONER'S EXHIBITS

ADMITTED/STIPULATED

1	Text messages, range of	
2	dates: 10/31/2019 to 09/22/2020	Stipulated
3		
4		
5	2 Audio recording transcription	
6	dated: 06/13/2020	Stipulated
7		
8	4 Call logs, range of	
9	dates: 11/28/19 to 09/03/2020;	
10	Call logs, range of	
11	dates: 10/29/2019 to 09/03/2020;	
12	Graph of call logs	Stipulated
13		
14	5 E-mails between attorneys	
15	dated: 05/18/2020 to 06/03/2020	Stipulated
16		
17	6 Text messages, range of	
18	dates: 05/28/2020 to 10/13/2020;	
19	Additional text messages, no date given	Stipulated
20		
21	7 Text message dated 09/17/2020	Stipulated
22		
23	8 Transcript dated 10/15/2019	Stipulated
24		
25	9 Photos, Mother's Day 2021	Stipulated
	10 Photos dated 01/20/2021	Stipulated

I N D E X O F E X H I B I T S (continued)

GUARDIAN'S EXHIBITS

ADMITTED/STIPULATED

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AA	E-mails between attorneys dated 08/2020 and 09/2020	32
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1 LAS VEGAS, NEVADA

TUESDAY, JUNE 08, 2021

2

P R O C E E D I N G S

3

(THE PROCEEDING BEGAN AT 09:06:43.)

4

THE CLERK: We're on the record.

5

THE COURT: This is the matter of the guardianship of

6

Jones, G-19-052263-A. I'm Judge Linda Marquis.

7

I'm gonna start at the top of the participant list.

8

There's someone joining us from telephone number 8109, your

9

name for the record. There's someone joining us from an area

10

code that starts 206, your name for the record.

11

MR. RICHARD POWELL: Richard Powell.

12

THE COURT: Thank you, Mr. Powell. Mr. Powell, will you

13

tell me how you're related to the protected person?

14

UNIDENTIFIED SPEAKER: I'm not.

15

MR. RICHARD POWELL: Mother-in-law.

16

THE COURT: She is your mother-in-law?

17

MR. RICHARD POWELL: She's my...

18

THE COURT: Is that right?

19

MR. RICHARD POWELL: ...my wife's mother-in-law.

20

THE COURT: She's your wife's mother-in-law. And who's

21

there with you?

22

MR. RICHARD POWELL: That's correct.

23

THE COURT: Okay. And who's there with you, Mr. Powell?

24

MR. RICHARD POWELL: Just my wife. That's all.

25

THE COURT: Okay. And her name for the record.

1 MR. RICHARD POWELL: Candy Powell.

2 THE COURT: Thank you so much.

3 MS. PARRA-SANDOVAL: Your Honor, I object to Mr. Powell
4 and Candy Powell participating in these proceedings as they
5 have nothing else to add. This is Ms. Parra-Sandoval.

6 THE COURT: Thank you, Ms. Parra-Sandoval. Let me get
7 through the proceedings so we know for the record, first, who
8 is here; and then we will take your objections as to the
9 presence.

10 Next joining us is Cameron Simmons. Cameron, will
11 you tell me your relationship to the protected person?

12 MR. CAMERON SIMMONS: Yes, I'm her grandson.

13 THE COURT: Thank you. And who is your parent, Cameron?

14 MR. CAMERON SIMMONS: Scott Simmons.

15 THE COURT: Thank you so much.

16 Next, Ms. Carroll. Ms. Carroll, your appearance
17 for the record.

18 MS. CARROLL: Good morning, Your Honor. LaChasity
19 Carroll, the Nevada Supreme Court's guardianship compliance
20 investigator.

