

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE
GUARDIANSHIP OF THE PERSON
AND ESTATE OF KATHLEEN JUNE
JONES, PROTECTED PERSON

KATHLEEN JUNE JONES,

Appellant,

vs.

ROBYN FRIEDMAN; AND DONNA
SIMMONS,

Respondents.

No. 83967

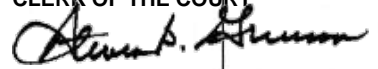
Electronically Filed
Sep 24 2022 12:52 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

**RESPONDENTS' APPENDIX
Volume 5 (Nos. 878–1030)**

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DISTRICT COURT

CLARK COUNTY, NEVADA

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

Kathleen June Jones,)

An Adult Protected Person.)

Case Number: G-19-052263-A

Department: B

Hearing Requested

**PETITION FOR APPROVAL OF ATTORNEYS FEES AND COSTS AND REQUEST
TO ENTER A JUDGMENT AGAINST THE REAL PROPERTY OF THE ESTATE**

☐ TEMPORARY GUARDIANSHIP

☐ Person

☐ Estate ☐ Summary Admin.

☐ Person and Estate

☒ GENERAL GUARDIANSHIP

☐ Person

☐ Estate ☐ Summary Admin.

☒ Person and Estate

☐ SPECIAL GUARDIANSHIP

☐ Person

☐ Estate ☐ Summary Admin.

☐ Person and Estate

☐ NOTICES / SAFEGUARDS

☐ Blocked Account

☐ Bond Posted

☐ Public Guardian Bond

COME NOW Petitioners, Robyn Friedman and Donna Simmons, by and through the law
firm of Michaelson & Associates, Ltd., who respectfully petition this Court for approval of
attorney's fees and costs, and request to enter a judgment against the real property of the above-
captioned guardianship estate, and in so doing represent as follows:

Summary

Kathleen June Jones (hereinafter "Ms. Jones") is 82 years of age. Ms. Jones has been married to Rodney Gerald Yeoman ("Mr. Yeoman") for approximately eleven years.

Both prior to and after the marriage, Ms. Jones executed Power of Attorney documents always naming her daughter Kimberly Jones ("Kimberly") as Ms. Jones' preferred and chosen agent for both healthcare decisions and financial transactions. Mr. Yeoman was aware of the existence of the Healthcare and Financial Powers of Attorney and that Kimberly was the designated agent.

For the first ten years of the marriage, Ms. Jones and Mr. Yeoman lived together in Las Vegas in a house located at 6277 Kraft Avenue, Las Vegas, which was acquired by Ms. Jones long before their marriage as her sole and separate property ("Kraft house"). Ms. Jones had owned the Kraft house since 2002, seven years prior to her marriage to Mr. Yeoman.

In or about 2015, Ms. Jones began showing signs of cognitive impairment and was examined and treated for her cognitive decline at the University of California, Irvine, Medical Center in late 2015 and early 2016.

In January 2018, despite being aware of the existence of the Power of Attorney whereby Ms. Jones named her daughter Kimberly as financial agent for Ms. Jones, and also despite being well aware of the diagnosed cognitive impairment which had been progressing for over two years, Mr. Yeoman allowed his own daughter and son-in-law, Kandi and Richard Powell, ("Kandi" and "Dick") to transfer the Kraft house away from his wife and to themselves for significantly less than fair market value. A Quitclaim Deed signed by Ms. Jones was used to transfer the property. No purchase and sale agreement, nor any other documentation whatsoever,

1 was prepared to memorialize any agreement between Mr. Yeoman and/or his family and Ms.
2 Jones. Ms. Jones was not represented by counsel.

3 Payment for the preparation of this deed was provided by Gerry's son-in-law Dick, who
4 took the property. Notwithstanding the fact that Ms. Jones did not have the requisite level of
5 capacity to enter into any type of agreement with regard to her real property, Mr. Yeoman and
6 his family knowingly proceeded with and paid for the self-dealing transaction without giving any
7 notice to Kimberly, whom they knew Ms. Jones had appointed as her financial agent, nor any
8 other members of Ms. Jones' family.

9 When Ms. Jones' children became aware of the transfer of the Kraft house in early 2019,
10 they stepped in to investigate the transaction and to protect Ms. Jones from further financial
11 exploitation. Robyn immediately contacted Elder Protective Services to report the transfer.
12 Elder Protective Services attempted to investigate, however their access to Ms. Jones was limited
13 by Mr. Yeoman and they were unable to perform a complete investigation.

14 About this time, Mr. Yeoman was undergoing cancer treatments and became unable to
15 care for Ms. Jones while he was either hospitalized or visiting specialized facilities for treatment.
16 In April 2019, Mr. Yeoman's family requested that Kimberly travel to Las Vegas to provide care
17 for her mother because Mr. Yeoman was unable to provide the necessary care. Kimberly
18 immediately came to Las Vegas from her home in California to care for Ms. Jones and has
19 remained in Las Vegas in her caregiving role ever since. The discovery of the transfer of the
20 Kraft house along with other concerns about what had been going on with Ms. Jones finances, as
21 well as having Kimberly here to oversee Ms. Jones' financial and healthcare needs, has given
22 rise to much contention between all parties involved. The procedural history below outlines the
23 events that have taken place since the guardianship proceedings were commenced in September
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1 2019, however the hostilities between the families were in evidence well before the initial filing
2 in guardianship court.

3 Ms. Jones was caught in the middle of the disagreements between Kimberly and her
4 husband and his family. In August 2019, Ms. Jones was moved out of her Kraft house to a house
5 owned by Mr. Yeoman's son-in-law, Dick; a house that was right next door to Dick's own
6 residence. Ms. Jones was kept there and isolated from her children with only limited phone
7 contact with Kimberly and no contact at all with any of her other four children, despite her
8 children's attempts to communicate. During this time, police were called on approximately six
9 different occasions in attempts to allow Kim's access to Ms. Jones. Also, during this time, Mr.
10 Yeoman's children began suggesting that Ms. Jones should be moved to a senior care facility
11 despite the availability and willingness of Ms. Jones' children to care for her.

12 Shortly thereafter, Mr. Yeoman had to travel to Arizona for cancer treatment. He wasn't
13 able to care for Ms. Jones while undergoing treatment but, instead of asking any one of her
14 children, all of whom had been willing and able to care for her in the past, Mr. Yeoman took Ms.
15 Jones to Arizona and left her in the care of his family and outside caregivers while they were
16 staying in a hotel near the hospital. Ms. Jones was taken to Arizona despite the fact that counsel
17 for Robyn and Donna had been in regular communication with counsel for Mr. Yeoman and
18 Dick wherein Robyn and Donna's counsel repeatedly stated Robyn and Donna's willingness to
19 care for Ms. Jones while Mr. Yeoman was receiving treatment in Arizona.

21 Thereafter, Kimberly travelled to Arizona on September 7, 2019, to pick her mother up
22 and bring her back home to the Kraft house in Las Vegas. Dick filed a police report with both
23 the Phoenix Police Department and the FBI regarding this incident. Around the same time
24 [September 2019] Dick also filed an eviction action to have Kimberly removed from the Kraft
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1 house where she had been living with Ms. Jones and providing the constant care that Ms. Jones
2 required.

3 With tensions escalating and no evidence of cooperation between the parties, and with
4 Dick and Gerry through their counsel continuing to deny the efficacy of the POA's, Petitioners
5 saw no other recourse than to involve the guardianship court in order to ensure the safety and
6 continuity of care that Ms. Jones desperately needed. As the guardianship proceedings unfolded,
7 a clear need for guardianship was recognized by this Court.

8 Robyn and Donna now bring this Petition for approval of attorney's fees incurred to help
9 bring about the stability their mother so desperately needed. Petitioners do not propose to take
10 the fees from Ms. Jones' estate while she is living and while the funds could potentially be
11 needed for her ongoing care and medical treatment; instead they are asking for approval of their
12 fees with the understanding that such fees will be treated as a lien against Ms. Jones' estate while
13 Ms. Jones is alive.
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15 **Procedural History**

16 1. Ms. Jones is 82 years of age.

17 2. On December 27, 2005, Ms. Jones executed a Healthcare Power of Attorney naming her
18 daughter Kimberly as her Attorney-in-Fact for healthcare decisions and a General Power of
19 Attorney naming Kimberly as her Attorney-in-Fact for financial matters.

20 3. On or about January 2009, Ms. Jones married Mr. Yeoman.

21 4. On October 24, 2012, Ms. Jones executed a new Financial Power of Attorney naming
22 Kimberly as her Attorney-in-Fact for financial matters.
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1 5. On November 23, 2012, Ms. Jones executed a Last Will and Testament which named
2 Kimberly as Ms. Jones' chosen Personal Representative and as chosen guardian over her person
3 and estate.

4 6. In 2019, Ms. Jones had a neurological evaluation at the Lou Ruvo Center for Brain
5 Health at the Cleveland Clinic. Dr. Marwan Sabbagh indicated in his letter of September 5, 2019,
6 that Ms. Jones suffered a *degenerative neurological disorder resulting in impairment of memory,*
7 *judgment and other cognitive functions* and recommended Ms. Jones be appointed a guardian.
8 See Confidential Physician's Certificate of Incapacity and Medical Records (hereinafter
9 "Confidential Medical Records") filed with this Court on September 19, 2019.

10 7. On September 9, 2019, Ms. Jones was evaluated by Dr. Gregory Brown who indicated
11 that Ms. Jones suffered from "Dementia [Neurocognitive Disorder]" and that Ms. Jones "would
12 fulfill the requirements for a guardianship of both person and estate as defined by Nevada
13 Revised Statute." See Confidential Medical Records.

14 8. On September 19, 2019, Petitioners filed an Ex Parte Petition for Appointment of
15 Temporary Guardian of the Person and Estate and Petition for Appointment of General
16 Guardianship (hereinafter "Petition").

17 9. As set forth in the Petition, there was great concern regarding who should care for Ms.
18 Jones, what kind of care she should receive, where she should live, *i.e.*, visitation by family
19 members, accountability for expenditures of Ms. Jones' funds, and the sale of her home to the
20 daughter and son-in-law of her most recent husband for far less than market value without any
21 notice to or discussion with any of Ms. Jones children, nor Kimberly, her designated attorney-in-
22 fact, even though Mr. Yeoman and his family knew full-well about Kimberly being Ms. Jones'
23 attorney-in-fact.
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1 10. As their mother's ability to care for herself had declined over the years, Petitioners had
2 asked Kimberly and Mr. Yeoman on multiple occasions to provide a care plan for Ms. Jones.
3 Petitioners felt strongly that plans needed to be made in advance for the inevitable day that Mr.
4 Yeoman would be unable to provide the necessary care for Ms. Jones. Kimberly, despite her
5 training and professional experience in handling these types of matters for others, failed to enact
6 such a plan for her mother.

7 11. On September 23, 2019, an Order Granting the Ex Parte Petition for Appointment of
8 Temporary Guardians of the Person and Estate was entered with this Court appointing
9 Petitioners as Temporary Guardians. Letters of Temporary Guardianship were subsequently
10 granted.

11 12. On September 25, 2019, Maria L. Parra-Sandoval, Esq. of the Legal Aid Center of
12 Southern Nevada was appointed as counsel for Ms. Jones.

13 13. On October 1, 2019, Ty E. Kehoe, Esq., counsel for Mr. Yeoman filed a Notice of
14 Appearance and Request for Notice.

15 14. On October 2, 2019, Ty E. Kehoe, Esq. and Co-Counsel, Matthew C. Piccolo, Esq. filed
16 an: (1) Opposition to the Appointment of Temporary and General Guardian; (2) Counter Petition
17 for Appointment of Temporary Guardian; and (3) Counter Petition for Appointment of General
18 Guardian on the basis that there were no grounds for an emergency guardianship or a general
19 guardianship and if there were sufficient grounds for appointment of a guardianship, Mr.
20 Yeoman, as Ms. Jones' husband, should be appointed guardian.

21 15. On October 2, 2019, Jeffrey P. Luszeck, Esq. as counsel for Kimberly also filed an
22 Opposition to the Ex Parte Petition for Appointment of Temporary and General Guardian and
23 Counter-Petition For Appointment of Kimberly as Ms. Jones Temporary and General Guardian
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1 of the Person and Estate on the grounds that there was no need for an immediate temporary
2 guardian because Kimberly was doing just fine protecting their mother.

3 16. On October 3, 2019, after a hearing on the matter, an Order was entered extending the
4 temporary guardianship and Robyn and Donna's appointment as temporary guardians. During
5 this hearing, Kimberly never once acknowledged that there was a need for guardianship and she,
6 through her counsel, maintained that the Powers of Attorney were sufficient and that there was
7 no need for guardianship because of the existing Powers of Attorney.

8 17. On October 11, 2019, Ty E. Kehoe, Esq. and Co-Counsel, Matthew C. Piccolo, Esq. filed
9 a Supplement to: (1) Opposition to the Appointment of Temporary and General Guardian; (2)
10 Counter Petition for Appointment of Temporary Guardian; and (3) Counter Petition for
11 Appointment of General Guardian to clarify facts of the case and request that Ms. Jones has a
12 constitutional right to remain together as husband and wife which is supported by a Declaration
13 of Rodney Yeoman.

14 18. On October 11, 2019, Petitioners filed a Notice of Intent to Move the Protected Person
15 indicating that Ms. Jones was being moved to the home of Robyn Friedman located at 2824 High
16 Sail Court, Las Vegas, Nevada 89117. This move did not take place, but was contemplated as an
17 option in the event that Kimberly was not willing or able to stay in the Kraft house in the role of
18 caregiver for Ms. Jones. With the eviction proceeding filed to remove Kimberly from the Kraft
19 house, Kimberly's ability to provide stable care for Ms. Jones in the Kraft house was in question.
20 For a time, Robyn paid approximately \$10,000.00 per week for caregivers. In light of the
21 exorbitant fees for an outside caregiver if Kimberly was unable to provide the needed care to Ms.
22 Jones in the Kraft house, Petitioners felt that moving Ms. Jones to Robyn Friedman's house
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1 would be the most fiscally responsible alternative. This was also the Petitioners' conclusion
2 because Kimberly was unable or unwilling to propose another alternative.

3 19. On October 14, 2019, Petitioners filed a Reply to Mr. Yeoman's Opposition and Counter
4 Petition For Appointment of Temporary and General Guardian and to Kimberly's Opposition
5 and Counter Petition For Appointment of Temporary and General Guardian, reiterating the need
6 to intervene with regard to their mother's care as Kimberly was unable as both healthcare and
7 financial agent for Ms. Jones to protect her from losing her house, her bank accounts and from
8 having her doctors' appointments cancelled or to ensure her whereabouts or even visitation and
9 communication with her children, including Kimberly. Mr. Yeoman's interference with and lack
10 of respect for Ms. Jones' choices as set forth in her powers of attorney and as expressed to her
11 children, as well as the almost complete lack of cooperation on the part of both Kimberly and
12 Mr. Yeoman in supporting the efforts of the Temporary Guardians also underscored the need to
13 move forward with an appointment of a general guardian to ensure that Ms. Jones would not be
14 subjected to abuse in many forms and have stable and reliable care and that her finances would
15 be protected.
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17 20. On October 15, 2019, this Court heard oral argument on the appointment of Petitioners as
18 General Guardians for Ms. Jones. In short, counsel for Petitioners informed the Court that a
19 General Guardianship was needed in order to file a civil action to recover Ms. Jones' real
20 property in Las Vegas, Nevada, which had been sold to Mr. Yeoman's daughter and son-in-law
21 for below fair market value; counsel for Ms. Jones informed this Court that Ms. Jones wished to
22 have Kimberly act as her guardian and that she did not remember selling her house; counsel for
23 Mr. Yeoman indicated that Mr. Yeoman's son was willing to return the property, requested that
24 Mr. Yeoman be appointed as guardian, but would not provide his medical information as needed
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1 to demonstrate that he would be able to care for Ms. Jones in light of his medical condition and,
2 should Kimberly be appointed as guardian that he be allowed to reside with his wife without
3 Kimberly residing in the home; counsel for Kimberly argued that based upon the power of
4 attorney, she should be appointed as guardian over her mother; the parties discussed Kimberly's
5 suitability to serve as guardian.

6 21. Kimberly maintained throughout this hearing that she would prefer to rely on the existing
7 Powers of Attorney and that a guardianship was not necessary. Kimberly only acquiesced to her
8 appointment as general guardian after this Court made it clear that the Powers of Attorney had
9 not been sufficient to protect Ms. Jones and that a general guardianship was, in fact, necessary.

10 22. At the October 15, 2019 hearing the Court ordered that Kimberly be appointed as General
11 Guardian of the Person and Estate, that Kimberly file an Inventory within 60 days, that Mr.
12 Yeoman have supervised visits with Ms. Jones, and that Kimberly inform Mr. Yeoman regarding
13 Ms. Jones care. The court requested that counsel for Kimberly prepare and submit the Order to
14 the court. This court further set an evidentiary hearing for February 20, 2020 to consider the state
15 investigators' reports and any petitions or motions that might have been filed.

16 23. After lengthy and multiple discussions among counsel for all parties, counsel for
17 Kimberly thereafter submitted an order in accordance with this Court's direction at the October
18 15, 2019, hearing.

19 24. On or about November 6, 2019, counsel for Mr. Yeoman contacted the court and
20 indicated there was a disagreement among counsel concerning the language in the proposed
21 order. This Court granted Mr. Kehoe an opportunity to submit a competing order and requested
22 Mr. Kehoe serve his order on all parties.
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1 25. This Court set the matter on the Court Chamber Calendar for November 25, 2019, to
2 review the competing orders and make a determination. This Court further informed the parties
3 that no appearance was required.

4 26. Due to Gerry and Dick's inappropriate behind-the-scenes tactics dealing the order, not
5 until November 25, 2019, did this Court enter an Order from the October 15, 2019, hearing
6 confirming Kimberly as general guardian of the person and estate. The Court entered the Order
7 submitted by Kimberly's counsel.

8 ARGUMENTS

9 Fees Will Not Be Taken From Ms. Jones' Liquid Estate

10 27. Petitioners are requesting that the Court approve their attorney's fees in this matter
11 because they have been the driving force in moving these the stabilization of Ms. Jones' living
12 situation forward via this Honorable Court's protection. But for the efforts of the Petitioners and
13 their counsel in petitioning this Court, Ms. Jones would still be in the same precarious position
14 that she was in before she was protected by a guardian, a court-appointed attorney, and the
15 oversight of this Court, being whipsawed about and denied access to stable living conditions,
16 medicine, a plan of care, her family and her dogs.

17 28. Petitioners were apparently the only members of Ms. Jones' family that recognized the
18 need for a guardian to be appointed for Ms. Jones under the circumstances; a need which this
19 Court repeatedly affirmed. *See, e.g., video transcript of October 3, 2019 hearing at 15:08.* In
20 spite of police being called numerous times and the police failing to recognize or enforce
21 Kimberly's authority under the Power of Attorney, and in spite of all sides acknowledging Ms.
22 Jones' property had been taken for far less than market value and despite all sides claiming
23 granny snatching, etc. and in spite of Ms. Jones being at risk of a complete disruption of her
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1 medical care, and despite her inability or unwillingness to provide an accounting or plan of care,
2 or a contingency plan in the event she were evicted from the Kraft property, Kimberly repeatedly
3 asked this Court to allow her to rely on her appointment as Ms. Jones' attorney-in-fact rather
4 than appoint a guardian for Ms. Jones. In fact, during the entirety of the hearing on October 3,
5 2019, Kimberly never once acknowledged that there was a need for guardianship and she,
6 through her counsel maintained that the Powers of Attorney were sufficient and that there was no
7 need for guardianship because of the Powers of Attorney. *Id at 2:41*. At the hearing on October
8 15, 2019, Kimberly again repeated her desire to rely on the Powers of Attorney rather than a
9 guardianship. *See video transcript of October 15, 2019 hearing at 34:03 and 35:00*. She only
10 reluctantly consented to her appointment as guardian because the Court found that appointment
11 of a guardian was necessary in this matter.

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13 29. Petitioners Robyn and Donna always maintained that a guardianship was necessary to
14 protect Ms. Jones from the chaos and instability created by the opposing factions in the family
15 and they took all of the necessary steps to get a guardian appointed for the benefit of Ms. Jones,
16 to oversee her care and protect her from further financial exploitation.

17 30. Petitioners are asking that the award of attorney's fees be reduced to judgment because
18 Petitioners do not intend to collect any fees awarded until after Ms. Jones has passed away.
19 Petitioners recognize that preserving Ms. Jones' estate for her care while she is alive is of utmost
20 importance and will not jeopardize Ms. Jones' estate's ability to fund her care while she is alive.

21 31. Petitioners may take steps to record the judgment or Order awarding fees against Ms.
22 Jones' real property in California, which is currently generating income as a rental property.
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Legal Basis and Justification for Approval of Attorney's Fees

32. Pursuant to NRS 159.344(1), any person who retains an attorney to represent a party in a guardianship proceeding is personally liable for any attorney's fees and costs incurred as a result of such representation.

33. Pursuant to NRS 159.344(2), notwithstanding the provisions of NRS 159.344(1), Petitioners may petition this Court for an order authorizing attorney's fees and costs incurred in this case to be paid from the estate of the protected person. Any such attorney's fees and costs must not be paid from the guardianship estate of Ms. Jones unless and until this Court authorizes the payment pursuant to NRS 159.344. Petitioners are requesting an order for attorney's fees and costs in the total amount of \$62,029.66; of which \$61,755.00 is attorney's fees and \$274.66 is costs.

34. Petitioners have not accrued any compensation or incurred any expenses or attorney's fees as a result of a petition to have Petitioners removed as guardian, nor have Petitioners been removed as guardian. Thus, NRS 159.183(5) does not apply herein.

35. Under NRS 159.344(3), Petitioners filed written notice of its intent to seek payment of attorney's fees and costs from the guardianship estate when it filed its Ex Parte Petition for Appointment of Temporary Guardian of the Person and Estate on September 19, 2019. Said Petition also complied with NRS 159.344(e) in that it acknowledges its request for attorney's fees is subject to Court confirmation.

36. Pursuant to NRS 159.344(4)(a-d), attached hereto as **Exhibit 1** are itemized, detailed statements as to the nature and extent of the legal services performed. Some non-reimbursable entries have been redacted and subtracted from the amount being requested for reimbursement.

1 A spreadsheet with amounts and explanations of the redacted entries, as well as a breakdown of
2 total costs, is attached hereto as **Exhibit 2**.

3 37. Under NRS 159.344(5)(a), the adequacy of the written notice provided pursuant to NRS
4 159.344(3) is described above.

5 38. Under NRS 159.344(5)(b), the services provided have conferred an actual benefit upon
6 Ms. Jones and have advanced her best interest.

7 39. The services provided have properly provided a temporary and general guardian for Ms.
8 Jones' person and estate. Having a guardian advances Ms. Jones' best interest and benefits her
9 by ensuring she has adequate shelter, food, clothing and medical care and ensuring her finances
10 and assets are safeguarded and managed well, as explained in detail above in the section
11 describing the services Petitioners have provided.

12 40. In deciding the reasonableness of attorney's fees, the Nevada Supreme Court looks to
13 four factors outlined in *Brunzell v. Golden Gate Nat'l Bank*, 85 Nev. 345, 349-350, 455 P.2d 31,
14 33-34 (1969) as follows: "(1) the qualities of the advocate: his ability, his training, education,
15 experience, professional standing and skill; (2) the character of work to be done: its difficulty, its
16 intricacy, its importance, time, and skill required, the responsibility imposed and the prominence
17 and character of the parties where they affect the importance of litigation; (3) the work actually
18 performed by the lawyer: the skill, time and attention given to the work; and (4) the result:
19 whether the attorney was successful and what benefits were derived."

20 41. Pursuant to NRS 159.344(5)(c) Michaelson & Associates, Ltd. is a reputable firm
21 practicing in the area of guardianship and elder law. Michaelson & Associates, Ltd. was founded
22 in Nevada in 1992 with an emphasis on business and estate planning. The firm's attorneys also
23 provide representation to seniors in the areas of Veterans Administration benefits and Medicaid.
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1 John P. Michaelson has personally acted as lead attorney on hundreds of guardianships matters
2 in Clark County and has remained heavily involved in the community of guardianship and elder
3 law in Nevada. Mr. Michaelson has chaired the Elder Law Section of the Nevada State Bar,
4 served for over three years as president of the Nevada Wealth Counsel Forum and is an active
5 member of the National Academy of Elder Law Attorneys as well as Veterans Action Group, a
6 Nevada non-profit. Mr. Michaelson currently serves as a member of the Guardianship
7 Commission and is co-chair of the guardianship rules subcommittee.

8 42. Under NRS 159.344(5)(d), the character of the work completed in this matter was
9 reasonable and necessary to establish a Temporary and General Guardianship due to Ms. Jones'
10 need for guardianship services to take care of her person and to manage her estate.

11 43. Under NRS 159.344(5)(e), the work actually performed is documented in **Exhibit 1**,
12 which also shows the time and attention given to the legal services provided in relation to
13 seeking appointment of Petitioners as guardians of her person and estate.

14 44. Under NRS 159.344(5)(f), counsel succeeded in establishing guardianships for Ms. Jones
15 and the benefits to Ms. Jones are described above in the description of benefits under NRS
16 159.344(5)(b) and NRS 159.344(5)(e).

17 45. Under NRS 159.344(5)(g), Mr. Michaelson charges an hourly rate of \$450.00 per hour.
18 His senior and associate attorneys charge a rate of \$350.00 and \$300.00 per hour, respectively,
19 and his paralegals charge a rate of \$150.00 per hour. Further all fees charged are itemized in
20 **Exhibit 1**.

21 46. Under NRS 159.344(5)(h), the apportionment of time among multiple clients, if any, is
22 documented in **Exhibit 1**.

1 47. Under NRS 159.344(5)(i), services were provided in a reasonable, efficient and cost-
2 effective manner. Much work was performed by a paralegal or secretary and prior work product
3 was emulated as much as possible to reduce the total time spent working on this case.

4 48. Under NRS 159.344(5)(j), as shown by the Inventory on file, the nature, extent and
5 liquidity of Ms. Jones estate are not sufficient to pay the requested attorney's fees outright. Ms.
6 Jones' foreseeable expenses that could take precedence over the requested attorney's fees include
7 costs for her facility, medications and day-to-day needs. Said expenses are documented in the
8 Budget on file herein. Although the funds in Ms. Jones' accounts are not sufficient to pay the
9 fees requested while continuing to pay for Ms. Jones' care, maintenance and support, Ms. Jones
10 has real property in California, the value of which will be sufficient to pay the fees requested
11 upon its sale. Petitioners intend to simply file a judgment or order for fees as a lien against Ms.
12 Jones' real property in California as stated hereinabove to allow her continued use of her assets
13 during her lifetime.

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15 49. Under NRS 159.344(5)(k), Petitioners and counsel have been diligent in their efforts to
16 work efficiently in this case and in caring for Ms. Jones. This helped to reduce and minimize
17 current issues and prevent any additional issues from arising.

18 50. This matter has been contentious and has involved a number of efforts to reach
19 agreements to streamline the resolution of various issues.

20 51. In an effort to resolve the issue and minimize attorney's fees and costs, counsel for
21 Petitioner attempted on numerous occasions to meet and confer with counsel for Mr. Yeoman
22 and various counsel retained by Kimberly, to work effectively towards a solution and ensure that
23 the protected person's interests were being safeguarded. Counsel has also generally refrained
24 from filing unneeded pleadings or responses to the various unneeded pleadings that Mr. Yeoman
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1 filed herein. Counsel has, however, made numerous phone calls and written numerous emails in
2 support of the protected person throughout the negotiations. He has also responded to many,
3 many phone calls and emails from counsel for other parties in an effort to resolve concerns and
4 assist in a speedier resolution of contested matters.

5 52. Under NRS 159.344(5)(l), neither Petitioners nor counsel acted in a way that
6 unnecessarily expanded issues or delayed or hindered the efficient administration of the
7 guardianship estate of Ms. Jones.

8 53. Under NRS 159.344(5)(m), neither Petitioners nor counsel took any action for the
9 purpose of advancing or protecting their own interests rather than the interest of Ms. Jones.

10 54. Under NRS 159.344(5)(n), additional factors are not relevant to determine whether
11 attorney's fees are just, reasonable or necessary. As shown above, Petitioners and counsel were
12 acting to advance Ms. Jones' best interest and succeeded in doing so.

13 55. Under NRS 159.344(6)(a-b), undersigned counsel is not requesting compensation for
14 time spent on internal business activities, clerical or secretarial support or time reported as a
15 block of time spent on multiple tasks. **Exhibit 1** shows that the time spent is itemized by task.

16 56. Under NRS 159.344(7), no third party is applicable to the fees requested herein.

17 57. Under NRS 159.344(8), payment of ordinary costs and expenses incurred in the scope of
18 counsel's representation is being requested, as shown in **Exhibit 1**.

19 58. Pursuant to NRS 159.344(9), "if two or more parties in a guardianship proceeding file
20 competing petitions for the appointment of a guardian or otherwise litigate any contested issue in
21 the guardianship proceeding, only the prevailing party may petition the court for payment of
22 attorney's fees and costs from the guardianship estate pursuant to this section." Here, three
23 competing petitions were filed for the appointment of a guardian; the original petition for
24
25

1 temporary guardianship filed by Robyn Friedman and Donna Simmons, your Petitioners herein,
2 and then Oppositions and Counter-Petitions for Guardianship filed by both Kimberly and Mr.
3 Yeoman. Petitioners' ex parte petition was granted on September 23, 2019, and petitioners were
4 appointed temporary guardians. The temporary guardianship was extended on October 3, 2019,
5 and Petitioners remained in their roles as temporary guardians. While Kimberly was ultimately
6 appointed as general guardian pursuant to Ms. Jones' wishes as set forth in her estate planning
7 documents, petitioners Robyn Friedman and Donna Simmons were the prevailing party on the
8 initial petition for temporary guardianship and were the driving force in getting the protective
9 temporary guardianship framework in place and then working to ensure that the protections
10 would remain in place by way of a general guardianship appointment. But for the efforts of
11 Petitioners, Ms. Jones might still be living in uncertain conditions, moving between locations and
12 having police involvement in her custody, all with no written plan of care. Immediately after
13 their appointment as temporary guardians, however, your Petitioners herein paid for and
14 provided such a care plan. Ms. Jones might still be financially vulnerable with Powers of
15 Attorney that were not being respected and financial transactions being done without knowledge
16 of Ms. Jones or her family. Instead, Ms. Jones is currently living in the Kraft house, which she
17 believes to be her home despite the questioned sale, with Kimberly acting as her caregiver and as
18 her guardian authorized to make both healthcare and financial decisions.
19

20 59. NRS. 159.344(10) does not apply to Petitioners or undersigned counsel. Neither is court-
21 appointed counsel in this matter.

22 ///

23 ///

24 ///


WHEREFORE, based on the foregoing, Petitioner prays:

1. That attorney fees and costs in the amount of \$62,029.66 be approved and reduced to judgment such that Petitioners can file a lien against Ms. Jones' real property in California as stated herein;

2. For such other and further relief as this Court deems appropriate.

DATED: February 13, 2020.

MICHAELSON & ASSOCIATES, LTD.


John Michaelson, Esq.
Nevada Bar No. 7822
2200 Paseo Verde Parkway, Ste. 160
Henderson, Nevada 89052
Attorney for Petitioner

VERIFICATION

I, Robyn Friedman, state under penalty of perjury: That I am the Petitioner in the above referenced action; that I have read the PETITION FOR APPROVAL OF ATTORNEYS FEES AND COSTS AND REQUEST TO ENTER A JUDGMENT AGAINST THE REAL PROPERTY OF THE ESTATE; and know the contents thereof; that the same is true of my knowledge except as to those matters therein stated upon information and belief and as to those matters, I believe them to be true.



Robyn Friedman

VERIFICATION

I, Donna Simmons, state under penalty of perjury: That I am the Petitioner in the above referenced action; that I have read the PETITION FOR APPROVAL OF ATTORNEYS FEES AND COSTS AND REQUEST TO ENTER A JUDGMENT AGAINST THE REAL PROPERTY OF THE ESTATE; and know the contents thereof; that the same is true of my knowledge except as to those matters therein stated upon information and belief and as to those matters, I believe them to be true.

Donna Simmons
Donna Simmons

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EXHIBIT 1



**MICHAELSON
& ASSOCIATES, LTD.**
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INVOICE

Invoice # 12460
Date: 08/30/2019

2200 Paseo Verde Parkway, Suite 160
Henderson, Nevada 89052
United States
Phone: 702.731.2333

Robyn Friedman
2824 High Sail Ct.
Las Vegas, NV 89117

Guardianship 59: Friedman, Robyn and Simmons, Donna (June Jones)-2019-08-01582

Date	Type	Attorney	Notes	Quantity	Rate	Total
08/21/2019	Service	JPM	Consultation (1.5). Dictation [NO CHARGE], staff direction (.40), file setup [NO CHARGE].	1.90	\$450.00	\$855.00
08/21/2019	Service	HAR	[REDACTED]			
08/22/2019	Service	LM	Telephone call and leave message for Robert Johnson regarding possible guardianship of Kathleen Jones (.1); telephone call with Robert Johnson and set up telephone conference with John Michaelson this afternoon (.3); email JPM regarding same and calendar (.2); telephone call and leave message with Robyn regarding John's telephone call with David Johnson and request to provide information for family members (.1).	0.70	\$200.00	\$140.00
08/22/2019	Service	HAR	Review questionnaire; emails to/from Perry Friedman for further information.	0.40	\$200.00	\$80.00
08/23/2019	Service	LM	Numerous telephone calls with Robyn Friedman regarding contact information for Scott and Teri and whereabouts of holographic will.	0.90	\$200.00	\$180.00
08/23/2019	Service	LM	Office conference with attorney regarding proceeding with a contested guardianship where the husband is refusing medical treatment and is isolating Ms. Jones from her children.	0.40	\$200.00	\$80.00

08/23/2019	Service	JPM	Phone conference with Kimberly and her attorney re factual background (.3). Dictation and staff direction re next steps (.3).	0.60	\$450.00	\$270.00
08/23/2019	Service	JPM	Conference with team re arguments, next steps and options including options to guardianship.	0.40	\$450.00	\$180.00
08/23/2019	Service	JPM	Conference call with opposing counsel Ty Kehoe (1.0). Dictation and staff direction (.2).	1.20	\$450.00	\$540.00
08/26/2019	Service	LM	Telephone call with David Johnson to request a copy of June Jones healthcare power of attorney.	0.30	\$200.00	\$60.00
08/26/2019	Service	JPM	Phone conference with clients(.6). Efforts to obtain HCPOA (.4). direct team (.2).	1.20	\$450.00	\$540.00
08/27/2019	Service	LM	Receipt and review of email and Health Care Power of Attorney for June Jones received from Johnson & Johnson (.3); telephone call and leave message with Monica Gillins, Mr. Johnson's paralegal regarding providing a copy of the health care power of attorney to Ty Kehoe (.3).	0.60	\$200.00	\$120.00
08/28/2019	Service	LM	Receipt of email from Ty Kehoe regarding telephone conference with JPM this afternoon; receipt of email from Monica at Mr. Johnson's office regarding approval to forward the health care power of attorney to Ty Kehoe.	0.40	\$200.00	\$80.00
08/28/2019	Service	JPM	Prepare for tc w/ opposing counsel. Phone conference with client.	0.40	\$450.00	\$180.00
08/28/2019	Service	JPM	Teleconference with opposing counsel. Dictation.	0.70	\$450.00	\$315.00
08/28/2019	Service	LM	Review of facts of case to proceed with guardianship.	0.80	\$200.00	\$160.00
08/28/2019	Service	LM	Telephone with Robyn regarding points that refute the allegation that they were absent from their mother's life.	0.30	\$200.00	\$60.00
08/29/2019	Service	JPM	Review email and facts provided by Robyn.	0.30	\$450.00	\$135.00
08/29/2019	Service	LM	Telephone call with David Johnson to schedule a conference call with Mr. Michaelson.	0.20	\$200.00	\$40.00
08/29/2019	Service	JPM	Prepare for and conduct conference call with attorney David Johnson.	0.50	\$450.00	\$225.00
08/29/2019	Service	JPM	Email client and prepare for settling matters	0.90	\$450.00	\$405.00



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Phone: 702.731.2333

INVOICE

Invoice # 12560
Date: 09/10/2019

Robyn Friedman
2824 High Sail Ct.
Las Vegas, NV 89117

Guardianship 59: Friedman, Robyn and Simmons, Donna (June Jones)-2019-08-01582

Date	Type	Attorney	Notes	Quantity	Rate	Total
08/30/2019	Service	JPM	Prepare for and conduct tc with Robyn and Donna about numerous issues and firming up factual background.	1.30	\$450.00	\$585.00
08/30/2019	Service	JPM	Direct associate attorney on research re next week's POA hearing and also commencement of guardianship petition.	0.40	\$450.00	\$180.00
08/30/2019	Service	JPM	Email opposing counsel Ty Kehoe re visitation.	0.10	\$450.00	\$45.00
09/03/2019	Service	LCP	Review notes in preparation to begin drafting Petition	0.50	\$300.00	\$150.00
09/04/2019	Service	LCP	Email response to T. Kehoe	0.40	\$300.00	\$120.00
09/04/2019	Service	JPM	Review opposing counsel email.	0.20	\$450.00	\$90.00
09/04/2019	Service	JPM	Review opposition filed in probate matter (.5). Begin drafting guardianship petition and arguments (1.3).	1.80	\$450.00	\$810.00
09/04/2019	Service	LCP	Strategy with JPM (1.2); receive and review opposition to Petition (.5); email to opposing counsel (.3); email to clients responding to questions (.2)	2.20	\$300.00	\$660.00
09/04/2019	Service	JPM	Phone conference with opposing counsel trying to resolve outstanding issues.	1.20	\$450.00	\$540.00
09/04/2019	Service	JPM	Client communication.	0.20	\$450.00	\$90.00