21 THE COURT: Ms. Brickfield.

22 MS. BRICKFIELD: Good morning, Your Honor. Elizabeth
23 Brickfield, guardian ad litem for Kathleen June Jones.

24 THE COURT: Jack Butler. Jack, can you hear me all
25 right?

1 MS. TERI BUTLER: (Indiscernible) it's Teri. I'm on the
2 computer with Jack Butler.

3 THE COURT: Thank you, Teri. And, Teri, tell us your
4 relationship to the proposed -- of the protected person.

5 MS. TERI BUTLER: I'm a daughter of June Jones.

6 THE COURT: Thank you, Teri.

7 Also joining us, Mr. Beckstrom. Mr. Beckstrom,
8 your appearance for the record.

9 MR. BECKSTROM: Good morning, Your Honor. James
10 Beckstrom on behalf of Kimberly Jones, guardian of the
11 protected person.

12 THE COURT: And Kimberly Jones is with us, as well. It
13 looks like she's joining from two devices. So she may be
14 having some technical dif- difficulty. I'll -- I'll ask her
15 about that in a moment.

16 Mr. Michaelson, your appearance for the record.

17 MR. MICHAELSON: John Michaelson, bar number 7822, on
18 behalf of petitioners, Robyn Friedman and Donna Simmons. And
19 with us in the -- in this room is Perry Friedman, Robyn's
20 husband. And Matthew (indiscernible).

21 MR. WHITTAKER: And Matt Whittaker, bar number 13821.

22 MR. MICHAELSON: And, Your Honor...

23 THE COURT: Whittaker is with your firm, that's correct,
24 Mr. Michaelson?

25 MR. MICHAELSON: Yes.

1 THE COURT: Yes. Go ahead, Mr. Michaelson.

2 MR. MICHAELSON: I was just gonna point out, it may not
3 be apparent to the Court, but I can see that Donna is viewing
4 with -- with her daughter Samantha.

5 THE COURT: Yes.

6 MR. MICHAELSON: (Indiscernible) you'll probably get to
7 them, I suppose.

8 THE COURT: I will. Thank you though.

9 Also...

10 MR. MICHAELSON: And also...

11 THE COURT: Go ahead.

12 MR. MICHAELSON: I'm sorry. Scott Simmons is also on
13 with his son, Cameron. So you may -- just so you'll know
14 that.

15 THE COURT: Thank you so much. I appreciate that.

16 Next, Kimberly Jones. Kimberly, can you hear me
17 all right? Kimberly, it looks like you're joining me from
18 two separate devices. One is muted, where I can see your
19 face. The other, like you're sharing your video. Kimberly,
20 you're still muted. Kimberly, if you hover at the top of
21 your screen, there are four icons. One is an old-fashioned
22 microphone. If you press on that old-fashioned microphone,
23 it should unmute you. Kimberly, now I see the other device
24 where you're not showing -- sharing. Your video has been
25 muted. It was not muted before.

1 I'm gonna come back to Kimberly, Mr. Beckstrom, and
2 hope that she -- that gives her some time to resolve those IT
3 issues there.

4 It may be, Kimberly, if you can hear me, you may
5 want to just sign off and sign back on. Sometimes that will
6 resolve the issue.

7 Mr. Beckstrom, do you know the details of how she's
8 joining us?

9 MR. BECKSTROM: No, Your Honor, I don't. We can try to
10 reach out to her and see if we can figure it out.

11 THE COURT: Okay. Otherwise, Mr. Beckstrom, usually this
12 is -- oh, now she's not sharing video on that one. Usually
13 if she has a bad connection, if she just signs off and signs
14 back on, that will resolve that. I don't want her to have
15 feedback, though, because she's joining us from, it looks
16 like, two devices.

17 Next, Ms. Parra-Sandoval, your appearance for the
18 record.

19 MS. PARRA-SANDOVAL: Good morning, Your Honor. Maria
20 Parra-Sandoval, bar number 13736, from Legal Aid Center, on
21 behalf of Kathleen June Jones, the protected person.