09/05/2019	Service	LM	Telephone call with Robyn Friedman regarding medical documentation to support a guardianship (.3); draft notice of appearance(.4); arranged for mailing (.3).	1.00	\$200.00	\$200.00
09/05/2019	Service	LCP	Call to Donna Simmons; left VM at 9:50am	0.10	\$300.00	\$30.00
09/05/2019	Service	LCP	TC with Donna Simmons (.2); email to JMP [NO CHARGE]; email to D. Simmons to provide my contact information (.2)	0.40	\$300.00	\$120.00
09/05/2019	Service	LCP	Review medical records received from attorney D. Johnson	0.40	\$300.00	\$120.00
09/05/2019	Service	SJ	Efile - Notice of Appearance	0.10	\$40.00	\$4.00
09/05/2019	Expense	SJ	Reimbursable expenses: Efile - Notice of Appearance	1.00	\$3.50	\$3.50
09/05/2019	Service	SJ	Regular US Mail - Notice of Appearance	0.10	\$40.00	\$4.00
09/05/2019	Expense	SJ	Reimbursable expenses: Regular US Mail - Notice of Appearance	5.00	\$0.50	\$2.50
09/05/2019	Service	SJ	FILED - Notice of Appearance	0.10	\$40.00	\$4.00
09/05/2019	Service	LCP	Research Nevada Statute regarding POA validity (.5); draft memo on findings (.4)	0.90	\$300.00	\$270.00
09/05/2019	Service	JPM	Various communications re guardianship petition facts, tomorrow's hearing to enforce POA in order to avoid guardianship (1.2) Review of pleadings (.6).	1.80	\$450.00	\$810.00
09/06/2019	Service	LCP	Communication with JPM re: research	0.20	\$300.00	\$60.00
09/06/2019	Service	LM	Legal research regarding NRS 162A, validity of power of attorney, execution and presumption in favor of validity; email findings to attorney	1.30	\$200.00	\$260.00
09/06/2019	Service	JMP	Research for JPM re: court hearing 2019.9.6	0.30	\$75.00	\$22.50
09/06/2019	Service	LCP	Confer with JPM prior to Probate Court	0.50	\$300.00	\$150.00
09/06/2019	Service	JPM	Prepare for and participate in hearing to enforce POA's as least restrictive means rather than guardianship (2.5). Also participate in direct negotiations with all parties(1.5).	4.00	\$450.00	\$1,800.00
09/07/2019	Service	JPM	Multiple communications to/from opposing counsel Ty Kehoe now that Kimberly has picked up her mother in AZ. Also communications with client.	1.80	\$450.00	\$810.00
09/08/2019	Service	AEF	Telephone conference with John Michaelson and Lora Caindec-Poland	0.40	\$350.00	\$140.00

			regarding case status, power of attorney responsibilities, location of proposed protected person, law enforcement response, next steps, etc. (24).			
09/08/2019	Service	LCP	TC with JPM and and AEF re: current events and strategy re: same	0.40	\$300.00	\$120.00
09/08/2019	Service	JPM	Communication with Dr. Brown to see if he can meet Kimberly and evaluate June Jones on a very expedited basis to gauge capacity.	0.50	\$450.00	\$225.00
09/08/2019	Service	JPM	Update team and discussion options going forth. Client communications.	0.70	\$450.00	\$315.00
09/09/2019	Service	LCP	Email Dr. Brown's address to client	0.10	\$300.00	\$30.00
09/09/2019	Service	LCP	Discuss strategy with JPM and AEF	0.20	\$300.00	\$60.00
09/09/2019	Service	LCP	Begin drafting Petition for Guardianship	3.50	\$300.00	\$1,050.00
09/09/2019	Service	JPM	Coordinate with Kimberly's counsel, Dr. Brown's office to facilitate evaluation.	0.70	\$450.00	\$315.00
09/09/2019	Service	JPM	Work on petition for temp and special guardianship. Direct team. Client communications.	1.20	\$450.00	\$540.00
09/09/2019	Service	AEF	Office conference with John Michaelson and Lori Candlen-Poland regarding temporary guardianship, refusals of involved persons to honor power of attorney documents, responses/positions, posturing of other attorney, next steps, etc. (18)	0.30	\$350.00	\$105.00
				Total	\$10,840.50	
				Payment (09/12/2019)	-\$10,840.50	
				Balance Owing	\$0.00	

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Henderson, Nevada 89052
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INVOICE

Invoice # 12595
Date: 09/25/2019

Robyn Friedman
2824 High Sail Ct.
Las Vegas, NV 89117

Guardianship 59: Friedman, Robyn and Simmons, Donna (June Jones)-2019-08-01582

Date	Type	Attorney	Notes	Quantity	Rate	Total
09/10/2019	Service	HAR	Phone call to client regarding payment to Dr. Brown: update case file	0.10	\$200.00	\$20.00
09/10/2019	Service	LCP	Draft Guardianship Petition	3.40	\$300.00	\$1,020.00
09/10/2019	Service	JPM	Phone conference with attorney David Johnson re pros and cons of guardianship petition in this matter.	0.40	\$450.00	\$180.00
09/10/2019	Service	JPM	Various communications including getting Dr. Brown paid. Draft/edit/revise petition for guardianship.	1.00	\$450.00	\$450.00
09/11/2019	Service	LCP	Draft Petition for Guardianship	1.80	\$300.00	\$540.00
09/11/2019	Service	JPM	Coordinate with Dr. Brown, including review his report. Client communications.	0.70	\$450.00	\$315.00
09/12/2019	Service	LCP	Meet with JPM re: changes to be made to guardianship petition based on his conversation with R. Friedman this morning	0.40	\$300.00	\$120.00
09/12/2019	Service	LCP	TC with R. Friedman	0.30	\$300.00	\$90.00
09/12/2019	Service	JPM	Review preemptively void transfer statute relating to caregivers and vulnerable persons (.3). Meeting with clients to review same and plan next steps/arguments and assess situation (1.4).	1.70	\$450.00	\$765.00
09/13/2019	Service	LCP	Call from R. Friedman (.2); revisions to Petition	2.80	\$300.00	\$840.00

			for Guardianship to reflect clients as Petitioners (2.6)			
09/13/2019	Service	LCP	Petition for Guardianship; forward draft to JPM for review	1.00	\$300.00	\$300.00
09/13/2019	Service	LCP	TC with JPM; email to clients re: info needed for Petition	0.40	\$300.00	\$120.00
09/13/2019	Service	JPM	TC with with team and direct staff	0.50	\$450.00	\$225.00
09/16/2019	Service	LCP	Further revisions to Petition for Guardianship	2.30	\$300.00	\$690.00
09/16/2019	Service	LM	Begin preparing ancillary documents for appointment of temporary guardianship	0.30	\$200.00	\$60.00
09/16/2019	Service	LCP	Research Temporary vs. Special Guardianship and discuss with JPM review of draft of Petition	1.00	\$300.00	\$300.00
09/16/2019	Service	JPM	Review draft petition. Edit and revise. Direct team.	1.60	\$450.00	\$720.00
09/16/2019	Service	JPM	Phone conference with Kimberly's attorney re petition for guardianship.	0.60	\$450.00	\$270.00
09/16/2019	Service	JPM	Review email from attorney for Gerry and Dick.	0.20	\$450.00	\$90.00
09/17/2019	Service	LM	Continue to Draft all ancillary temporary guardianship documents; draft guardians' acknowledgment of duties; draft citation to appear and show cause for general (1.2); draft certificate of service for appointment of general guardian (.2)	1.40	\$200.00	\$280.00
09/17/2019	Service	LCP	Further draft Petition for Temporary and General Guardianship	1.50	\$300.00	\$450.00
09/17/2019	Service	LCP	Further draft Petition for guardianship	1.00	\$300.00	\$300.00
09/17/2019	Service	LCP	Revisions to Petition; email to clients for review	3.60	\$300.00	\$1,080.00
09/17/2019	Service	JPM	Gather facts, research arguments, direct team and draft/edit/revise petition for temp and petition for general guardianship.	3.00	\$450.00	\$1,350.00
09/18/2019	Service	LM	Compile exhibits to be attached to ex parte petition for appointment of temporary guardian.	0.40	\$200.00	\$80.00
09/18/2019	Service	LCP	Revisions to Petition per clients comments on draft	1.60	\$300.00	\$480.00

09/18/2019	Service	LM	Email Robyn and Donna regarding signatures on verifications to ex parte petition and on oath for the Letters of Temporary Guardianship (.3); review requirements for notifying family members before filing of a temporary guardianship (.3). Telephone call and leave message with Teri and Scott regarding our filing for appointment of temporary guardianship (.3); telephone call with Teri regarding her opposing the petition for appointment of temporary guardian (.4).	1.30	\$200.00	\$260.00
09/18/2019	Service	LCP	Further revisions to Petition; email draft to clients	2.40	\$300.00	\$720.00
09/18/2019	Service	JPM	Gather facts, research arguments, direct team and draft/edit/revise petition for temp and petition for general guardianship.	5.00	\$450.00	\$2,250.00
09/18/2019	Service	LCP	Various tasks associated with finalizing Petition (.9); discuss with JPM re: strategy, timing (.2); TC with R. Friedman re: revisions needed (.3); revisions made per client request (.6)	2.00	\$300.00	\$600.00
09/19/2019	Service	LCP	TC with JPM (.1); receive signed Verification pages from R. Friedman (.1); TC from D. Simmons re: Verification pages (.3); revisions to Petition (.5)	1.00	\$300.00	\$300.00
09/19/2019	Service	LM	Efiled petition for appointment of temporary guardian (.2); drafted order granting temporary guardianship (1.0); efiled citation to appear and show cause (.2); prepared amended citation (.3).	1.70	\$200.00	\$340.00
09/19/2019	Service	LCP	File Petition	0.50	\$300.00	\$150.00
09/19/2019	Service	LCP	Email to clients re: status of filing and next steps; sign Citation; review and sign Order	0.50	\$300.00	\$150.00
09/19/2019	Service	JPM	Various calls and communications with staff and attorneys for other parties in attempts to meet and confer to resolve claims and also prepare our petition for guardianship - draft/edit/and revising same.	1.70	\$450.00	\$765.00
09/19/2019	Expense	LM	Court Filing Fee - Petition and Citation to Appear and Show Cause.	1.00	\$3.50	\$3.50
09/20/2019	Service	LM	Arrange for mailing of the citation and petition to all interested parties	0.40	\$200.00	\$80.00
09/20/2019	Service	LM	Receipt of email from client with location of her mother (.2); email Dave at Servlaw to attempt personal service at the Kraft house	0.40	\$200.00	\$80.00

			address (.2).			
09/20/2019	Expense	LT	Mail: Certified USPS Mail Amended citation to appear and show cause and Ex Parte petition for appt. to all on Cert of Service	14.00	\$6.40	\$89.60
09/20/2019	Expense	LT	Filing Fee: E-Filed Amended citation to appear and show cause and Ex Parte petition	1.00	\$3.50	\$3.50
09/20/2019	Service	LCP	Emails to/from R. Friedman (.4); TC with JPM re: emails from opposing counsel (.1)	0.50	\$300.00	\$150.00
09/20/2019	Service	LCP	TC with JPM re: providing advance copy of pleading to opposing counsel (.2); email to clients re: same (.2)	0.40	\$300.00	\$120.00
09/20/2019	Service	JPM	Various communications re obtaining guardianship and noticing other parties, as well as logistics b/w the parties re June's care and including responding to Ty Kehoe's ex parte contact with probate court re POA's that are not being honored, as well as emails from attorneys for other parties.	1.30	\$450.00	\$585.00
09/23/2019	Service	LM	Telephone call with Chryste in Dept. B. regarding approval of order granting temporary guardianship (.2); calendar return date for appointment of temporary guardian (.1); telephone call with Dave at Servlaw regarding status of service of amended citation and petition upon June Jones(.2); follow-up email from Dave at Servlaw to also serve the order granting the temporary guardianship (.1); second telephone call with Chryste regarding faxing over a copy of the order (.2); emailed a copy of the order granting the temporary guardianship to the clients (.2); efiled the notice of entry of order granting temporary guardianship and arranged for mailing of same (.2); emailed Dave to also serve the Order Granting the Temporary Guardianship (.1).	1.30	\$200.00	\$260.00
09/23/2019	Service	LCP	Call from JPM re: obtaining Order from Judge's Clerk (.1); arrange with L. Murnane re: same [NO CHARGE]; call from D. Johnson (.2); communication with JPM re: status of Order and message from D. Johnson (.1)	0.40	\$300.00	\$120.00
09/23/2019	Service	SJ	Regular US Mail - NEO Granting Ex Parte	0.20	\$40.00	\$8.00
09/23/2019	Expense	SJ	Reimbursable expenses: Regular US Mail - NEO Granting Ex Parte	13.00	\$0.50	\$6.50
09/23/2019	Service	LCP	Call from R. Friedman re: events of the	0.20	\$300.00	\$60.00

			afternoon; email to JPM re: same			
09/23/2019	Service	JPM	Various communications and direction to team re guardianship.	0.40	\$450.00	\$180.00
09/23/2019	Service	JPM	Various communications with client, counsel for Kimberly, counsel for Dick and Gerry. On phone while Robyn visits Kraft house and informs Kimberly of guardianship, to answer any questions. Later conversations and emails with clients.	2.20	\$450.00	\$990.00
09/23/2019	Expense	LM	Court filing fee - Notice of Entry of Order granting temporary guardianship.	1.00	\$3.50	\$3.50
09/23/2019	Expense	LM	Service fee - Personal Service fee.	1.00	\$50.00	\$50.00
09/24/2019	Service	LCP	Call from R. Friedman re: service of Citation on J. Jones	0.10	\$300.00	\$30.00
09/24/2019	Service	LM	Emailed a copy of the Letters of Temporary Guardianship to the clients (.2) arrange to obtain certified copies of both the order and letters (.2); emailed a copy of the Letters of Temporary Guardianship to Ty Kehoe and David Johnson (.1).	0.50	\$200.00	\$100.00
09/24/2019	Service	JPM	phone conference with Robyn.	0.20	\$450.00	\$90.00
09/24/2019	Service	LCP	Draft demand letters to be sent to T. Kehoe and D. Johnson.	1.50	\$300.00	\$450.00
09/24/2019	Service	JPM	Draft/edit/revise letters to attorneys for other parties re various demands and logistical coordination. Review client communications.	0.70	\$450.00	\$315.00
					Total	\$20,444.60
					Payment (09/30/2019)	-\$20,444.60
					Balance Owing	\$0.00

Please make all amounts payable to: Michaelson & Associates Ltd.

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**MICHAELSON
& ASSOCIATES, LTD.**
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INVOICE

Invoice # 12720
Date: 10/10/2019

2200 Paseo Verde Parkway, Suite 160
Henderson, Nevada 89052
United States
Phone: 702.731.2333

Robyn Friedman
2824 High Sail Ct.
Las Vegas, NV 89117

Guardianship 59: Friedman, Robyn and Simmons, Donna (June Jones)-2019-08-01582

Date	Type	Attorney	Notes	Quantity	Rate	Total
09/25/2019	Service	LM	Receipt of email from Robyn Friedman regarding obtaining certified copies(.1); respond to same (.2); prepare receipt of documents (.1); email Robyn that certified copies are ready for pickup (.1); telephone call and leave message with Donna to confirm her personal appearance at the hearing; efiled affidavit of personal appearance.(.1)	0.60	\$200.00	\$120.00
09/25/2019	Service	LCP	Review multiple emails from client; lengthy response email re: duties of guardian	1.10	\$300.00	\$330.00
09/25/2019	Service	AR	Received call from Robyn Friedman, Emailed information to attorney, and notated file.	0.20	\$0.00	\$0.00
09/25/2019	Service	JPM	Review some communications. Phone conference with Robyn. Direct team.	0.60	\$450.00	\$270.00
09/25/2019	Service	LCP	Redraft of demand letters to T. Kehoe and D. Johnson per request of R. Friedman	0.70	\$300.00	\$210.00
09/25/2019	Service	JPM	Review of correspondence from Robyn. Direct team re letters to attorneys for other parties. Draft/edit/revise those letters. Send email to client with letter attached.	0.70	\$450.00	\$315.00
09/26/2019	Service	LCP	Revisions to demand letters to T. Kehoe and D. Johnson per client request	0.90	\$300.00	\$270.00
09/26/2019	Expense	LCP	Reimbursable expenses: Court Filing Fee -	1.00	\$3.50	\$3.50

			Petition.			
09/26/2019	Expense	SJ	Reimbursable expenses: Certification of Copy	1.00	\$20.00	\$20.00
09/26/2019	Service	AR	Revise and finalize invoice and email to client.	0.50	\$0.00	\$0.00
09/26/2019	Service	LCP	Send demand letters to opposing counsel	0.30	\$300.00	\$90.00
09/26/2019	Service	JPM	Draft/edit/revise letters to attorneys for other parties. read and forward email from attorney Kehoe. Direct team on sending letters.	0.40	\$450.00	\$180.00
09/27/2019	Service	AEF	Review email from opposing counsel regarding requested items, temporary guardianship and visitation, then review and revise draft response email to opposing counsel regarding same (0.4).	0.40	\$350.00	\$140.00
09/27/2019	Service	LM	Telephone call with Robyn Friedman regarding email to her sister.	0.20	\$200.00	\$40.00
09/27/2019	Service	JPM	Numerous communications and emails to/from clients, David Johnson, Ty Kehoe trying to obtain June's identification and other property and resolve visitation issues.	2.00	\$450.00	\$900.00
09/27/2019	Service	JPM	Later phone call with Ty Kehoe. Call with client.	0.50	\$450.00	\$225.00
09/27/2019	Service	JPM	Still later call with Ty Kehoe who represents Gerry and Dick trying to resolve visitation and other issues.	0.30	\$450.00	\$135.00
09/28/2019	Service	JPM	Review of combative Ty Kehoe communication and response thereto. Multiple communications with clients, counsel for Kimberly and Mr. Kehoe.	0.80	\$450.00	\$360.00
09/29/2019	Service	JPM	Communications with all parties. Setup and participate in phone conference with Kimberly and her attorney.	0.60	\$450.00	\$270.00
09/30/2019	Service	LCP	Discuss with J. Pairman re: contact information for Geriatric Care Manager [NO CHARGE]; TC with R. Friedman to give her contact information and to discuss medical records (.2); email to R. Friedman with requested information (.1).	0.30	\$300.00	\$90.00
09/30/2019	Service	LCP	2x calls from R. Friedman	0.20	\$300.00	\$60.00
09/30/2019	Service	LCP	TC with Legal Aid attorney, M. Parra-Sandoval	0.30	\$300.00	\$90.00

10/01/2019	Service	JPM	Communication with attorney David Johnson.	0.20	\$450.00	\$90.00
10/01/2019	Service	JPM	Phone conference with Kimberly's new attorney Jeff Luszeck. Dictation and staff direction.	0.50	\$450.00	\$225.00
10/01/2019	Service	LM	Review court file for oppositions to petition for appointment of guardianship.	0.30	\$200.00	\$60.00
10/01/2019	Service	LCP	Prepare for Hearing	1.60	\$300.00	\$480.00
10/01/2019	Service	LCP	Draft Notice of Intent to Move Protected Person	0.50	\$300.00	\$150.00
10/01/2019	Service	JPM	Communication with attorney Ty Kehoe re visitation, plan of care, etc.	0.10	\$450.00	\$45.00
10/01/2019	Service	JPM	Further communications with Kimberly's attorney's outlining issues.	0.10	\$450.00	\$45.00
10/02/2019	Service	LCP	Strategy for hearing with JPM, discuss correspondence with Kimberly's new attorney.	0.70	\$300.00	\$210.00
10/02/2019	Service	LM	Receipt and review of Ty Kehoe's opposition to petition for appointment of temporary guardian and counter petition for appointment of temporary and general guardian.	1.40	\$200.00	\$280.00
10/02/2019	Service	LCP	TC with R. Friedman (.2); TC with D. Simmons (.2); receive and review Opposition filed by T. Kehoe (.5); email same to clients (.1)	1.00	\$300.00	\$300.00
10/02/2019	Service	LCP	Prepare for hearing	3.30	\$300.00	\$990.00
10/02/2019	Service	JPM	Communications all day with clients, opposing counsel re hearing prep and efforts to settle issues. Review opposition briefs and supplements thereto.	4.50	\$450.00	\$2,025.00
10/02/2019	Service	JPM	Visit with clients and protected person. Prior phone call to attorney for protected person.	0.20	\$450.00	\$90.00
10/03/2019	Service	LM	Filed order extending temporary guardianship (.1); prepared notice of entry of order extending temporary guardianship (.2); filed same and mailed to all interested parties (.2); emailed Donna and Robyn with a copy of the order extending temporary guardianship (.2); arranged for mailing of same. (.1)	0.70	\$200.00	\$140.00
10/03/2019	Service	LCP	Attend hearing [NO CHARGE]	3.00	\$0.00	\$0.00
10/03/2019	Service	SJ	Regular US Mail - Proposed Care Plan	0.30	\$40.00	\$12.00

10/03/2019	Expense	SJ	Reimbursable expenses: Regular US Mail - Proposed Care Plan	9.00	\$0.50	\$4.50
10/03/2019	Service	SJ	Regular US Mail - NEO Extending Temp	0.30	\$40.00	\$12.00
10/03/2019	Expense	SJ	Reimbursable expenses: Regular US Mail - NEO Extending Temp	10.00	\$0.50	\$5.00
10/03/2019	Service	JPM	Review numerous materials and prepare arguments for hearing.	2.50	\$450.00	\$1,125.00
10/03/2019	Service	JPM	Settlement negotiations at court; client conferences at court; participate in hearing and follow up conversations with clients and opposing attorneys.	3.20	\$450.00	\$1,440.00
10/03/2019	Service	LCP	Generate list of items needed from Kim and Gerry (.5); email same to R. Friedman and D. Simmons (.2)	0.70	\$300.00	\$210.00
10/04/2019	Service	LCP	Call from R. Friedman (.2); email to SDF attorneys to follow up information reported by R. Friedman (.1)	0.30	\$300.00	\$90.00
10/04/2019	Service	LCP	TC x2 with D. Simmons (.2); email to D. Simmons attaching Oppositions per her request (.1)	0.30	\$300.00	\$90.00
10/04/2019	Service	LCP	Call from R. Friedman (.4); discussion of payments to caregivers (.3); email to R. Evans re: same(.2); email to JPM re: same (.1)	1.00	\$300.00	\$300.00
10/04/2019	Service	LM	Receipt of email from Donna to confirm her address and to send future mail to her certified mail (.2); email to Donna and Robyn letting them know certified copies of the Order Extending the Temporary Guardianship are ready for pickup (.3).	0.50	\$200.00	\$100.00
10/04/2019	Expense	LT	Mail: Fed Ex Overnight Envelope to Donna Simmons Priority only option because it's being delivered on Saturday.	1.00	\$60.06	\$60.06
10/04/2019	Service	LCP	Discuss with JPM re: caregiver compensation (.4); Call from R. Friedman re: same (.2)	0.60	\$300.00	\$180.00
10/04/2019	Service	LCP	Incorporate R. Friedman's requests for items into the existing list of demanded items	0.50	\$300.00	\$150.00
10/04/2019	Service	JPM	Communications re compensation for Kimberly as caregiver.	0.30	\$450.00	\$135.00
10/07/2019	Service	LM	Office conference with attorneys regarding filing a responsive pleading to oppositions for appointment of guardian, scheduling a face to face meeting with all parties	0.30	\$200.00	\$60.00

			involved.			
10/07/2019	Service	LCP	Update on status	0.20	\$300.00	\$60.00
10/07/2019	Service	JPM	Meet with legal team and consider next steps in light of events and communications over the past few days.	0.40	\$450.00	\$180.00
10/07/2019	Service	JPM	Phone conference with Kimberly's attorney Ross Evans.	0.30	\$450.00	\$135.00
10/07/2019	Expense	SJ	Reimbursable expenses: Certification of Copy	1.00	\$10.00	\$10.00
10/07/2019	Service	LM	Review of email from Geraldine Tomich requesting a copy of the petition for guardianship (.2); emailed a copy to Ms. Tomich (.2).	0.40	\$200.00	\$80.00
10/07/2019	Service	JPM	Contact Kate McCloskey with guardianship compliance office re coordinating sharing of information in support of financial investigation.	0.10	\$450.00	\$45.00
10/07/2019	Service	JPM	Contact clients' real estate attorney re claims against Dick re recovery of home.	0.10	\$450.00	\$45.00
10/07/2019	Service	JPM	Draft/edit/revise letters to opposing parties re demands for various items.	0.40	\$450.00	\$180.00
10/08/2019	Service	LCP	Research Subpoena issues.	0.70	\$300.00	\$210.00
10/08/2019	Service	LM	Attempt to call Cindy Sauchak of the Las Vegas Metropolitan Police Department (.1); email Ms. Sauchak regarding setting up a telephonic conference with JPM (.1); telephone call with Metro's abuse and neglect (.1)	0.30	\$200.00	\$60.00
10/08/2019	Service	JPM	Meet with staff to debrief last week's hearing and plan strategy going forward including possible settlement conference.	0.80	\$450.00	\$360.00
10/08/2019	Service	JPM	Communications with clients and Kimberly's counsel discussing issues and trying to arrange face to face settlement meeting.	0.30	\$450.00	\$135.00
10/08/2019	Service	JPM	Communications with state guardianship compliance office re status of their investigation.	0.20	\$450.00	\$90.00
10/09/2019	Service	LM	Telephone call with Detective Ludwig at Metro's abuse and neglect unit regarding setting up conference call.	0.70	\$200.00	\$140.00
10/09/2019	Service	LCP	Strategy with JPM	1.00	\$300.00	\$300.00
10/09/2019	Service	JPM	phone conference with clients re possible settlement conference today.	0.50	\$450.00	\$225.00

10/09/2019	Service	JPM	Communication with Kimberly's attorneys re settlement conference.	0.30	\$450.00	\$135.00
10/09/2019	Service	JPM	Prepare for hearing and settlement conference. possible arguments, solutions, possible responses to oppositions filed.	1.10	\$450.00	\$495.00
10/09/2019	Service	LCP	Travel to and attend meeting at SDF law firm.	2.50	\$300.00	\$750.00
10/09/2019	Service	JPM	Continue preparing for settlement conference. travel to and participate in settlement conference at Kimberly's attorney's office.	2.80	\$450.00	\$1,260.00

Total **\$18,117.06**

Payment (10/14/2019) **-\$18,117.06**

Balance Owing **\$0.00**

Please make all amounts payable to: Michaelson & Associates Ltd.

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Please be sure to include the invoice number when submitting a payment.

<https://app.clio.com/link/4HAcxKJ27WhK>



**MICHAELSON
& ASSOCIATES, LTD.**
BUILDING • PROTECTING • SUSTAINING

INVOICE

Invoice # 12748
Date: 10/18/2019

2200 Paseo Verde Parkway, Suite 160
Henderson, Nevada 89052
United States
Phone: 702.731.2333

Robyn Friedman
2824 High Sail Ct.
Las Vegas, NV 89117

Guardianship 59: Friedman, Robyn and Simmons, Donna (June Jones)-2019-08-01582

Date	Type	Attorney	Notes	Quantity	Rate	Total
10/10/2019	Service	LM	Drafted notice of intent for Scott Simmons to appear by telephone at the hearing on October 15th (.5); telephone call and leave message for Scott to confirm the telephone number we can reach him at next week (.1).	0.60	\$200.00	\$120.00
10/10/2019	Service	LCP	Review Notice to Appear by [REDACTED] Communication Equipment for S. Simmons; email to clients to confirm telephone number [REDACTED]	0.10	\$300.00	\$30.00
10/10/2019	Service	JPM	Work on reply to opposition.	0.20	\$450.00	\$90.00
10/10/2019	Service	SJ	Regular US Mail - Notice of Intent [REDACTED]	0.20	\$40.00	\$8.00
10/10/2019	Expense	SJ	Reimbursable expenses: Regular US Mail - Notice of Intent	6.00	\$0.50	\$3.00
10/10/2019	Service	JPM	further work on reply to opposition.	0.20	\$450.00	\$90.00
10/10/2019	Service	JPM	Respond to attorney Ty Kehoe by calling him.	0.10	\$450.00	\$45.00
10/11/2019	Service	JPM	Draft/edit/revise reply to oppositions. Formulate arguments.	1.80	\$450.00	\$810.00
10/11/2019	Service	LM	Review of emails received from client to compel opposing party to provide information and documentation on finances and personal information such as passport and medical records (.20); review guardianship	0.50	\$200.00	\$100.00

			statutes regarding petition for instruction (.3).			
10/11/2019	Service	LCP	Draft Reply to Opposition	4.20	\$300.00	\$1,260.00
10/11/2019	Service	LCP	Draft Reply to Opposition	0.50	\$300.00	\$150.00
10/11/2019	Service	LM	Prepare response to counter petition for guardianship (.8); filing response before Tuesday's hearing and preparing a notice of move (.2); prepared a notice of move; efiled and eserved same with the court (.4).	1.40	\$200.00	\$280.00
10/11/2019	Service	LCP	Work on Reply to Opposition	1.70	\$300.00	\$510.00
10/11/2019	Service	JPM	Phone conference with attorney Ty Kehoe trying to resolve issues.	1.60	\$450.00	\$720.00
10/11/2019	Service	JPM	Later phone conferences with clients.	0.50	\$450.00	\$225.00
10/12/2019	Service	JPM	Review numerous pleadings and communications and draft/edit/revise response pleading. Communications with client and team re the same.	3.50	\$450.00	\$1,575.00
10/13/2019	Service	LCP	Work on Reply to Opposition	2.60	\$300.00	\$780.00
10/13/2019	Service	JPM	Review some emails and direct team on draft of response.	0.20	\$450.00	\$90.00
10/14/2019	Service	LCP	Work on Reply to Oppositions	1.50	\$300.00	\$450.00
10/14/2019	Service	LCP	Gather and assemble documents that will be attached as exhibits to Reply	0.90	\$300.00	\$270.00
10/14/2019	Service	LCP	Review and accept JPM's revisions to Reply to Opposition	0.50	\$300.00	\$150.00
10/14/2019	Service	LM	Telephone call with Robyn Friedman and Donna to sign the respective verification pages to reply (.3); draft order granting petition for appointment of general guardian. (1.7)	2.00	\$200.00	\$400.00
10/14/2019	Service	LCP	Email from R. Friedman requesting revisions to Reply (.1); revisions made per her request (.5)	0.60	\$300.00	\$180.00
10/14/2019	Service	SJ	Regular US Mail – Notice of Intent	0.30	\$40.00	\$12.00
10/14/2019	Expense	SJ	Reimbursable expenses: Regular US Mail – Notice of Intent	6.00	\$0.50	\$3.00
10/14/2019	Service	JPM	Draft/edit/revise supplement and prepare arguments for hearing tomorrow.	2.50	\$450.00	\$1,125.00
10/15/2019	Service	LM	Receipt of email from Geri Tomich regarding scheduling a 2:00 p.m. meeting with JPM (.2); respond to same and calendar (.2).	0.40	\$200.00	\$80.00

10/15/2019	Service	LM	Telephone call with Sharon Coates regarding latest version of the care plan approved by the Nevada Legislature (.2); receipt and review of Rule 6 the initial guardianship care plan rule (.2).	0.40	\$200.00	\$80.00
10/15/2019	Service	LCP	Attend court hearing	3.50	\$300.00	\$1,050.00
10/15/2019	Service	LM	Prepared supplement to reply to oppositions to include executed verification of clients (.4); efiled and mailed same (.2).	0.60	\$200.00	\$120.00
10/15/2019	Service	JPM	Prepare for hearing. Participate in hearing including client conferences and negotiations.	5.20	\$450.00	\$2,340.00
10/15/2019	Service	JPM	Phone conference with real estate attorney Geri Tomich re next steps.	0.20	\$450.00	\$90.00
10/15/2019	Service	JPM	email counsel for Kimberly re order.	0.10	\$450.00	\$45.00
10/16/2019	Service	SJ	Regular US Mail - Supplement TO Reply to Oppositions	0.20	\$40.00	\$8.00
10/16/2019	Expense	SJ	Reimbursable expenses: Regular US Mail - Supplement To Reply To Oppositions	6.00	\$0.50	\$3.00
10/16/2019	Service	JPM	Confer with counsel for Kimberly re guardianship order and outcome of hearing.	0.20	\$450.00	\$90.00
10/18/2019	Service	LM	Review court file for order regarding hearing; calendared evidentiary hearing and return hearing on investigator's report.	0.20	\$200.00	\$40.00
					Total	\$13,422.00
					Payment (10/20/2019)	-\$13,422.00
					Balance Owning	\$0.00

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Please be sure to include the invoice number when submitting a payment.

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EXHIBIT 2

	invoice total	redacted amount	date	reason	reimbursable amount
#12460	\$ 5,200.00				
		\$ 60.00	8/21/2019	admin	
		\$ 80.00	8/23/2019	office conference	
		\$ 160.00	8/28/2019	office conference	
	total redacted	\$ 300.00			\$ 4,900.00
#12560	10840.5				
		\$ 4.00	9/5/2019	admin	
		\$ 4.00	9/5/2019	admin	
		\$ 4.00	9/5/2019	admin	
		\$ 260.00	9/6/2019	research	
		\$ 22.50	9/6/2019	research	
		\$ 150.00	9/6/2019	office conference	
		\$ 30.00	9/9/2019	admin	
		\$ 60.00	9/9/2019	office conference	
		\$ 105.00	9/9/2019	office conference	
	total redacted	\$ 639.50			\$ 10,201.00
#12595	20444.6				
		\$ 20.00	9/10/2019	admin	
		\$ 120.00	9/12/2019	office conference	
		\$ 225.00	9/13/2019	office conference	
		\$ 150.00	9/19/2019	admin	
		\$ 80.00	9/20/2019	admin	
		\$ 8.00	9/23/2019	admin	
	total redacted	\$ 603.00			\$ 19,841.60

#12720

18117.06

\$ 60.00	10/1/2019	office conference	
\$ 210.00	10/2/2019	office conference	
\$ 990.00	10/2/2019	admin/attorney support	
\$ 140.00	10/3/2019	admin	
\$ 12.00	10/3/2019	admin	
\$ 12.00	10/3/2019	admin	
\$ 60.00	10/7/2019	office conference	
\$ 60.00	10/7/2019	office conference	
\$ 60.00	10/7/2019	office conference	
\$ 180.00	10/7/2019	office conference	
\$ 210.00	10/8/2019	research	
\$ 360.00	10/8/2019	office conference	
\$ 300.00	10/9/2019	office conference	
\$ 750.00	10/9/2019	attorney support	
total redacted			\$ 14,773.06

#12748

13422

\$ 30.00	10/10/2019	admin	
\$ 8.00	10/10/2019	admin	
\$ 12.00	10/14/2019	admin	
\$ 1,050.00	10/15/2019	attorney support	
\$ 8.00	10/16/2019	admin	
total redacted			\$ 12,314.00

total fees and costs requested for reimbursement

\$ 62,029.66

costs requested for reimbursement

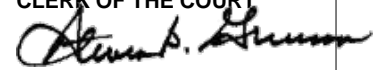
\$ 3.50	9/5/2019
\$ 2.50	9/5/2019
\$ 3.50	9/19/2019
\$ 89.60	9/20/2019
\$ 3.50	9/20/2019
\$ 6.50	9/23/2019
\$ 3.50	9/23/2019
\$ 50.00	9/23/2019
\$ 3.50	9/26/2019
\$ 20.00	9/26/2019
\$ 4.50	10/3/2019
\$ 5.00	10/3/2019
\$ 60.06	10/4/2019
\$ 10.00	10/7/2019
\$ 3.00	10/10/2019
\$ 3.00	10/14/2019
\$ 3.00	10/16/2019

total costs

\$ 274.66

total fees [invoice total minus costs]

\$ 61,755.00



Marquis Aurbach Coffing
Geraldine Tomich, Esq.
Nevada Bar No. 8369
James A. Beckstrom, Esq.
Nevada Bar No. 14032
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gtomich@maclaw.com
jbeckstrom@maclaw.com
*Attorneys for Kimberly Jones,
Guardian of Kathleen June Jones*

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

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

KATHLEEN JUNE JONES

An Adult Protected Person.

**NOTICE OF INTENT TO SEEK PAYMENT OF ATTORNEYS' FEES AND COSTS
FROM GUARDIANSHIP CASE**

☐ **TEMPORARY GUARDIANSHIP**

☒ **GENERAL GUARDIANSHIP**

- ☐ Person
☐ Estate
☐ Person and Estate

- ☐ Person
☐ Estate ☐ Summary Admin.
☒ Person and Estate

☐ **SPECIAL GUARDIANSHIP**

☐ **NOTICES/SAFEGUARDS**

- ☐ Person
☐ Estate ☐ Summary Admin.
☐ Person and Estate

- ☐ Blocked Account Required
☐ Bond Required

MARQUIS AURBACH COFFING HEREBY GIVES NOTICE that they intend to seek reimbursement of their attorneys' fees and costs incurred in this Guardianship action and any necessary action resulting therein, pursuant to NRS 159.344 from the date of this Notice forward. As required by NRS 159.344(3) and in support of the foregoing notice, Marquis Aurbach Coffing provides the following information:

a. Compensation Arrangement.

Page 1 of 3

MAC:15820-001 2/21/2020 3:08 PM

The attorneys and staff at Marquis Aurbach Coffing, bill their services by the hour on a six-minute increment of time rounded to the nearest one-tenth of an hour. Billing occurs on a monthly basis and payment is required within fifteen days of the date of the billing statement.

b. Hourly Billing Rates. The hourly billing rates of the attorneys and paralegals at Marquis Aurbach Coffing, presently assigned to this matter are as follows:

i. Geraldine Tomich, Esq. - \$415.00 per hour.

ii. James Beckstrom, Esq. - \$275.00 per hour.

Geraldine Tomich, Esq., is the principal attorney assigned to the matter. James A. Beckstrom, Esq., is the associate attorney assigned to the matter. The firm reserves the right to change the attorneys assigned to the matter. Attorneys at the firm generally bill at hourly rates between \$235 and \$450. Senior paralegals of the firm bill at an hourly rate of \$170 per hour for Guardianship matters. An increase in billing rates may occur in the future.

c. Necessity of Services. The services of an attorney for the Guardian is necessary in this matter to aid Kimberly Jones in preserving her status as Guardian of the Person and Estate, to investigate and respond to exploitative actions taken by certain interested parties, and to provide guidance to the Guardian on Nevada law for the Guardian to make informed decisions regarding the administration of the Guardianship. To the extent the Guardian requires counsel to prosecute any collateral case on behalf of the Protected Person as a result of the Guardianship, including the civil action approved by this Court, future fees and costs incurred after this Notice may accrue.

Dated this 21st day of February, 2020.