22 THE COURT: Good morning, Ms. Parra-Sandoval. We'll get
23 to your objection in just a moment.

24 Also joining us is Samantha Simmons. Samantha, I
25 hear that you are there with your mother Donna Simmons. Is

1 that right? And you are the granddaughter of the protected
2 person. Is that right?

3 MS. SAMANTHA SIMMONS: Yes, yes, I am.

4 THE COURT: And you can hear us all right, and I can hear
5 you. Wonderful.

6 Mr. Kehoe, your appearance for the record.

7 MR. KEHOE: Your Honor, Ty Kehoe, bar number 6011, for
8 Mr. Powell and Ms. Powell.

9 THE COURT: Thank you so much.

10 Did I miss anyone other than Kimberly? I don't
11 think so.

12 Mr. Beckstrom, I don't know if you were able to
13 reach her.

14 MR. BECKSTROM: I told her to log off and log back on.
15 Hopefully that's gonna work.

16 THE COURT: Okay. I am going to, for the record, type
17 back into the chat. I typed into the chat, Kimberly, please
18 log off and log back on. We will wait for you.

19 I would rather resolve this -- any tech issues now.
20 Looks like she logged off one device and still logged on
21 another device. Let's give her a few minutes.

22 Counsels, parties, thank you for your patience.

23 MR. BECKSTROM: Your Honor, do you want to note the
24 appearance of Mr. Scott Simmons.

25 THE COURT: I see him there with Cameron. Scott, is that

1 you? Can you hear me all right?
2 He's nodding his head. I see that they're muted.
3 Scott, will you unmute yourself?
4 Cameron, will you unmute for your dad there?
5 MR. SCOTT SIMMONS: Yes.
6 THE COURT: Thank you.
7 MR. SCOTT SIMMONS: Yes, I can hear you.
8 THE COURT: Scott, you're lucky to have your son there to
9 run your audio and -- and tech.
10 MR. SCOTT SIMMONS: I sure am.
11 THE COURT: Our -- our -- our young people are so good at
12 this now.
13 MR. SCOTT SIMMONS: Yes.
14 THE COURT: Thank you so much. Thank you for your
15 patience.
16 Let's give Kimberly a moment to -- to get back on.
17 It looks like Kimberly signed off from the other device. So
18 she's totally signed off now, hopefully will be able to join
19 us.
20 MR. MICHAELSON: (Indiscernible), Your Honor,
21 (indiscernible)...
22 THE COURT: Yes, Mr. Michaelson.
23 MR. MICHAELSON: This is John Michaelson. Cameron's
24 indicating he's pretty close in proximity to June and
25 Kimberly. And he's happy to go over and help make sure that

1 they have technology there so we can view them.

2 THE COURT: Okay. Well, hopefully we can -- if it's just
3 a -- I appreciate that. But hopefully it's just a mild
4 hiccup we all experience at least, you know, two or three
5 times a day on BlueJeans; and then she can get back on.
6 It'll be no problem.

7 MR. BECKSTROM: She said just a minute. She's just
8 fixing a speaker issue.

9 THE COURT: Okay. Thank you, Mr. Beckstrom.

10 I know that it's frustrating everybody, but it --
11 we get used to it. It's -- it's the normal, I guess. On a
12 side note, the County is having a countywide network issue
13 that prevented me from signing in initially; and so I had to
14 move in a roundabout way; but I don't think that affected
15 anybody except for -- I'm hopeful that it won't affect us
16 throughout the day, and we'll be resolved.

17 Mr. Beckstrom, I think I saw that Kimberly had her
18 earphones in. Sometimes that is a problem. Maybe she's
19 trying to fix it.

20 MR. BECKSTROM: Yeah, I think she said she's gonna try to
21 call in. So let's see if she pops on.

22 THE COURT: Kimberly, can you hear us all right?

23 MS. KIMBERLY JONES: Yes.

24 THE COURT: Oh, and we can hear you. Wonderful. All
25 right. Kimberly, did you hear everybody that was here on the

1 call with us or see their names in the participant list
2 there?

3 MS. KIMBERLY JONES: I did.

4 THE COURT: All right. So that's all you missed.

5 Ms. Parra-Sandoval, you had an objection. Your
6 objection again?

7 MS. PARRA-SANDOVAL: Yes, Your Honor, this Court
8 determined on January twenty -- 21st of this year that the
9 Powells are not interested persons. They're not entitled to
10 notice; however, they continue to insert themselves in the
11 guardianship proceedings. The settlement to which they are
12 parties to or -- has already been approved. So I
13 respectfully ask this Court to remove them from this
14 evidentiary hearing.

15 MR. BECKSTROM: I'll join the objection, Your Honor.
16 I'll also note for the record that there remains adversary
17 proceedings against the Powells. Mr. Kehoe's refused to turn
18 over settlement funds despite the agreements being executed.
19 So to the extent we get into any discussions today, I think
20 it'd be detrimental to the protected person's case
21 potentially.

22 THE COURT: Mr. Beckstrom, just so that I'm clear, you're
23 -- you're indicating that -- that the settlement in that
24 civil case has not been finalized.

25 MR. BECKSTROM: The settlement agreement's been

1 finalized, approved by the court and executed for months.
2 The settlement payment has not been paid to the protected
3 person despite demand.

4 THE COURT: Thank you.

5 Mr. Michaelson.

6 MR. MICHAELSON: Yeah, we would join in that objection.
7 There -- there's certain things that the court found
8 important that could be confidential. And I'm not sure we
9 even had the hearing yet to consider -- I thought the Court
10 was gonna do a status check and then consider closing the
11 confidential period in this case where things were sealed.
12 And I -- I don't think that they have anything to add to
13 these proceedings.

14 THE COURT: Mr. Kehoe.

15 MR. KEHOE: I'm not aware of any standard that requires
16 us to add to the proceedings. My understanding is this is a
17 public hearing that has not been sealed. There's no motion
18 to seal. There's no motion to exclude.

19 As to the settlement, Mr. Beckstrom is -- is
20 limiting his facts to the Court. He knows that we have
21 demanded a requirement under the settlement agreement that is
22 necessary prior to payment. So that's the only dispute
23 there.

24 We've asked him to spend 15 minutes writing a
25 letter that is required under the settlement agreement, and

1 he has refused. We have offered payment. We have been
2 willing to make payment. The payment is sitting in my trust
3 account.

4 Your Honor mentioned Gerry, Mr. Powell and Candy
5 Powell's dad and Mr. Powell's father-in-law in your order
6 just yesterday. He is the husband of -- was the husband of
7 the protected person. Mr. Powell is the court-appointed
8 personal representative of the husband of the protected
9 person; and they are persons of natural affection as they,
10 you know, been associated with June for the past ten years,
11 intimately associated with June. And so we are not here to
12 participate. We are simply observing. We don't intend to
13 disrupt the proceedings or cause any issues, but we do
14 believe we are entitled to observe.

15 THE COURT: Thank you.

16 Counsel, I'm a bit concerned because this -- this
17 is a public case. There is a distinction between an
18 interested party who is entitled to notice under the statute
19 versus a person of natural affection or a person right off
20 the street who'd like to come in and view a public case.

21 I did seal portions of this case, especially for a
22 targeted reason; and the reason was that Mr. Beckstrom on
23 behalf of the guardian init- with the Court's permi-
24 permission, ish- initiated a civil case against Mr. Kehoe's
25 clients. And I understand that that matter has been settled.

1 The portion of the case the Court sealed was when
2 the Court needed to -- those hearings involving which where
3 the Court needed to evaluate the proposed settlement. And
4 when I evaluated that proposed settlement, I had a lot of
5 questions; and I knew that Mr. Michaelson's clients had a lot
6 of questions and issues; and those discussions needed to take
7 place in a setting where Mr. Kehoe and his clients are not
8 privy to the discussions insomuch as it may detrimental to
9 the protected person's civil case.