MARQUIS AURBACH COFFING

By /s/ James A. Beckstrom
Geraldine Tomich, Esq.
Nevada Bar No. 8369
James A. Beckstrom, Esq.
Nevada Bar No. 14032
10001 Park Run Drive
Las Vegas, Nevada 89145
*Attorneys for Kimberly Jones, Guardian
of Kathleen June Jones*

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **NOTICE OF INTENT TO SEEK PAYMENT OF ATTORNEYS' FEES AND COSTS FROM GUARDIANSHIP CASE** was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 21st day of February, 2020. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:¹

Ty E. Kehoe, Esq.
KEHOE & ASSOCIATES
871 Coronado Center Drive, Ste. 200
Henderson, NV 89052

Matthew C. Piccolo, Esq.
PICCOLO LAW OFFICES
2450 St. Rose Pkwy., Ste. 210
Henderson, NV 89074

Laura Deeter, Esq.
Nedda Ghandi, Esq.
725 S. 8th Street, Ste. 100
Las Vegas, NV 89101
Attorneys for Rodney Gerald Yeoman

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

John P. Michaelson, Esq.
MICHAELSON & ASSOCIATES, LTD.
2200 Paseo Verde Parkway, Ste. 160
Henderson, NV 89052
Attorneys for Robyn Friedman and Donna Simmons

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

N/A

/s/ Cheryl Becnel
An employee of Marquis Aurbach Coffing

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

Steven D. Grierson

JEFFREY P. LUSZECK, ESQ., Bar No. 09619
jluszeck@sdfnlaw.com
ROSS E. EVANS, ESQ., Bar No. 11374
revans@sdfnlaw.com
SOLOMON DWIGGINS & FREER, LTD.
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Las Vegas, Nevada 89129
Telephone: (702) 853-5483
Facsimile: (702) 853-5485

Attorneys for Respondent Kimberly Jones

DISTRICT COURT

CLARK COUNTY, NEVADA

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

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

KATHLEEN JUNE JONES

An Adult Protected Person.

**SUPPLEMENTAL BRIEF TO PETITION FOR PAYMENT OF GUARDIAN'S
ATTORNEY FEES AND COSTS; OR, ALTERNATIVELY, MOTION TO RECONSIDER**

Kimberly Jones ("Kim"). by and through her counsel of record, Jeffrey P. Luszeck, Esq., and Ross E. Evans, Esq., of the law firm Solomon Dwiggins & Freer, Ltd., hereby submits her Supplemental Brief to Petition for Payment of Guardian's Attorney Fees and Costs, or Alternatively Motion to Reconsider ("Supplement") ruling that Guardian may request reimbursement of attorney fees from January 15, 2020 forward. The foregoing Supplement relates to Kim's Petition for Payment of Guardian's Attorneys' Fees and Costs filed January 15, 2020 and the hearing which took place on February 13, 2020. Petitioner does not request a hearing as to this Supplement or Motion to Reconsider.

MEMORANDUM OF POINTS AND AUTHORITIES

1. At the hearing on February 13, 2020, this Court ordered that because Petitioner's Notice of Intent to Seek Payment of Attorneys' Fees and Costs from Guardianship Estate was not filed until January 15, 2020, the Court would only consider reimbursing Petitioner's attorneys' fees incurred after January 15, 2020.

2. At the hearing, however, this Court did not consider that it already ruled in its November 25, 2019 Order, a copy of which is attached hereto, that it would in fact approve the attorneys' fees of Solomon Dwiggins & Freer, Ltd.:

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Court approve payment of attorneys' fees and costs from the guardianship estate to the law firm of Solomon Dwiggins & Freer, Ltd., at the conclusion of the guardianship proceeding, subject to Court confirmation.

See Order from October 15, 2019, Hearing, attached hereto as **Exhibit 1**.

3. The November 25, 2019 Order was circulated to counsel for each of the interested parties on October 29, 2019, and was executed on the following dates: (a) by Maria Parra-Sandoval, Esq., counsel for the Protected Person, on October 29, 2019; (b) by John Michaelson, Esq., counsel for Robyn Friedman and Donna Simmons, on October 31, 2019. Mr. Kehoe, Esq., refused to execute the proposed Order, and submitted a letter to the Court which delayed entry of the Order until November 25, 2019. Each of the parties were on notice that Kim sought reimbursement of her attorneys' fees and costs as early as October 29, 2019.

4. Accordingly, Kim requests that the Court consider the effect of the November 25, 2019 Order imparting notice to the interested parties of Kim's intent to seek her attorneys' fees from the Estate.

5. This Court should grant reimbursement of all of Petitioner's expenses in the amount of \$1,684.85. See, NRS 159.183(1)(b), providing that "a guardian must be allowed ... [n]ecessary and reasonable expenses incurred in exercising the authority and performing the duties of a guardian[.]"

6. Kim hereby requests that in preparing its Order, this Court grant a reimbursement of Kim's attorneys' fees incurred from October 29, 2019 forward. Thus, Kim requests that the Court grant reimbursement of attorneys' fees incurred in the amount of \$6,652.00, and costs in the full amount of \$1,684.51, for a total reimbursement of \$8,336.51.¹

¹ See, revised attorney fee ledger attached hereto as **Exhibit 2**, and cost ledger attached hereto as **Exhibit 3**.

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1 7. Accordingly, this Court should enter its Order granting fees and costs to be paid
2 from the Guardianship Estate once it has sufficient funds, in the collective amount of \$8,336.51.

3 **WHEREFORE**, Petitioner Kimberly Jones, as Guardian of the Person and Estate of
4 Kathleen Jones, respectfully requests that this Court enter its Order as follows:

5 a. Authorizing payment of attorneys' fees and costs to the law firm of Solomon
6 Dwiggins & Freer, Ltd., from the Guardianship Estate in the amount of \$8,336.51; and

7 b. For any and all such further relief as the Court deems just and appropriate.

8 DATED this 21st day of February, 2020.

9 SOLOMON DWIGGINS & FREER, LTD.

10
11 By 

JEFFREY P. LUSZECK, ESQ.

Nevada Bar No. 09619

ROSS E. EVANS, ESQ.

Nevada Bar No. 11374

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Las Vegas, Nevada 89129

Attorneys for Kimberly Jones

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of February, 2020, pursuant to NRCP 5(b), I caused a true and correct copy of the foregoing **SUPPLEMENTAL BRIEF TO PETITION FOR PAYMENT OF GUARDIAN'S ATTORNEY FEES AND COSTS; OR, ALTERNATIVELY, MOTION TO RECONSIDER**, to be served to the following in the manner set forth below:

Via:

☐ Hand Delivery
☐ U.S. Mail, Postage Prepaid
☐ Certified Mail, Receipt No.: _____
☐ Return Receipt Request
☒ E-Service through Wiznet

Robyn Friedman and Donna Simmons:
John P. Michaelson, Esq.
MICHAELSON & ASSOCIATES, LTD.
john@michaelsonlaw.com

Kathleen Jones, Adult Protected Person:
Maria L. Parra Sandoval, Esq.
LEGAL AID CENTER OF SOUTHERN NEVADA, INC.
mparra@lacsno.org

Rodney Gerald Yeoman:
Ty E. Kehoe, Esq.
KEHOE & ASSOCIATES
TyKehoe@gmail.com

Matthew C. Piccolo
PICCOLO LAW OFFICES
matt@piccololawoffices.com

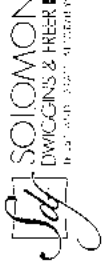
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///

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Kimberly Jones
Geraldine Tomich, Esq.
James A. Beckstrom, Esq.
MARQUIS AURBACH & COFFING
gtomich@maclaw.com
jbeckstrom@maclaw.com

An employee of SOLOMON DWIGGINS & FREER, LTD.

EXHIBIT 1

Steven D. Grierson

ORDER

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Attorneys for Respondent Kimberly Jones

DISTRICT COURT

CLARK COUNTY, NEVADA

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

KATHLEEN JUNE JONES

An Adult Protected Person.

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

Date of Hearing: October 15, 2019
Time of Hearing: 9:00 a.m.

ORDER FROM OCTOBER 15, 2019 HEARING

☐ **TEMPORARY GUARDIANSHIP**

- ☐ Person
☐ Estate
☐ Person and Estate

☒ **GENERAL GUARDIANSHIP**

- ☐ Person
☐ Estate ☐ Summary Admin.
☒ Person and Estate

☐ **SPECIAL GUARDIANSHIP**

- ☐ Person
☐ Estate ☐ Summary Admin.
☐ Person and Estate

☐ **NOTICES/SAFEGUARDS**

- ☐ Blocked Account Required
☐ Bond Required

This matter having come on for hearing before the above entitled Court on October 15, 2019. Present at the hearing were: Jeffrey P. Luszeck, Esq. of the law firm of Solomon Dwiggins & Freer, Ltd. on behalf of Kimberly Jones; Maria L. Parra-Sandoval, Esq. of Legal Aid Center of Southern Nevada, on behalf of Kathleen June Jones, Protected Person; Ty E. Kehoe, Esq. of the law firm Kehoe & Associates, and Matthew C. Piccolo, Esq. of the law firm Piccolo Law Offices, on behalf of Rodney Gerald Yeoman; and John P. Michaelson, Esq. of the law firm Michaelson & Associates, Ltd., on behalf of Robyn Friedman and Donna Simmons (collectively, the "Parties"). After considering the papers and pleadings on file herein and the argument of counsel

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1 at the time of hearing and good cause appearing, the Court finds as follows:

2 1. That on December 27, 2005, Kathleen June Jones executed a Healthcare Power of
3 Attorney naming her daughter, Kimberly Jones, as her Attorney-in-Fact for healthcare decisions.

4 2. That on October 24, 2012, Kathleen June Jones executed a Financial Power of
5 Attorney naming her daughter, Kimberly Jones, as her Attorney-in-Fact for financial matters.

6 3. That on November 23, 2012, Kathleen June Jones executed a Last Will and
7 Testament naming her daughter, Kimberly Jones, as her Personal Representative and chosen
8 guardian over her person and estate, should the need for a guardian ever arise.

9 4. That on September 19, 2019, Robyn Friedman and Donna Simmons filed their *Ex*
10 *Parte* Petition for Appointment of Temporary Guardian of the Person and Estate and Issuance of
11 Letters of Temporary Guardianship, and Petition for Appointment of General Guardian of the
12 Person and Estate and Issuance of Letters of General Guardianship ("*Ex Parte* Petition for
13 Temporary Guardianship").

14 5. That on September 19, 2019, the Clerk of the Court issued a Citation to Appear and
15 Show Cause scheduling a hearing for October 15, 2019 to "show cause, if any, why Kathleen June
16 Jones ("Protected Person"), should not be declared incapacitated or in need of a guardian to manage
17 the Protected Person's personal and financial affairs and to further show cause, if any, why Robyn
18 Friedman and Donna Simmons, should not be appointed to act as Guardian of the protected person's
19 Person and Estate."

20 6. That on September 23, 2019, this Court entered its Order Granting *Ex Parte Petition*
21 for Temporary Guardianship wherein it appointed Robyn Friedman and Donna Simmons as
22 Temporary Guardians. On October 3, 2019, this Court extended the temporary guardianship.

23 7. That on October 2, 2019, Rodney Gerald Yeoman, the husband of Kathleen June
24 Jones, filed his Opposition to Appointment of Temporary Guardian and General Guardian and
25 Counter-Petition for Appointment of Temporary Guardian of the Person and Estate and Issuance of
26 Letters of Temporary Guardianship and Estate and Issuance of Letters of Temporary Guardianship
27 and Counter-Petition for Appointment of General Guardian of the Person and Estate and Issuance
28

1 of Letters of General Guardianship ("Rodney's Counter-Petition").

2 8. That on October 2, 2019, Kimberly Jones filed her Opposition to *Ex Parte* Petition
3 for Appointment of Temporary and General Guardian of the Person and Estate; Alternatively,
4 Counter-Petition for Appointment of Kimberly Jones as Temporary and General Guardian of the
5 Person and Estate ("Kimberly's Counter-Petition").

6 9. That on October 15, 2019 at the Citation to Appear and Show Cause Hearing,
7 Kathleen June Jones, by and through her Court appointed Counsel, Maria L. Parra-Sandoval,
8 advised the Court that it was Kathleen June Jones' desire that Kimberly Jones be appointed as her
9 client's guardian.

10 Good Cause Appearing Therefore,

11 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Kimberly Jones' Counter-
12 Petition is hereby GRANTED.

13 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Kimberly Jones is
14 hereby appointed as guardian of the Estate and Person of Kathleen June Jones and Letters of General
15 Guardianship shall issue to Kimberly Jones.

16 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Rodney Gerald
17 Yeoman's Counter-Petition is hereby DENIED in its entirety.

18 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Letters of Temporary
19 Guardianship entered on September 23, 2019 are hereby revoked.

20 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Clerk of the Court is
21 hereby directed to issue Letters of Guardianship to Kimberly Jones upon subscribing to the
22 appropriate oath of office, and bond be waived, since there are no liquid assets.

23 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Kimberly Jones shall
24 investigate the facts and circumstances regarding the purported transfer of real property located at
25 6277 Kraft Avenue, Las Vegas, Nevada 89130, APN 138-02-511-076, from June Jones to Richard
26 & Kandi Powell on or around January 16, 2018, and pursue any potential claims and/or resolution
27 relating to the same.

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1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Kimberly Jones shall
2 disseminate the medical records and/or information relating to Kathleen June Jones to Robyn
3 Friedman, Donna Simmons and Rodney Gerald Yeoman.

4 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Rodney Gerald Yeoman
5 shall be allowed to participate in visits with Kathleen June Jones, however, because Rodney Gerald
6 Yeoman was unwilling to provide any information regarding his health/medical conditions said
7 visits must be supervised by Kimberly Jones and/or an agent of her choosing so as to ensure the
8 safety of Kathleen June Jones.

9 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Court approve
10 payment of attorneys' fees and costs from the guardianship estate to the law firm of Solomon
11 Dwiggin & Freer, Ltd. at the conclusion of the guardianship proceeding, subject to Court
12 confirmation.

13 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a return hearing on the
14 Investigative Reports is hereby scheduled for January 14, 2020, and if necessary, an evidentiary
15 hearing on the Investigative Reports is scheduled for February 20, 2020.

16 DATED this 25th day of November, 2019.

17
18 
19 DISTRICT COURT JUDGE

LINDA MARQUIS *LM*

20 Submitted by:

Approved as to Form and Content: *MLPS*

21 SOLOMON DWIGGINS & FREER, LTD.

LEGAL AID CENTER OF SOUTHERN
NEVADA

22
23 By: 

JEFFREY P. LUSZECK, ESQ.

Nevada Bar No. 09619

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24
25 By: 

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Attorney for Kathleen Jones, Protected Person

26
27 *Attorneys for Kimberly Jones*
28

1 ~~Approved as to Form and Content:~~

2 KEHOE & ASSOCIATES

3 *DISAPPROVED*

4 By: *Ty E. Kehoe 10-31-19*

5 TY E. KEHOE, ESQ.

6 Nevada Bar No. 6011

871 Coronado Center Dr. Ste. 200

Henderson, NV 89052

7 *Attorney for Rodney Gerald Yeoman*

Approved as to Form and Content:

MICHAELSON & ASSOCIATES, LTD.

By: *[Signature]*

JOHN P. MICHAELSON, ESQ.

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SOLOMON
OWGINS & FREER
ATTORNEYS AT LAW

1 Approved as to Form and Content:

2 KEHOE & ASSOCIATES

3
4 By: 

5 TY E. KEHOE, ESQ.
6 Nevada Bar No. 6011
7 871 Coronado Center Dr. Ste. 200
8 Henderson, NV 89052

9
10 Attorney for Rodney Gerald Yeoman

Approved as to Form and Content:

MICHAELSON & ASSOCIATES, LTD.

By: 

JOHN P. MICHAELSON, ESQ.
Nevada Bar No. 7822
2200 Paseo Verde Parkway, Suite 160
Henderson, NV 89052

Attorneys for Robyn Friedman and Donna
Simmons

EXHIBIT 2

Date: 01/03/2020

Detail Fee Transaction File List
Solomon Diggins & Freer, Ltd.

Client	Trans Date	Tmkr	Rate	Hours to Bill	Amount	Description
7099.0001	10/29/2019	JPL	425	0.5	\$212.50	Supplement order to incorporate counsel's requests (.3). Draft correspondence to client (x2), Ty Kehoe (x1) and all counsel regarding order (.2).
7099.0001	10/30/2019	JPL	425	0.3	\$127.50	Evaluate and respond to numerous correspondence from counsel.
7099.0001	10/30/2019	REE	285	0.3	\$85.50	Draft email to client regarding (.3); Review client response and forward to Jeffrey P. Luszeck (0.0).
7099.0001	10/31/2019	JPL	425	0.4	\$170.00	Evaluate and respond to numerous correspondence from other counsel regarding order (.3). Evaluate and respond to client (.1).
7099.0001	11/04/2019	JPL	425	0.1	\$42.50	Evaluate and respond to correspondence from Ty Kehoe.
7099.0001	11/04/2019	JPL	425	0.3	\$127.50	Telephone conference with client (.2). Evaluate and respond to multiple correspondence from Ty Kehoe (.1).
7099.0001	11/05/2019	JPL	425	0.3	\$127.50	Evaluate and respond to correspondence from David Johnson. Confer with Ross E. Evans regarding same.
7099.0001	11/07/2019	JPL	425	0.1	\$42.50	Confer with Ross E. Evans regarding publication.
7099.0001	11/07/2019	REE	285	0.3	\$85.50	Conference with client regarding case issues.
7099.0001	11/08/2019	JPL	425		\$0.00	Travel to and attend conference with John Michaelson.
7099.0001	11/09/2019	JPL	425	0.1	\$42.50	Evaluate correspondence from client
7099.0001	11/12/2019	JPL	425	0.8	\$340.00	Prepare for and participate in telephone conference with client (.5). Evaluate and respond to correspondence from client (.3).
7099.0001	11/13/2019	JPL	425	0.6	\$255.00	Telephone conferences with Kimberly Jones (.3). Evaluate and respond to multiple correspondence from Marquis Aurbach Coffing (.3). Confer with Ross E. Evans regarding same (.1). Evaluate and respond to correspondence from client (.2).
7099.0001	11/14/2019	JPL	425	1.4	\$595.00	Prepare for and participate in numerous telephone conferences with Kimberly (.5), Marquis Aurbach Coffing (.3) and John Michaelson (.3). Evaluate and respond to correspondence from client (.2). Evaluate minute order from (.1).
7099.0001	11/15/2019	JPL	425	0.1	\$42.50	Evaluate and respond to correspondence.
7099.0001	11/18/2019	JPL	425	0.5	\$212.50	Prepare for and participate in conference call with client (.4). Evaluate and respond to correspondence from David Johnson (.1).
7099.0001	11/20/2019	JPL	425	0.3	\$127.50	Telephone conference with Marquis Aurbach Coffing and client.
7099.0001	11/21/2019	JPL	425	0.6	\$255.00	Telephone conference with Marquis Aurbach Coffing (.2). Evaluate and respond to numerous correspondence from client (.2). Evaluate and respond to correspondence from Ty Kehoe (.2).
7099.0001	11/22/2019	JPL	425	0.8	\$340.00	Evaluate order and correspondence from Ty Kehoe (.4). Evaluate and respond to numerous correspondence from Marquis Aurbach Coffing (.2). Evaluate and respond to correspondence from client (.2).
7099.0001	11/22/2019	REE	285	0.2	\$57.00	Conference with Ty Kehoe regarding status; Conference with Jeffrey P. Luszeck.
7099.0001	11/23/2019	JPL	425	1.4	\$595.00	Evaluate correspondence (.1). Evaluate multiple voicemails (.1). Continue to evaluate Ty's proposed order and correspondence thereto (.2). Draft response to Ty's proposed order (1). Draft correspondence to client regarding .