10 So in that context, if they did exclude Mr. Kehoe
11 and his clients as we were talking about potential
12 settlements, Mr. Kehoe indica- and I'm a bit concerned
13 because the settlement seems to have not been totally
14 effectuated yet; and there seems to be, from the looks on
15 your faces and your statements today, some disagreement about
16 what that involves. That's not on calendar today.

17 To the extent that that civil matter impacts this
18 matter, is, just as I said in my order yesterday, as it
19 affects the location of the protected person at visitation
20 those certainly impact each other, geography, time for
21 travel, those things, I don't know and I don't see today how,
22 counsel, what we would ta- be talking about relative to that
23 settlement and -- and whether or not there's been any
24 restrictions.

25 So, Mr. Beckstrom, will you tell me more about --

1 and I understand that everyone is -- is requesting, all
2 parties are requesting, that Mr. Kehoe and his clients be
3 eliminated from viewing this proceeding; but if we were in
4 the courtroom, ordinarily we might have a high school class
5 come in. We might have, you know, another attorney come in
6 or -- or someone else. In the old days, we'd -- we'd -- we'd
7 have a whole bunch of people in there.

8 So to that extent, I -- I -- I'm a bit concerned.
9 I don't want to eliminate or close off a proceeding where
10 they certainly have a right to -- to view it. I'm not saying
11 I'm -- I'm gonna let Mr. Kehoe, you know, participate or make
12 an argument; but he's saying he doesn't want to, that he just
13 wants to observe.

14 Mr. Beckstrom.

15 MR. BECKSTROM: (Indiscernible), Your Honor. So this is
16 different than the public coming in and joining. There's
17 been a request to have the protected person here to testify
18 today, which we intend on objecting to, of course. She
19 wasn't subpoenaed.

20 Notwithstanding, Mr. Powell and Candy Powell were
21 alleged by multiple parties in this case to commit elder
22 abuse and various financial crimes against a protected
23 person. To the extent you allow them in this hearing and
24 you're inclined to require the protected person to testify,
25 it would be an absolute distraction and threat to the

1 protected person. The Court has inherent ability to control
2 its docket in that manner, and you absolutely can order a
3 temporary sealing of this hearing with no problem. We've
4 briefed that for you previously, Your Honor.

5 The extent specifically about the settlement
6 agreement, Mr. -- Mr. Powell and Candy are taking an absurd
7 position. They want Kimberly to draft a letter to various
8 authorities saying that there was never any type of financial
9 harm or abuse. They don't specify where. They don't specify
10 who. And that's an issue for a separate day. But I don't
11 know how we can have, like, a candid evidentiary hearing here
12 with them participating when they're still threatening a
13 legal action against a protected person's estate.

14 MR. KEHOE: Which we have not, Your Honor. We have not
15 threatened anything. It's Mr. Beckstrom who has threatened
16 my client, and so we have not. And that's not before you.
17 That's not on calendar. It's not briefed. It's not
18 appropriate today.

19 THE COURT: All right.

20 Ms. Parra-Sandoval.

21 MS. PARRA-SANDOVAL: Your Honor, I join in with the
22 guardian's attorney regarding what his concerns are in
23 respects to the settlement. The truth is the Powells are
24 still adversarial parties. They're alleging natural
25 affection, but really when's the last time they cared to

1 contact the guardian to see how my client is doing?

2 THE COURT: Okay.

3 Mr. Michaelson.

4 MR. MICHAELSON: Yeah, we -- our side is, the focus today
5 is visitation. I mean, that's -- that's what we're going
6 for. We hope that June will be able to exercise her right to
7 be heard by the Court. I'm not really sure why she's not
8 here now. But -- as she would be in most other guardianship
9 cases.

10 But I know that it -- well, I can't say I know. My
11 clients informed me that she's mentioned that when Gerry --
12 in the past when Gerry comes out for his team it's -- it's
13 Dick and his team, it's kind of nerve-racking for her; and I
14 just don't want that distraction. It's -- it's more people
15 getting involved that don't need to be here relative to this
16 visitation issue.

17 UNIDENTIFIED SPEAKER: It's nerve-racking for my mom.

18 MR. MICHAELSON: That's what I was saying.

19 THE COURT: Okay.

20 So, Mr. Beckstrom, I understand that there's still
21 adversarial. I'm not certain how I can close off this
22 hearing to them. I will reconsider should the protected
23 person appear or should the protected person testify; or she
24 comes on the camera or on the screen, I will reconsider Mr.
25 Kehoe and his clients' participation or viewing. They're not

1 participating. Just viewing the hearing. And certainly, Mr.
2 Kehoe is sharing his video however his -- I believe his
3 clients are not sharing their video and are just sharing
4 audio; and so, you wouldn't see them.

5 MR. KEHOE: And I...

6 THE COURT: (Indiscernible)...

7 MR. KEHOE: ...intend to do that also, Your Honor. I
8 intend to turn off my video.

9 THE COURT: All right. Thank you.

10 So for those reasons, I'm gonna continue to allow
11 Mr. Kehoe and his clients to have access to this hearing.
12 I'm weighing a few things first. The courts -- the supreme
13 court's request that public hearings remain public to the
14 extent possible, that the public has and all those parties
15 with natural affection and in the community (breaking up -
16 indiscernible) guardianship proceedings.

17 I understand Ms. Parra-Sandoval is concerned that
18 they have not been part of the protected person's life
19 recently; however, they have been a part of the protected
20 person's life for the guardianship.

21 I do know there's many allegations back and forth
22 about wrongdoing from the outset of this case and that the
23 civil case remains pending; however, I think they have a
24 right to view this. I don't see the harm to the protected
25 person or her estate with them viewing this action relative

1 to visitation between Robyn and Donna and their mother.

2 However, if and when we consider the testimony or statement
3 of the protected person, I'll revisit this issue.

4 Thank you, counsel.

5 You mentioned the request to stay. It was denied
6 yesterday. I need to vacate the date of July 8th that are on
7 the calendar. I noticed Mr. Michaelson filed a motion in
8 limine to restrict Mr. Beckstrom and Ms. Parra-Sandoval's
9 presentation of evidence and argument today. I am going to
10 deny his motion in limine despite their choice not to
11 participate as required by the Court. I considered the
12 briefs that they filed yesterday and read them.

13 I am inclined to allow, after considering whatever
14 objections you might have at the time, the text messages that
15 are proffered or will be proffered by each, Kimberly, Donna
16 and Robyn. Both sides intend to proffer them, and the
17 investigator has been provided those text messages and
18 already considered those text messages as part of her report.

19 I note Mr. Michaelson filed another limited
20 objection to Ms. Carroll's report. My intention is to admit
21 as evidence, Ms. Carroll's report, Ms. Brickfield's report as
22 they were prepared at the direction of the Court; however, I
23 will give them the weight that is appropriate. Counsel can
24 certainly argue what weight might be appropriate, and
25 certainly you can make additional objections if you want as

1 part of the record today. And I'll consider those
2 objections. That's just my inclination at this point.

3 I'm inclined to proceed today without any opening
4 statements. I think that your pretrial memorandums
5 effectively summarized your legal and factual positions. I'm
6 inclined to allow Mr. Michaelson to proceed as his petition
7 was filed first in time, and so he can proceed first today.

8 The relevant inquiry today is whether or not
9 Kimberly unlawfully restricted communication, visitation
10 and/or interaction between the protected person and Donna and
11 Robyn. Pursuant to the protected persons bill of rights and
12 the portions of the guardian statute, which govern
13 communication, visitation and ac- interaction between the
14 protected person and relatives, those are found under the
15 title communication, visitation and interaction, which is NRS
16 159.331 through 338.

17 I think that the relevant time period is the date
18 of the guardianship, the date it was granted by me orally in
19 court, to today's date. I intend ultimately today to take
20 this matter under advisement and draft my own order.