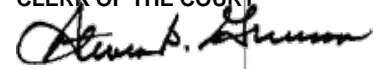
7099.0001	11/24/2019	JPL	425	0.3	\$127.50	Evaluate and respond to correspondence from client (.1). Supplement correspondence to Judge Marquis (.2).
7099.0001	11/25/2019	JPL	425	0.6	\$255.00	Evaluate correspondence from Ty Kehoe (.1). Evaluate correspondence from John Michaelson (.1). Evaluate and respond to numerous correspondence from client (.2). Supplement correspondence to court and evaluate correspondence from same (.2). Evaluate email and declaration attached thereto.
7099.0001	11/29/2019	JPL	425	0.2	\$85.00	Evaluate correspondence.
7099.0001	12/03/2019	JPL	425	0.1	\$42.50	Evaluate correspondence.
7099.0001	12/04/2019	JPL	425	0.6	\$255.00	Telephone conference with client (.2). Evaluate numerous correspondence from James, John and Ty regarding upcoming hearing (.3). Evaluate notices of hearing and orders shortening time (.1).
7099.0001	12/05/2019	JPL	425	0.2	\$85.00	Evaluate and respond to correspondence
7099.0001	12/06/2019	JPL	425	0.8	\$340.00	Evaluate and respond to correspondence from Ty Kehoe (.2). Evaluate and respond to numerous correspondence from client (.3). Evaluate oppositions filed by Ty Kehoe (.4).
7099.0001	12/09/2019	JPL	425	0.1	\$42.50	Evaluate and respond to correspondence.
7099.0001	12/10/2019	JPL	425	0.4	\$170.00	Evaluate numerous correspondence from client Ty Kehoe, Marquis Aurbach Coffing and court-appointed investigator (over 10 emails).
7099.0001	12/11/2019	JPL	425	0.1	\$42.50	Evaluate numerous correspondence regarding dogs and order.
7099.0001	12/12/2019	JPL	425	0.1	\$42.50	Evaluate correspondence from Ty Kehoe.
7099.0001	12/18/2019	JPL	425	0.2	\$85.00	Evaluate and respond to correspondence.
7099.0001	12/19/2019	REE	285	2.6	\$741.00	Conference with Jeffrey P. Luszeck regarding Petition for fees and draft petition for fees.
7099.0001	12/19/2019	JPL	425	0.1	\$42.50	Confer with Ross E. Evans regarding petition for fees.
7099.0001	12/20/2019	REE	285	1.3	\$370.50	Revise petition for reimbursement of attorney fees to Guardian.
7099.0001	12/24/2019	JPL	425	0.1	\$42.50	Confer with Ross E. Evans regarding matter.
Total for Client ID 7099.0001			Billable	17.2	\$6,652.00	Jones/Kimberly June Jones Guardianship/Power of Attorney

EXHIBIT 3

Date: 01/03/2020

Detail Cost Transaction File List
Solomon Duggins & Freer, Ltd.

Client	Trans Date	Rate	Amount	Description
7099.0001	10/02/2019		\$85.90	Electronic Filing Fee for Opposition to Ex Parte Petition for Appointment of Temporary and General Guardian of the Person and Estate; and Alternatively, Counter-Petition for Appointment of Kimberly Jones as Temporary and General Guardian of the Person and Estate
7099.0001	10/03/2019		\$3.50	Electronic Filing Fee for Supplement to Counter-Petition for Appointment of Kimberly Jones as Temporary and General Guardian of the Person and Estate
7099.0001	10/09/2019	0.1	\$0.50	Laser copy charges.
7099.0001	10/14/2019	0.1	\$15.25	Laser copy charges.
7099.0001	10/15/2019	0.1	\$9.25	Laser copy charges.
7099.0001	10/16/2019	0.1	\$1.25	Laser copy charges.
7099.0001	10/17/2019		\$24.00	Parking
7099.0001	10/18/2019	0.1	\$0.50	Laser copy charges.
7099.0001	10/29/2019	0.1	\$0.50	Laser copy charges.
7099.0001	10/31/2019	5	\$1,216.50	Westlaw online legal research.
7099.0001	10/31/2019	8	\$8.00	Courier fee.
7099.0001	10/31/2019	8	\$8.00	Courier fee.
7099.0001	10/31/2019	8	\$8.00	Courier fee.
7099.0001	11/01/2019	8	\$8.00	Courier fee.
7099.0001	11/13/2019	0.25	\$0.50	Copy charges.
7099.0001	11/15/2019	0.1	\$0.60	Scan charges.
7099.0001	11/22/2019	0.25	\$6.75	Copy charges.
7099.0001	11/22/2019	0.5	\$1.50	Color photocopies.
7099.0001	11/25/2019	0.1	\$0.90	Scan charges.
7099.0001	11/25/2019	0.25	\$9.00	Copy charges.
7099.0001	11/25/2019	0.5	\$1.50	Color photocopies.
7099.0001	11/25/2019	8	\$8.00	Courier fee.
7099.0001	11/25/2019	8	\$8.00	Courier fee.
7099.0001	11/25/2019		\$3.50	Electronic Filing Fee for Order from October 15, 2019 Hearing
7099.0001	11/25/2019		\$3.50	Electronic Filing Fee for Notice of Entry of Order
7099.0001	11/27/2019	0.1	\$0.20	Scan charges.
7099.0001	11/27/2019	0.25	\$1.50	Copy charges.
7099.0001	11/27/2019	0.25	\$0.50	Copy charges.
7099.0001	11/27/2019		\$3.50	Electronic Filing Fee for Letters of Guardianship
7099.0001	12/02/2019	0.25	\$12.75	Copy charges.
7099.0001	12/05/2019		\$25.00	Certified Copies of Letters of Guardianship
7099.0001	12/05/2019	0.25	\$2.75	Copy charges.
7099.0001	12/05/2019	8	\$8.00	Courier fee.
7099.0001	12/06/2019		\$90.00	Certified copies of Letters of Guardianship (x30)
7099.0001	12/06/2019	0.25	\$38.00	Copy charges.
7099.0001	12/09/2019		\$60.00	Certified copies of Letters of Guardianship (x30)
7099.0001	12/09/2019	0.25	\$0.75	Copy charges.
7099.0001	12/09/2019	8	\$8.00	Courier fee.
7099.0001	12/23/2019	0.25	\$1.00	Copy charges.
Total for Client ID 7099.0001		Billable	\$1,684.85	Jones/Kimberly
				June Jones Guardianship/Power of Attorney



1 **RSPN**
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*

8 **EIGHTH JUDICIAL DISTRICT COURT**
9 **FAMILY DIVISION**
10 **CLARK COUNTY, NEVADA**

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

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

13 KATHLEEN JUNE JONES,

14 Adult Protected Person.

15 **RESPONSE TO GUARDIAN'S SUPPLEMENTAL BRIEF TO PETITION FOR**
16 **PAYMENT OF ATTORNEY FEES AND COSTS; OR ALTERNATIVELY, MOTION**
17 **TO RECONSIDER**

18 Kathleen June Jones ("June"), the protected person herein, by and through her counsel,
19 Maria L. Parra-Sandoval, Esq. of Legal Aid Center of Southern Nevada, Inc., hereby responds
20 to Kimberly Jones' ("Guardian") Supplemental Brief to Petition for Payment of Guardian's
21 Attorney Fees and Costs; Or Alternatively, Motion to Reconsider. June's response is based upon
22 and supported by the following Memorandum of Points and Authorities, the pleadings and
23 papers on file in this case, and attached exhibits.

24 DATED this 26th day of February, 2020.

25 LEGAL AID CENTER OF SOUTHERN
26 NEVADA, INC.

27 /s/ Maria L. Parra-Sandoval
28 Maria L. Parra-Sandoval, Esq.
Nevada Bar No. 13736
Attorney for Kathleen June Jones,
Adult Protected Person

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2
3 **I. Pursuant to NRS 159.344(3), the Court has correctly ruled that Guardian may**
4 **request payment of attorney fees and costs incurred from January 15, 2020**
5 **(and forward), the date her attorney filed the Notice of Intent to Seek Fees**
6 **from the Guardianship Estate.**

7 NRS 159.344(3) clearly requires that any person who intends to seek payment of
8 attorney's fees and costs from the guardianship estate must file a written notice of such intent
9 when that person *first* appears in the guardianship proceedings. The Guardian's first pleading
10 was filed on October 2, 2019, yet the Guardian filed the Notice of Intent to Seek Payment of
11 Attorneys' Fees and Costs from the Guardianship Estate on January 15, 2020. On February 13,
12 2020, this Court correctly ruled that if a guardian intends to seek the payment of attorney's fees
13 and costs from the guardianship estate, a Notice of Intent to Seek Fees from the Guardianship
14 Estate must be filed "**at the onset.**"¹ The Guardian did not comply with this requirement and
15 should remain personally liable for her own attorney's fees before January 15, 2020. Since the
16 Guardian's attorney's last billed entry in this matter occurred on December 24, 2019, *he is not*
17 *entitled to any fees and costs from the guardianship estate.*² Thus, the Guardian's Petition for
18 Payment of Guardian's Attorneys' Fees and Costs should rightly be denied under NRS
19 159.344(3). The Guardian raises no new facts or issues in the Motion to Reconsider and the
20 Court did not err in determining the Notice of Intent must be filed upon the attorney first
21 appearing in the case. Therefore, the Motion to Reconsider should be denied.

22 **A. The Order From the October 15, 2019 Hearing, filed on November 25,**
23 **2019, included a boilerplate paragraph that does not translate into**
24 **approval of a Notice of Intent to Seek Fees or to actual payment of**
25 **attorney's fees and costs.**

26 The Guardian's attorney argues that this Court has "already ruled in its November 25,
27

28 ¹ Court Hearing, February 13, 2020.

² See Petition for Payment of Guardian's Attorneys' Fees and Costs, Exhibit 1, p. 17, filed January 15, 2020.

1 2019 Order...that it would in fact approve the attorneys' fees of Solomon Dwiggins & Freer,
2 Ltd."³ The language in the Order From October 15, 2019 Hearing, ("Order") to which counsel
3 refers is as follows:

4 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Court approve
5 payment of attorneys' fees and costs from the Guardianship estate to the law firm of
6 Solomon Dwiggins & Freer, Ltd., at the conclusion of the guardianship proceeding,
subject to Court confirmation.⁴

7 The Guardian's attorney confuses this boilerplate language in an attorney proposed
8 order from actual relief sought in a petition. Nowhere in the Guardian's first pleading⁵ did she
9 state she intended to have her attorney's fees paid from the estate; nowhere did her attorney
10 include the billing rates for the firm's attorneys and paralegals; nor did she include an
11 explanation of the compensation arrangement or the reasons for the services. In short, the
12 Guardian failed to comply with NRS 159.344's requirement to file a notice of intent to seek
13 fees from the guardianship estate upon the attorney's first appearance.
14

15 While there is language, in the Order granting the general guardianship, regarding fees,
16 what this Court approved in that Order was simply that any legitimate and lawful request for
17 the payment of fees from the guardianship estate first would be subject to Court approval.
18 Nothing in the language referred to by the Guardian's attorney suggests that the Court approved
19 the Guardian's bypassing the specific requirements of NRS 159.344 (3) to have the fees paid
20 from the estate. Furthermore, at the October 15, 2019 citation hearing, this Court was never
21 asked to rule on the issue of attorney's fees and never issued any ruling on the issue.
22
23
24

25 ³ See Supplemental Brief to Petition for Payment of Guardian's Attorney Fees and Costs; Or, Alternatively,
26 Motion to Reconsider, p. 2, filed February 21, 2020.

27 ⁴ See Order From October 15, 2019 Hearing, granting general guardianship, p. 4, filed November 25, 2019.

28 ⁵ See Opposition to Ex Parte Petition for Appointment of Temporary and General Guardian of the Person and
Estate; Alternatively, Counter-Petition for Appointment of Kimberly Jones as Temporary and General Guardian
of the Person and Estate, filed October 2, 2019.

1 On October 24, 2019, Mr. Jeffrey P. Luszeck ("Mr. Luszeck") circulated the Order from
2 the October 15, 2019 hearing to the relevant parties, and requested any proposed revisions by
3 October 28, 2019.⁶ On October 28, 2019, counsel for June objected to the entire paragraph at
4 issue regarding payment of attorney's fees and sent revisions to Mr. Luszeck, deleting that
5 language. Mr. Luszeck replied on the same date, as follows:

7 "Maria,

8 I am not sure that I understand your requests to delete certain section of the Order
9 as both sections were in the Order appointing John Michaelson's clients as
10 Temporary Co-Guardians. Specifically, I believe there needs to be specific instruction
11 that the Clerk of the Court issues Letters to Kimberly. Further, I am familiar NRS
12 159.344 and the language referencing fees does not eradicate that requirement.
13 Once again, it was included in Mr. Michaelson's proposed order without objection. In
14 light of the foregoing I do not intend to remove either section. Jeff"

15 (emphasis added). Thus, Mr. Luszeck clearly recognizes that this languages is not a preemptive
16 grant of approval of fees before a request for fees has been made. Now that this Court has ruled
17 that it will only consider the payment of fees from the estate that were incurred after January
18 15, 2020, *when the notice of intent to seek fees was actually filed*, Mr. Luszeck is scrambling to
19 find creative ways to get paid. The Guardian argues that since the October 29, 2019 Order, the
20 parties were, in effect, on "notice" that the Guardian would be seeking fees from the
21 guardianship estate. Mr. Luszeck is wrong. The parties were put on notice that the guardian
22 intended to seek fees from the estate only when the Notice of Intent to Seek Fees was filed on
23 January 15, 2020.

24 The reality is that the Guardian failed to follow the specific requirements under NRS
25 159.344(3). The written notice of intent clearly *requires all of the following*:

26 (a) Must provide a general explanation of the compensation arrangement
27 and how compensation will be computed;

28 (b) Must include the hourly billing rates of all timekeepers, including,

⁶ See Exhibit A, email chain.

1 without limitation, attorneys, law clerks and paralegals;

2 (c) Must provide a general explanation of the reasons why the services of
3 the attorney are necessary to further the best interests of the ward;

4 (d) Must be served by the person on all persons entitled to notice pursuant
5 to NRS 159.034 and 159.047; and

6 (e) Is subject to approval by the court after a hearing.⁷

7 If, as the Guardian argues, the Order From October 15, 2019 Hearing, filed on
8 November 25, 2019, was sufficient to provide the required information under NRS 159.344,
9 then it would not have been necessary to file the Notice of Intent on January 15, 2020. Mr.
10 Luszeck introduced boilerplate language into an Order as an afterthought where the original
11 petition did not include a notice of intent to seek payment of fees from the estate and where the
12 Court never ruled on fees. This language included in the Order does not satisfy the requirements
13 of NRS 159.344.

14 Most importantly, on October 28, 2019, undersigned counsel submitted revisions
15 objecting to the paragraph approving payment of attorneys' fees and costs—and instructed
16 attorney Jeffrey P. Luszeck to submit his written notice: "Remove this. You need to submit
17 a notice of intent to petition the court for payment of attorney's fees and costs from the
18 guardianship estate, consistent with NRS 159.344. See the full statute."⁸ Accordingly, as early
19 as October 28, 2019, the Guardian's attorney knew this language was not sufficient under NRS
20 159.344 and that a written notice was required prior to seeking fees from the estate yet took no
21 action to correct the problem until January 15, 2020.

22 Because Mr. Luszeck did not file his Notice of Intent to Seek Fees from the
23 Guardianship Estate upon his first appearance and later when June's counsel brought the matter
24

25
26
27
28 ⁷ See NRS 159.344(3).

⁸ See Exhibit B, Email to Jeffrey P. Luszeck, with attached Order Revisions, October 28, 2019.

1 to his attention, counsel believed that Guardian would be responsible for her own attorney fees
2 and costs. In fact, undersigned counsel was surprised to see both the Notice of Intent to Seek
3 Payment of Attorney's Fees and Costs from the Guardianship Estate and Petition for Payment
4 of Attorney's Fees and Costs filed on January 15, 2020.

5
6 It should be noted that Guardian has not replied to *any* of undersigned counsel's line-
7 item objections filed on February 11, 2020. Guardian's attorney simply requests his fees to be
8 paid from October 29, 2019 based on a misleading argument and without addressing any of
9 undersigned counsel's objections. If this Court is going to consider payment of any of Mr.
10 Luszeck's fees from June's estate, he should be required to respond to counsel's specific
11 objections.
12

13 **II. The legal standard for a Motion to Reconsider has not been met.**

14 A Motion to Reconsider should only be considered if: 1) there are new facts or issues
15 raised supporting a ruling contrary to the ruling already made or 2) the law was not applied
16 correctly by the court. A district court "may reconsider a previously decided issue if
17 substantially different evidence is subsequently introduced or the decision is clearly
18 erroneous."⁹ Thus, the purpose of bringing a Motion to Reconsider is to correct an error of law
19 or fact. Further, under Local Rule 2.24 (b), "... A motion for rehearing or reconsideration
20 must be served, noticed, filed *and heard* as is any other motion..."¹⁰
21

22 Here, Mr. Luszeck does not introduce any new facts that would change the Court's
23 ruling. Guardian did not comply with NRS 159.344 in its entirety, until January 15, 2020. The
24 language included in the Order is not a new fact and it does not change anything. Furthermore,
25
26

27 ⁹ *Masonry & Tile Contractors Ass'n. of Southern Nevada v. Jolley, Urga & Wirth, Ltd.*, 113 Nev. 737, 741, 941
28 P.2d 486, 489 (1997).

¹⁰ See Local Rule, Rule 2.24 (b). Rehearing of motions.

1 the Court applied the law correctly. NRS 159.344(3) requires that any person who intends to
2 seek payment of attorney's fees and costs from the guardianship estate must file a written notice
3 of such intent when the attorney *first* appears in the guardianship proceedings.¹¹ The Guardian
4 failed to file this notice in the first pleading which reflects her attorney's appearance in the
5 matter. The Court's decision to refuse to consider the payment of Mr. Luszeck's fees from
6 June's estate prior to the filing of the Notice of Intent was not wrong.

8 Finally, a motion for reconsideration requires that it be *actually heard*, and here, Mr.
9 Luszeck has forfeited his request for a hearing. This Court should not consider this pleading as
10 a Motion to Reconsider as it has not met the legal requirements.

12 III. Conclusion

13 For the foregoing reasons, this Court should deny the Motion to Reconsider. This Court
14 correctly ruled that the Notice of Intent to Seek Fees from the Guardianship Estate must be filed
15 "at the onset" of the case and this was not done. The Court's decision that the Guardian may
16 only seek payment of fees from the estate from January 15, 2020 and forward was not incorrect.
17 Accordingly, this ruling should not be disturbed.