21 So accordingly, I do not need counsel or the
22 witnesses to read into the record or take an extended amount
23 of time testifying in relation to any potential exhibits that
24 might be admitted because I can read them. I'm happy for you
25 to highlight or bring my attention, counsel, to a certain

1 page; but I -- I -- I really don't want to waste time reading
2 things into the record, which will be admitted.

3 I think we can move quickly through the testimony
4 today given those time restraints about the relevant time and
5 those issues that I think are appropriate to consider under
6 the statutes.

7 Any objections? Ms. Parra-Sandoval.

8 MS. PARRA-SANDOVAL: So, Your Honor, the only thing that
9 I wanted to state at the outset is that June is not present
10 because she did not want to participate in this hearing. She
11 was not subpoenaed, but really she is just really stressed
12 about it.

13 If this Court mandates her to testify, I would like
14 the Court to narrow down the scope of any questioning and if
15 possible that such questioning comes from the Court and if
16 even possible, to be done privately.

17 THE COURT: Thank you.

18 Any other objections?

19 MR. BECKSTROM: I'll join that objection, Your Honor. I
20 briefed that for you in the pretrial memo. If I could add
21 one other item. To streamline this, if -- if we could
22 preliminarily discuss exhibits and admission, I think it
23 would streamline it.

24 Also it would really help speed up the testimony if
25 we could present you with at least a brief of findings of

1 fact, conclusion of law so we can reference some of these
2 points without going through voluminous documents.

3 THE COURT: (Indiscernible) and I -- I did not indicate,
4 but certainly will take judicial notice of all the pleadings
5 and papers already on file. So I don't need for you to go
6 through with your clients on what day did you file this
7 petition for guardianship or petition for -- I -- I have
8 those dates. I'm acquainted with the record and -- and am
9 happy then to take judicial notice of those.

10 Mr. Beckstrom, beyond those dates, were there other
11 issues that you thought would make appropriate fi- fact
12 issues that the parties could stipulate to?

13 MR. BECKSTROM: No, I just thought if we could stipulate
14 ahead of time to these exhibits, we don't have to keep
15 recalling witnesses to get certain exhibits in; and it would
16 streamline it.

17 THE COURT: Oh, certainly. As to the exhibits, we'll get
18 there -- there in a moment.

19 Mr. Michaelson, and other -- any objections to how
20 I anticipate conducting today's hearing?

21 MR. MICHAELSON: Yeah, just a couple of things, Your
22 Honor. You -- are you saying they can call their witnesses,
23 as well; or are you just saying you would allow their
24 exhibits?

25 THE COURT: No, I'm gonna allow them to call their

1 witnesses, as well.

2 MR. MICHAELSON: Okay. Yeah, we strenuously object.
3 Against that. They tried a play here, as we all know, to
4 file these other pleadings, go to the supreme court; and that
5 prejudiced us. Everyone else had to put time and effort to
6 meet the Court's deadline. We -- we filed. They had a
7 chance to review, and then they come in at the last minute.

8 I think what happened was they were waiting to see
9 if Your Honor -- they kind of thought maybe you would cancel
10 the evidentiary hearing. They waited all week, and then on
11 Monday filed a pretty detailed brief that has a lot of issues
12 raised in it, which clearly didn't get drafted Monday. It
13 was ready previously. I think they were waiting for the
14 Court to see if the Court would suspend or revoke this
15 evidentiary hearing.

16 The other thing is, it's difficult for us to -- we
17 spent a lot of hours last night going through the 210 pages
18 that it does appear they appri- provided to the compliance
19 office, which we will let the Court know, are heavily
20 redacted.