19 DATED this 26th day of February, 2020.

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

23 /s/ Maria L. Parra-Sandoval
24 Maria L. Parra-Sandoval, Esq.
25 Nevada Bar No. 13736

28 ¹¹ See NRS 159.344(3).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 26th day of February 2020, I deposited in the United States Mail at Las Vegas, Nevada, a copy of the foregoing document entitled **RESPONSE TO GUARDIAN'S SUPPLEMENTAL BRIEF TO PETITION FOR PAYMENT OF ATTORNEY FEES AND COSTS; OR ALTERNATIVELY, MOTION TO RECONSIDER** 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 Street
Dewey, AZ 86327

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

Jen Adamo
14 Edgewater Drive
Magnolia, DE 19962

Courtney Simmons
765 Kimbark Avenue
San Bernardino, CA 92407

Scott Simmons
1054 S. Verde Street
Anaheim, CA 92805

Ampersand Man
2824 High Sail Court
Las Vegas, NV 89117

Division of Welfare and Supportive Services
Medicaid Chief Eligibility and Payments
1470 College Parkway
Carson City, NV 89706

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 EDCR 8.05:

Jeffrey Luszeck, Esq.
jluszeck@sdfnvlaw.com

Ross Evans, Esq.
revans@sdfnvlaw.com
Attorneys for Guardian

James Beckstrom
jbecstrom@maclaw.com
Attorney for Guardian

John Michaelson, Esq.
john@michaelsonlaw.com

1 Lora Caindec-Poland
2 lora@michaelsonlaw.com

Jeffrey Sylvester, Esq.
jeff@sylvesterpolednak.com
*Attorneys for Robyn Friedman and Donna
Simmons*

4 Ty Kehoe, Esq.
5 TyKehoeLaw@gmail.com

Matthew Piccolo, Esq.
matt@piccololawoffices.com

6 Laura A. Deeter, Esq.
7 laura@ghandilaw.com
8 Attorneys for Rodney Gerald Yeoman

Cheryl Becnel
ebecnel@maclaw.com

8 David C. Johnson
9 dcj@johnsonlegal.com

Geraldine Tomich
Gtomich@maclaw.com

10 LaChasity Carroll
11 lcarroll@nvcourts.nv.gov

Kate McCloskey
NVGCO@nvcourts.nv.gov

12
13
14
15 /s/Alexa Reanos
16 Employee of Legal Aid Center of Southern Nevada
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT A

Maria Parra-Sandoval

From: Jeffrey P. Luszeck <jluszeck@sdfnlaw.com>
Sent: Monday, October 28, 2019 6:52 PM
To: Maria Parra-Sandoval
Cc: Gretta G. McCall
Subject: RE: Jones - Order from October 15, 2019 Hearing

Maria,

I am not sure that I understand your requests to delete certain sections of the Order as both sections were in the Order appointing John Michaelson's clients as Temporary Co-Guardians. Specifically, I believe there needs to be a specific instruction that the Clerk of the Court issues Letters to Kimberly. Further, I am familiar NRS 159.344 and the language referencing fees does not eradicate that requirement. Once again, it was included in Mr. Michaelson's proposed order without objection. In light of the foregoing I do not intend to remove either section. Jeff

Jeffrey P. Luszeck

SOLOMON DWIGGINS & FREER, LTD.
Cheyenne West Professional Center | 9060 W. Cheyenne Avenue | Las Vegas, NV 89129
Direct: 702.589.3511 | Office: 702.853.5483
Facsimile: 702.853.5485
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 www.linkedin.com/company/solomon-dwiggins-&-freer-ltd-



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From: Maria Parra-Sandoval <MParra@lacs.org>
Sent: Monday, October 28, 2019 12:26 PM

To: Jeffrey P. Luszeck <jluszeck@sdfnvlaw.com>

Subject: RE: Jones - Order from October 15, 2019 Hearing

Dear Jeffrey,

Please see my proposed revisions, attached.

Kind Regards,

Maria

SINCE 1958
LEGAL AID CENTER
■ ■ ■ ■ of Southern Nevada

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

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and your contribution may qualify as a federally recognized tax deduction.



[Legal Aid Center E-Newsletter](#)

Please remember Legal Aid Center of Southern Nevada in your estate plan.

From: Jeffrey P. Luszeck [<mailto:jluszeck@sdfnvlaw.com>]

Sent: Monday, October 28, 2019 7:48 AM

To: Ty Kehoe <tykehoelaw@gmail.com>

Cc: John & Gina Michaelson <john@michaelsonlaw.com>; Maria Parra-Sandoval <MParra@lacs.org>; Ross E. Evans
<revans@sdfnvlaw.com>; Gretta G. McCall <gmccall@sdfnvlaw.com>

Subject: RE: Jones - Order from October 15, 2019 Hearing

Sure. Please provide me with any proposed revisions by the close of business today.

Jeffrey P. Luszeck

SOLOMON DWIGGINS & FREER, LTD.
Cheyenne West Professional Center | 9060 W. Cheyenne Avenue | Las Vegas, NV 89129
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 www.facebook.com/sdfnvlaw
 www.linkedin.com/company/solomon-dwiggins-&-freer-ltd-



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From: Ty Kehoe <tykehoelaw@gmail.com>
Sent: Friday, October 25, 2019 1:33 PM
To: Jeffrey P. Luszeck <jluszeck@sdfnvlaw.com>
Cc: John & Gina Michaelson <john@michaelsonlaw.com>; mparra@lacs.org; Ross E. Evans <revans@sdfnvlaw.com>;
Gretta G. McCall <gmccall@sdfnvlaw.com>
Subject: Re: Jones - Order from October 15, 2019 Hearing

With the holiday today, can this wait until Monday?

Ty

On Thu, Oct 24, 2019, 11:06 AM Jeffrey P. Luszeck <jluszeck@sdfnvlaw.com> wrote:

Counsel,

Please find the proposed Order from the October 15, 2019 hearing. Please provide me with any proposed revisions by the close of business tomorrow. If none, please execute and return to my attention.

Jeffrey P. Luszeck

SOLOMON DWIGGINS & FREER, LTD.


Cheyenne West Professional Center | 9060 W. Cheyenne Avenue | Las Vegas, NV 89129

Direct: 702.589.3511 | Office: 702.853.5483

Facsimile: 702.853.5485

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 www.linkedin.com/company/solomon-dwiggins-&-freer-ltd-



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EXHIBIT B

Maria Parra-Sandoval

From: Maria Parra-Sandoval
Sent: Monday, October 28, 2019 12:26 PM
To: 'Jeffrey P. Luszeck'
Subject: RE: Jones - Order from October 15, 2019 Hearing
Attachments: Order from October 15 2019 Hearing - JPL - 10-24-19 4843-2368-6058 MP Revisions.docx

AmicusId: 525651
AmicusStatus: Saved
AmicusFileName: Jones, Kathleen J, re: Adults Under Guardianship
AmicusFileIds: 79094
AmicusDealtWith: Yes
AmicusTimeEntry: Yes

Dear Jeffrey,

Please see my proposed revisions, attached.

Kind Regards,
Maria



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

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Please remember Legal Aid Center of Southern Nevada in your estate plan.

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Sent: Monday, October 28, 2019 7:48 AM
To: Ty Kehoe <tykehoelaw@gmail.com>
Cc: John & Gina Michaelson <john@michaelsonlaw.com>; Maria Parra-Sandoval <MParra@lacs.org>; Ross E. Evans

<revans@sdfnlaw.com>; Gretta G. McCall <gmccall@sdfnlaw.com>

Subject: RE: Jones - Order from October 15, 2019 Hearing

Sure. Please provide me with any proposed revisions by the close of business today.

Jeffrey P. Luszeck


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Sent: Friday, October 25, 2019 1:33 PM

To: Jeffrey P. Luszeck <jluszeck@sdfnlaw.com>

Cc: John & Gina Michaelson <john@michaelsonlaw.com>; mparra@lacs.org; Ross E. Evans <revans@sdfnlaw.com>;

Gretta G. McCall <gmccall@sdfnlaw.com>

Subject: Re: Jones - Order from October 15, 2019 Hearing

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Counsel,

Please find the proposed Order from the October 15, 2019 hearing. Please provide me with any proposed revisions by the close of business tomorrow. If none, please execute and return to my attention.

Jeffrey P. Luszeck

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ORDER

JEFFREY P. LUSZECK, ESQ., Bar No. 09619
jhuszeck@sdfinlaw.com
ROSS E. EVANS, ESQ., Bar No. 11374
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Telephone: (702) 853-5483
Facsimile: (702) 853-5485

Attorneys for Respondent Kimberly Jones

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

KATHLEEN JUNE JONES

An Adult Protected Person.

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

Date of Hearing: October 15, 2019
Time of Hearing: 9:00 a.m.

ORDER FROM OCTOBER 15, 2019 HEARING

☒ **TEMPORARY GUARDIANSHIP**

- ☐ Person
☐ Estate
☒ Person and Estate

☐ **GENERAL GUARDIANSHIP**

- ☐ Person
☐ Estate ☐ Summary Admin.
☐ Person and Estate

☐ **SPECIAL GUARDIANSHIP**

- ☐ Person
☐ Estate ☐ Summary Admin.
☐ Person and Estate

☐ **NOTICES/SAFEGUARDS**

- ☐ Blocked Account Required
☐ Bond Required

This matter having come on for hearing before the above entitled Court on October 15, 2019. Present at the hearing were: Jeffrey P. Luszeck, Esq. of the law firm of Solomon Dwiggins & Freer, Ltd. on behalf of Kimberly Jones; Maria L. Parra-Sandoval, Esq. of Legal Aid Center of Southern Nevada, on behalf of Kathleen June Jones, Protected Person; Ty E. Kehoe, Esq. of the law firm Kehoe & Associates, and Matthew C. Piccolo, Esq. of the law firm Piccolo Law Offices, on behalf of Rodney Gerald Yeoman; and John P. Michaelson, Esq. of the law firm Michaelson & Associates, Ltd., on behalf of Robyn Friedman and Donna Simmons (collectively, the "Parties"). After considering the papers and pleadings on file herein and the argument of

1 counsel at the time of hearing and good cause appearing, the Court finds as follows:

2 1. That on December 27, 2005, Kathleen June Jones executed a Healthcare Power of
3 Attorney naming her daughter, Kimberly Jones, as her Attorney-in-Fact for healthcare decisions.

4 2. That on October 24, 2012, Kathleen June Jones executed a Financial Power of
5 Attorney naming her daughter, Kimberly Jones, as her Attorney-in-Fact for financial matters.

6 3. That on November 23, 2012, Kathleen June Jones executed a Last Will and
7 Testament naming her daughter, Kimberly Jones, as her Personal Representative and chosen
8 guardian over her person and estate, should the need for a guardian ever arise.

9 4. That on September 19, 2019, Robyn Friedman and Donna Simmons filed their *Ex*
10 *Parte* Petition for Appointment of Temporary Guardian of the Person and Estate and Issuance of
11 Letters of Temporary Guardianship, and Petition for Appointment of General Guardian of the
12 Person and Estate and Issuance of Letters of General Guardianship ("*Ex Parte* Petition for
13 Temporary Guardianship").

14 5. That on September 19, 2019, the Clerk of the Court issued a Citation to Appear and
15 Show Cause scheduling a hearing for October 15, 2019 to "show cause, if any, why Kathleen June
16 Jones ("Protected Person"), should not be declared incapacitated or in need of a guardian to manage
17 the Protected Person's personal and financial affairs and to further show cause, if any, why Robyn
18 Friedman and Donna Simmons, should not be appointed to act as Guardian of the protected person's
19 Person and Estate."

20 6. That on September 23, 2019, this Court entered its Order Granting *Ex Parte* Petition
21 for Temporary Guardianship wherein it appointed Robyn Friedman and Donna Simmons as
22 Temporary Guardians. On October 3, 2019, this Court extended the temporary guardianship.

23 7. That on October 2, 2019, Rodney Gerald Yeoman, the husband of Kathleen June
24 Jones, filed his Opposition to Appointment of Temporary Guardian and General Guardian and
25 Counter-Petition for Appointment of Temporary Guardian of the Person and Estate and Issuance of
26 Letters of Temporary Guardianship and Estate and Issuance of Letters of Temporary Guardianship
27 and Counter-Petition for Appointment of General Guardian of the Person and Estate and Issuance
28

1 of Letters of General Guardianship ("Rodney's Counter-Petition").

2 8. That on October 2, 2019, Kimberly Jones filed her Opposition to *Ex Parte* Petition
3 for Appointment of Temporary and General Guardian of the Person and Estate; Alternatively,
4 Counter-Petition for Appointment of Kimberly Jones as Temporary and General Guardian of the
5 Person and Estate ("Kimberly's Counter-Petition").

6 9. That on October 15, 2019 at the Citation to Appear and Show Cause Hearing,
7 Kathleen June Jones, by and through her Court appointed Counsel, Maria L. Parra-Sandoval,
8 advised the Court that it was Kathleen June Jones' desire that Kimberly Jones be appointed as her
9 client's guardian.

10 Good Cause Appearing Therefore,

11 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Kimberly Jones' Counter-
12 Petition is hereby GRANTED.

13 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Kimberly Jones is
14 hereby appointed as guardian of the Estate and Person of Kathleen June Jones and Letters of General
15 Guardianship shall be issued to Kimberly Jones.

16 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Rodney Gerald
17 Yeoman's Counter-Petition is hereby DENIED in its entirety.

18 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Letters of Temporary
19 Guardianship entered on September 23, 2019 are hereby revoked.

20 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Clerk of the Court is
21 hereby directed to issue Letters of Guardianship to Kimberly Jones upon subscribing to the
22 appropriate oath of office, and bond be waived, since there are no liquid assets. |

23 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Kimberly Jones shall
24 investigate the facts and circumstances regarding the purported transfer of real property located at
25 6277 Kraft Avenue, Las Vegas, Nevada 89130, APN 138-02-511-076, from June Jones to Richard
26 & Kandi Powell on or around January 16, 2018, and pursue any potential claims and/or resolution
27 relating to the same.
28

Commented [A1]: This whole sentence is not necessary.

Commented [MP2R1]:

1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a Return Hearing is set
2 for January 14, 2020 at 1:30 p.m. to reconvene on the investigation results from the appointed State
3 Guardianship Compliance Investigator and Financial Forensic Specialist regarding the transfer of
4 the protected person's real property with address 6277 Kraft Avenue, Las Vegas, Nevada 89130.

5 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Kimberly Jones will
6 devise a housing plan to address the current unstable housing situation.

7 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Kimberly Jones shall
8 disseminate the medical records and/or information relating to Kathleen June Jones to Robyn
9 Friedman, Donna Simmons and Rodney Gerald Yeoman.

10 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Rodney Gerald Yeoman
11 shall be allowed to participate in visits with Kathleen June Jones, however, because Rodney Gerald
12 Yeoman was is unwilling to provide any information regarding his health/medical conditions said
13 visits must be supervised by Kimberly Jones and/or an agent of her choosing so as to ensure the
14 safety of Kathleen June Jones.

15 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Rodney Gerald Yeoman
16 shall provide dates to Kimberly Jones of when he will be away in Arizona getting medical treatment.

17 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Rodney Gerald Yeoman,
18 as an interested party, shall be allowed access to the Physician's Certificate.

19 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Court approve
20 payment of attorneys' fees and costs from the guardianship estate to the law firm of Solomon
21 Dwiggins & Freer, Ltd. at the conclusion of the guardianship proceeding, subject to Court
22 confirmation.

23 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that attorney Jeffrey P.
24 Luszeck shall prepare and submit an Order.

25 DATED this ____ day of _____, 2019.

27 _____
28 DISTRICT COURT JUDGE

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Commented [A3]: Remove this. You need to submit a notice of intent to petition the court for payment of attorney's fees and costs from the guardianship estate, consistent with NRS 159.344. See the full statute.

Commented [MP4R3]:

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Submitted by:
SOLOMON DWIGGINS & FREER, LTD.
By: JEFFREY P. LUSZECK, ESQ.
Nevada Bar No. 09619
ROSS E. EVANS, ESQ.
Nevada Bar No. 11374
9060 West Cheyenne Avenue
Las Vegas, Nevada 89129

Attorneys for Kimberly Jones

Approved as to Form and Content:
LEGAL AID CENTER OF SOUTHERN
NEVADA

By: MARIA L. PARRA-SANDOVAL, ESQ.
Nevada Bar No. 13736
725 E. Charleston Blvd.
Las Vegas, NV 89104

Attorney for Kathleen Jones, Protected Person

Approved as to Form and Content:
KEHOE & ASSOCIATES

By: TY E. KEHOE, ESQ.
Nevada Bar No. 6011
871 Coronado Center Dr. Ste. 200
Henderson, NV 89052

Attorney for Rodney Gerald Yeoman

Approved as to Form and Content:
MICHAELSON & ASSOCIATES, LTD.

By: JOHN P. MICHAELSON, ESQ.
Nevada Bar No. 7822
2200 Paseo Verde Parkway, Suite 160
Henderson, NV 89052

*Attorneys for Robyn Friedman and Donna
Simmons*

**DISTRICT COURT
CLARK COUNTY, NEVADA
COURT MINUTES**

Guardianship of Adult

March 02, 2020

G-19-052263-A In the Matter of the Guardianship of:
Kathleen Jones, Protected Person(s)

March 02, 2020 2:30 PM Minute Order

HEARD BY: Marquis, Linda**COURTROOM:** RJC Courtroom 10A**COURT CLERK:** ; Antoria Pickens**PARTIES:**

Donna Simmons, Petitioner, Temporary Guardian, not present	John Michaelson, Attorney, not present
Kathleen Jones, Protected Person, not present	Maria Parra-Sandoval, Attorney, not present
Kimberly Jones, Other, Guardian of Person and Estate, not present	Jeffrey Luszeck, Attorney, not present
Richard Powell, Other, not present	Pro Se
Robyn Friedman, Petitioner, Temporary Guardian, not present	John Michaelson, Attorney, not present
Rodney Yeoman, Other, not present	Ty Kehoe, Attorney, not present
State Guardianship Compliance Officer, Agency, not present	

JOURNAL ENTRIES

- MINUTE ORDER: NO HEARING HELD AND NO APPEARANCES
RE: G-19-052263-A

NRCP 1 and EDCR 1.10 state that the procedure in district courts shall be administered to ensure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 2.23(c), this Court can consider a motion and issue a decision on the papers at any time without a hearing.

This matter was placed on the Court's Chamber's Calendar to issue a Written Order. Accordingly, this matter shall be continued to March 16, 2020 at 8:30 a.m. on the Court's Chamber s Calendar. No appearances necessary.

A copy of this minute order shall be provided to all Parties. (ap)

INTERIM CONDITIONS:

PRINT DATE:	03/02/2020	Page 1 of 2	Minutes Date:	March 02, 2020
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

FUTURE HEARINGS:

March 16, 2020 8:30 AM Status Check
RJC Courtroom 10A
Marquis, Linda

March 17, 2020 9:30 AM Motion for Protective Order
RJC Courtroom 10A
Marquis, Linda
Christensen, Karen
Stengel, Tanya

March 17, 2020 9:30 AM Motion for Protective Order
RJC Courtroom 10A
Marquis, Linda
Christensen, Karen
Stengel, Tanya

Canceled: March 17, 2020 11:00 AM Hearing

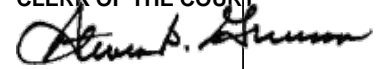
Canceled: March 17, 2020 10:30 AM Hearing

March 17, 2020 9:30 AM Hearing
RJC Courtroom 10A
Marquis, Linda
Christensen, Karen
Stengel, Tanya

March 17, 2020 9:30 AM Opposition
RJC Courtroom 10A
Marquis, Linda
Christensen, Karen
Stengel, Tanya

PRINT DATE:	03/02/2020	Page 2 of 2	Minutes Date:	March 02, 2020
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.



JOIN

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

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

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

Attorney for Kathleen June Jones, Adult Protected Person

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

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

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

KATHLEEN JUNE JONES,

Adult Protected Person.

**PROTECTED PERSON'S JOINDER TO GUARDIAN'S MOTION FOR
PROTECTIVE ORDER**

Kathleen June Jones ("June"), the protected person herein, by and through her counsel, Maria L. Parra-Sandoval, Esq., hereby files this Joinder in support of Guardian's Motion for Protective Order. June's Joinder is based upon and supported by the Memorandum of Points contained in the Guardian's Motion for Protective Order, the pleadings and papers on file in this case, and the argument of counsel as allowed by the Court at the time of hearing.