21 We -- we can -- so it's hard to stipulate to
22 something that is flawed. So what you have is what was
23 provided to the compliance office are situations where Robyn
24 is saying things like, hey, I -- I need to get mom back into
25 the house. And -- but in the -- in the text messages that

1 are provided by Kim, it doesn't show Robyn's pleas. It just
2 shows Kim saying, oh, the key's here. This is done there.
3 And we can show a number of examples of where that -- the --
4 that record is heavily redacted, and it shows one side of the
5 conversation and not the other.

6 And so when we -- we provided to the compliance
7 office many of our pleadings that contained text threats.
8 And they provided kind of raw text messages, but they are --
9 they're -- they don't say, hey, by the way, this was taken
10 out. It's not even blacked out. So one wouldn't know. So I
11 don't know how we can stipulate to those flawed exhibits. I
12 mean, I don't know how to -- how to approach that exactly.

13 We -- we object to that. We object to them being
14 allowed to be -- this is really the essence of this whole
15 case is just flouting all the standards that we have in
16 guardianship court from accountings to permission to move. I
17 mean, you name it. They don't do it.

18 THE COURT: Mr. Michaelson, I understand that you
19 substantially complied with the Court's order that Ms. Parra-
20 Sandoval and Ms. Beck- Mr. Beckstrom did not. I understand
21 that that puts you and your clients at a serious disadvantage
22 when it comes to the text messages or the proposed tran-
23 proposed exhibits. I understand that.

24 However, I am going to allow them to call
25 witnesses. I am going to allow them to propose these

1 exhibits. I would like this hearing to be fully on the
2 merits despite their chosen inaction. And I understand that
3 puts you at a disadvantage. I -- I need to finish this
4 issue. We need to resolve this issue once and for all for
5 everyone. And I would like to do that today.

6 I -- I don't want to continue it so that these --
7 these other issues can be resolved. Now, let's -- and -- and
8 I understand your objection. It is a reasonable objection,
9 but I'm not going to -- to grant your request.

10 Now, in reference to the proposed exhibits, what I
11 would like to do today, first off, is ask Ms. Parra-Sandoval
12 and then Mr. Beckstrom if they have any objection to Robyn
13 and Donna's list of proposed exhibits.

14 Ms. Parra-Sandoval, let's begin with you. They
15 have proposed 1 through 10. Do you have any objections?

16 MS. PARRA-SANDOVAL: So, Your Honor, my objections, I
17 would the audios, which I never got a chance to -- to listen
18 in on what was going on. I tried to look through my e-mails
19 to see if Mr. Michaelson sent them at some point, but I
20 couldn't find them. So in terms of completeness and
21 authenticity, like I just don't know. So I'm objecting to
22 the audios.

23 THE COURT: Okay. And what number is the audio?

24 MS. PARRA-SANDOVAL: So, Your Honor, I -- I can't -- I'm
25 trying to open his exhibits right now. So I can't -- hold on

1 a sec.

2 MR. MICHAELSON: It'S Exhibit Number 3, Your Honor; and
3 it's very important. It has been provided to everyone. It's
4 digital, and it shows June...

5 THE COURT: Michaelson, when was it provided?

6 MR. MICHAELSON: It was June 1st.

7 THE COURT: Thank you so much.

8 All right. So if there's -- and this isn't the
9 only opportunity to -- to have these exhibits admitted. This
10 just speeds it up. So it sounds like Ms. Parra-Sandoval only
11 has an objection to number 3 because she hasn't had an
12 opportunity yet to review it.

13 Mr. Beckstrom, do you have any objections to 1
14 through 10?

15 MR. BECKSTROM: The same objection to Number 3. I
16 haven't heard the audio. Same objection as to the transcript
17 of the audio, which I believe is Exhibit 4. Or Exhibit 2 and
18 3...

19 THE COURT: Two.

20 MR. BECKSTROM: ...excuse me. And as far as the text
21 messages, I mean, I am shocked about them saying that these
22 were deleted on our end. So I was inclined to admit and
23 stipulate to their text messages, which looks like they were
24 pulled from an application, just as ours were. But, you
25 know, this is the first I'm hearing. It would've been nice