June further alleges as follows:

June requests for the guardianship to stay in place *as is* with Kimberly Jones ("Kimberly") serving as guardian of the person and estate. June is content and feels comfortable with visitations being *supervised*, as they currently are, including with Kimberly as supervisor.

It is clear that Gerry Yeoman ("Mr. Yeoman") seeks to ultimately modify the guardianship. Mr. Yeoman's Opposition to the Guardian's Motion for Protective Order states, "The Parties claim they are not aware of the scope of Gerry's discovery without a petition

1 pending; however, this argument is not sound. Gerry raised factual concerns, subject to
2 discovery, in his original petition herein and at every hearing held herein, including, but not
3 limited to, issues involving the suitability of the proposed and current guardians, the Protected
4 Person's physical and mental state, Gerry's visitation rights, the sale of the Kraft House, and the
5 guardian's use of the Protected Person's assets."¹ What Mr. Yeoman is seeking with his tactics
6 and depositions is to somehow persuade this Court to make him June's guardian. Mr. Yeoman
7 is disgruntled that he did not get his way from the beginning of this guardianship case and is not
8 willing to give up.

9 Furthermore, Mr. Yeoman advances: "The Motion argues much about wasted resources
10 and yet continues to demand Gerry file an *additional pleading* prior to conducting discovery
11 which would be a tremendous and legally unnecessary waste."² (Emphasis added). In fact, there
12 is absolutely no reason for Mr. Yeoman to waste time and resources by filing any kind of
13 pleading to remove the current guardian since June is happy with the status quo. Under NRS
14 159.328 (h), a protected person has the right to "Remain as independent as possible, including,
15 without limitation, to have his or her preference honored regarding his or her residence and
16 standard of living, either as expressed or demonstrated before a determination was made relating
17 to capacity or as currently expressed, if the preference is reasonable under the circumstances."³

18 The Bill of Rights also states that a protected person has the right to "Be granted the
19 greatest degree of freedom possible, consistent with the reasons for a guardianship, and exercise
20 control of all aspects of his or her life that are not delegated to a guardian specifically by a court
21 order."⁴ The purpose of these rights is to give the protected person the driver's seat in his or her
22 guardianship case. *Thus, the law is clear that it is June who decides who she wants to manage*
23 *her affairs as well as her daily care.* June is able to make her preferences known. Mr. Yeoman
24 has never been June's first choice nor her second choice for that matter. Since June is able to
25 direct her attorney, there is no reason for Mr. Yeoman to increase litigation costs for all parties
26

27 ¹ Opposition to Motion for Protective Order, p. 9, filed February 20, 2020.

28 ² *Id.*

³ See NRS 159.328(h).

⁴ See NRS 159.328(i).

1 involved by filing a petition regarding June's stated preferences; Mr. Yeoman should refrain
2 from doing so.

3 However, if Mr. Yeoman chooses to depose a party regarding the Kraft home, the
4 deposition or depositions should be appropriately filed *in the civil action matter*, not this
5 guardianship case.

6
7 DATED this 3rd day of March, 2020.

8
9 **LEGAL AID CENTER OF
SOUTHERN NEVADA, INC.**

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

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

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

14 725 E. Charleston Blvd

15 Las Vegas, NV 89104

16 Telephone: (702) 386-1526

17 Facsimile: (702) 386-1526

18 mparra@lacsnn.org

19 *Attorney for Adult Protected Person Kathleen
June Jones*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 3rd day of March 2020, I deposited in the United States Mail at Las Vegas, Nevada, a copy of the foregoing document entitled **PROTECTED PERSON'S JOINDER TO GUARDIAN'S MOTION FOR PROTECTIVE ORDER** 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 Street
Dewey, AZ 86327

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

Jen Adamo
14 Edgewater Drive
Magnolia, DE 19962

Courtney Simmons
765 Kimbark Avenue
San Bernardino, CA 92407

Scott Simmons
1054 S. Verde Street
Anaheim, CA 92805

Ampersand Man
2824 High Sail Court
Las Vegas, NV 89117

Division of Welfare and Supportive Services
Medicaid Chief Eligibility and Payments
1470 College Parkway
Carson City, NV 89706

Kimberly Jones
6277 Kraft Avenue
Las Vegas, NV 89130

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 EDCR 8.05:

Jeffrey Luszeck, Esq.
jluszeck@sdfnvlaw.com

Ross Evans, Esq.
revans@sdfnvlaw.com
Attorneys for Guardian

James Beckstrom
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Attorney for Guardian

John Michaelson, Esq.
john@michaelsonlaw.com

1 Lora Caindec-Poland
2 lora@michaelsonlaw.com

Jeffrey Sylvester, Esq.
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Attorneys for Robyn Friedman and Donna
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3 Ty Kehoe, Esq.
4 TyKehoeLaw@gmail.com

Matthew Piccolo, Esq.
matt@piccololawoffices.com

5 Laura A. Deeter, Esq.
6 laura@ghandilaw.com
Attorneys for Rodney Gerald Yeoman

Cheryl Becnel
ebecnel@maclaw.com

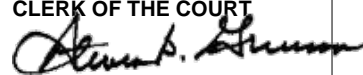
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13 /s/Alexa Reanos
14 Employee of Legal Aid Center of Southern Nevada
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1 **Marquis Aurbach Coffing**
2 Geraldine Tomich, Esq.
3 Nevada Bar No. 8369
4 James A. Beckstrom, Esq.
5 Nevada Bar No. 14032
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7 Las Vegas, Nevada 89145
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10 gtomich@maclaw.com
11 jbeckstrom@maclaw.com
12 *Attorneys for Kimberly Jones,*
13 *Guardian of Kathleen June Jones*

8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

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

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

12 KATHLEEN JUNE JONES

Date of Hearing: March 17, 2020
Time of Hearing: 9:30 a.m.

13 An Adult Protected Person.
14

15 **REPLY IN SUPPORT OF MOTION FOR PROTECTIVE ORDER**

16 Kimberly Jones, by and through her counsel of record, Geraldine Tomich, Esq. and James
17 A. Beckstrom, Esq. of the law firm of Marquis Aurbach Coffing, hereby files her Reply in Support
18 of Motion for Protective Order. This Motion is made and based upon all papers, pleadings, and
19 records on file herein, the attached Memorandum of Points and Authorities, and any oral argument
20 allowed at a hearing on this matter.

21 Dated this 3rd day of March, 2020.

22 MARQUIS AURBACH COFFING

23
24 By /s/ James A. Beckstrom

25 Geraldine Tomich, Esq.
26 Nevada Bar No. 8369
27 James A. Beckstrom, Esq.
28 Nevada Bar No. 14032
10001 Park Run Drive
Las Vegas, Nevada 89145

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Discovery is not free of boundaries and is not a freestanding legal device. Indeed, by definition, the legal prerequisite to discovery is an actionable claim between one or more parties. In the present Guardianship action, this basic prerequisite does not exist because there is no actionable claim advanced by Mr. Yeoman. While counsel for Mr. Yeoman continually attempts to ignore this basic fundamental of civil litigation and has fallen increasingly out of touch with the purpose of Guardianship and this Court's prior orders, this is a simple issue. A party cannot conduct blind discovery with no pending cause of action before the Court.

Rather than file a Petition to provide notice to the Court, the Guardian, or the Protected Person's legal counsel regarding any issues Mr. Yeoman believes require judicial intervention, Mr. Yeoman and his counsel have served as the proverbial bull in a china shop throughout these proceedings. In doing so, Mr. Yeoman seems to be under the impression that some unknown adversarial proceeding remains in this guardianship action for him to litigate tooth and nail. This is incorrect.

These guardianship proceedings remain dormant as a matter of law as to Mr. Yeoman who remains nothing more than an interested party. A guardian has been appointed by a final order of this Court and no appeal has been taken within the statutory time to do so. Any pending petition of Mr. Yeoman was denied in full. All that remains following this Court's Order is for the investigators to provide their report(s) to the Court and for Kimberly to conduct any discovery she feels is necessary to marshal the assets of the Protected Person.

Thus, while Mr. Yeoman attempts to scream procedural murder, it is he who fails to recognize that none of the discovery he propounded was authorized and therefore the Guardian, nor any other interested party to this case, was under any obligation to take any action in response to the deposition notices, nor written requests for information. The Protective Order was filed after an exhausting back and forth with Mr. Yeoman's counsel who simply did not understand this. The Motion was filed properly and the request for fees and costs should be granted.

1 The Court never authorized Mr. Yeoman to start engaging in discovery. While Mr. Yeoman
2 attempts to mischaracterize snippets from the January 14, 2020 hearing, which was needlessly
3 expanded by Mr. Kehoe, Mr. Yeoman never raised any specific issue as to what he sought
4 discovery on and the Court referenced discovery in only the most cursory and general fashion.
5 While the Court is capable of making its own arguments concerning what was said, the undisputed
6 fact remains that no legal issue remains subject to litigation in the guardianship proceedings and
7 this case is not a facility for Mr. Yeoman to vindicate his personal pride. Indeed, the Court was
8 well aware during the January 14, 2020 hearing, that an A-Case was filed and acknowledged that
9 while “somebody could always file a petition to terminate [the Guardianship] tomorrow” as it
10 stood, nothing concerning the Guardianship was in a state of flux. *See* Hearing Transcript, January
11 14, 2020 at 21:2-7, on file.

12 Accordingly, the Motion must be granted as a matter of law and fees and costs should be
13 awarded.

14 **II. LEGAL ARGUMENT**

15 **A. AS A MATTER OF LAW, MR. YEOMAN HAS NOTHING TO CONDUCT**
16 **DISCOVERY ON, BECAUSE THERE IS NO PENDING PETITION**
BEFORE THIS COURT.

17 Discovery flows from an actionable legal claim, it is not an independent right. Mr.
18 Yeoman’s attorney mistakes the Court’s generic reference to discovery being open to mean he can
19 conduct discovery on everything under the sun with no notice to any party as to what he seeks to
20 adjudicate. While Mr. Yeoman did have a pending petition, that petition was denied, eliminating
21 any need for Mr. Yeoman to conduct any discovery. To be clear, the Court’s order did not mince
22 words:

23 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Rodney Gerald**
24 **Yeoman's Counter-Petition is hereby DENIED in its entirety.**

25 Order at Exhibit 1.

26 Thus, as a matter of law, with no pending petition on file for any legal relief, discovery
27 cannot take place on behalf of Mr. Yeoman. While Mr. Yeoman’s attorney likely knows this, he
28 refuses to file a petition to state what legal issues he believes exist, because he knows the

1 guardianship statutes allow for the Guardian to move for fees and costs against him should a
2 frivolous or meritless petition be filed. *See* NRS 159.1853. Nonetheless, as it stands, an interested
3 party cannot conduct discovery without some cognizable legal claim at issue and as it stands Mr.
4 Yeoman is nothing more than a party on the sideline.

5 The only person who has the right to conduct discovery is the Guardian, because this right
6 was specifically granted to the Guardian by written order of the Court, as follows:

7 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Kimberly Jones
8 shall investigate the facts and circumstances regarding the purported transfer of real
9 property located at 6277 Kraft Avenue, Las Vegas, Nevada 89130, APN 138-02-
511-076, from June Jones to Richard & Kandi Powell on or around January 16,
2018, and pursue any potential claims and/or resolution relating to the same.

10 Order at Exhibit 1.

11 This Order properly tasked Kimberly with taking any action necessary to protect the
12 Protected Person. Kimberly has abided by that duty and has engaged in no discovery in the
13 Guardianship case, with the exception of subpoenaing financial documents connected to
14 transactions and accounts of the Protected Person, *because Mr. Yeoman has still never disclosed*
15 *those documents*, even after he was ordered to do so by the Court. Therefore, while Kimberly
16 maintains an ongoing duty to conduct discovery should she see it necessary, there is no other party
17 in this case at the present, except for interested parties who are as a matter of law, sitting on the
18 sideline.

19 In short, Mr. Yeoman can seek no relief from the Court, nor meaningfully oppose this
20 Motion because he has no present claims to litigate.

21 **B. THE PROTECTIVE ORDER WAS PROPER AND SHOULD BE**
22 **GRANTED.**

23 Counsel for Mr. Yeoman has lost sight of the forest for the trees. The purpose of a
24 protective order is to challenge improper and abusive discovery. While the filing of a motion for
25 protective order does not as a matter of law halt the complained of discovery, procedurally and
26 logically, a protective order that is granted does. In the Eighth Judicial District, the Federal District
27 of Nevada, and courts across the nation, a party seeking a protective order often does so at its own
28 risk. This case is no different. Mr. Yeoman refused to cooperate in good faith and his attorney

1 attempted to move forward with three depositions unilaterally set in a case with no pending
2 adversarial dispute. In response, counsel for the protected person met and conferred with Mr.
3 Yeoman's attorney on a number of occasions. *See* Emails, Mtn. at Exhibit 5. After realizing Mr.
4 Kehoe was out of touch with reality and had no legal basis to support his position, the undersigned
5 refused to kowtow to the unsupported demands and sought refuge from the Court.

6 Despite this, Mr. Kehoe refused to vacate his unilaterally set depositions and insisted his
7 "written discovery" be answered. In response to Mr. Kehoe's apparent inability to set forth any
8 viable legal argument in support of the Guardian expending thousands of dollars of additional fees
9 and costs in Mr. Kehoe's boundless discovery, on February 6, 2020, well before the deposition of
10 the Guardian was set, the instant motion was filed. After filing the Motion for Protective Order,
11 Mr. Kehoe was well aware the Guardian would not be appearing for the unilaterally set deposition,
12 nor responding to the abusive discovery requests he propounded. Mr. Kehoe having practiced in
13 this town for as long as he has apparently thought it was still a good idea to appear for a deposition
14 and incur costs. Opposition at 3:16-19. That is his fault. The idea of Mr. Kehoe even hinting at
15 fees or costs is absurd and is a true snapshot of the professionalism the undersigned is dealing with.

16 **C. THE GUARDIAN IS ENTITLED TO FEES AND COSTS INCURRED FOR**
17 **HAVING TO BRING THE INSTANT MOTION.**

18 NRCP 26 (c)(3) governs fees to a party who prevails on moving for a protective order and
19 incorporates the provisions of NRCP 37(a)(5), which states in relevant part:

20 If the motion is granted — or if the disclosure or requested discovery is provided
21 after the motion was filed — ***the court must***, after giving an opportunity to be heard,
22 ***require the party*** or deponent ***whose conduct necessitated the motion, the party or***
23 ***attorney advising that conduct, or both to pay the movant's reasonable expenses***
24 ***incurred in making the motion, including attorney fees.*** But the court must not
25 order this payment if:

- 26 (i) the movant filed the motion before attempting in good faith
27 to obtain the disclosure or discovery without court action;
28 (ii) the opposing party's nondisclosure, response, or objection
was substantially justified; or
(iii) other circumstances make an award of expenses unjust.

Here, there is no doubt that the discovery sought is (1) improper and (2) abusive. There is
no pending petition or motion in front of the Court—despite this counsel for Yeoman continues to
improperly propound discovery and set depositions. The email exchanges between the attorneys

1 representing each person relevant to this Motion paint a surprisingly clear picture of Yeoman's
2 counsel's inability to follow proper procedures. *See* E-Mail Correspondence, at Exhibit 5. This is
3 sanctionable and fees and costs should not be required to come from the protected person or
4 Guardian's pocket. Instead, fees are required and should be ordered against Yeoman and his
5 attorney. Upon the Court ordering fees and costs, counsel for the Guardian will timely submit a
6 memorandum and points of authorities as to the fees sought.

7 To the extent Mr. Yeoman contends a "meet and confer" did not take place, that too is
8 simply false. The email chain provided for the Court makes it very clear that numerous efforts by
9 the undersigned took place to discuss this issue. The attestation of a licensed attorney signing a
10 pleading under penalty of perjury in Nevada satisfies the certification requirement of NRCP 37.
11 Any argument that fees and costs shouldn't follow because some sort of notarized declaration did
12 not accompany the Motion is further proof of Mr. Yeoman's failure to appreciate the purpose of
13 Guardianship court, which is to protect the Protected Person, by among other things, conserving
14 costs and avoiding excessive and unnecessary motion practice.

15 ///

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1 **III. CONCLUSION**

2 To date, the Protected Person and the Guardian have been victimized by the actions of Mr.
3 Yeoman and his counsel. First by withholding the Protected Person's two dogs and now with
4 abusive attempts to harass the Guardian by increasing litigation costs. The Guardian has enough
5 to deal with in taking care of the Protected Person and needless "discovery" on a dispute that
6 simply doesn't exist is a waste of the Protected Person's resources, this Court's resources, and the
7 time of all interested parties involved. Consequently, the Protective Order must be granted and
8 fees and costs awarded to the Guardian for the work performed in having to bring this issue to the
9 Court's attention.

10 Dated this 3rd day of March, 2020.

11
12 MARQUIS AURBACH COFFING

13
14 By /s/ James A. Beckstrom
15 Geraldine Tomich, Esq.
16 Nevada Bar No. 8369
17 James A. Beckstrom, Esq.
18 Nevada Bar No. 14032
19 10001 Park Run Drive
20 Las Vegas, Nevada 89145
21 Attorneys for Kimberly Jones, Guardian
22 of Kathleen June Jones
23
24
25
26
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28

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **REPLY IN SUPPORT OF MOTION FOR PROTECTIVE ORDER** was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 3rd day of March, 2020. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:¹

Ty E. Kehoe, Esq.
KEHOE & ASSOCIATES
871 Coronado Center Drive, Ste. 200
Henderson, NV 89052
Email: tykehoelaw@gmail.com

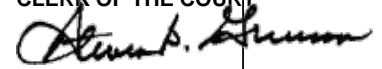
Matthew C. Piccolo, Esq.
PICCOLO LAW OFFICES
2450 St. Rose Pkwy., Ste. 210
Henderson, NV 89074
Email: matt@piccololawoffices.com

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

N/A

/s/ Cally Hatfield
An employee of Marquis Aurbach Coffing

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



OBJ

Maria L. Parra-Sandoval, Esq.
Nevada Bar No. 13736
mparra@lacs.org

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

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

Attorney for Kathleen June Jones, Adult Protected Person

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

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

KATHLEEN JUNE JONES,

Adult Protected Person.

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

**KATHLEEN JUNE JONES' OBJECTION TO PETITION FOR APPROVAL OF
ATTORNEYS FEES AND COSTS AND REQUEST TO ENTER A JUDGMENT
AGAINST THE REAL PROPERTY OF THE ESTATE**

Kathleen June Jones ("June"), the protected person herein, by and through her counsel, Maria L. Parra-Sandoval, Esq., hereby objects to the Petition for Approval of Attorneys Fees and Costs and Request to Enter a Judgment Against the Real Property of the Estate, filed by Robyn Friedman and Donna Simmons, ("Petitioners"), the prior temporary guardians. June's objection is based upon and supported by the following Memorandum of Points and Authorities, the pleadings and papers on file in this case, and the argument of counsel as allowed by the Court at the time of hearing.

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **A. The Nevada Revised Statutes generally provide that attorney’s fees incurred by**
3 **a guardian must be borne by a guardian. However, in only limited**
4 **circumstances may an attorney’s fee request be shifted from a guardian to a**
5 **protected person’s estate, but this shift is discretionary and the attorney’s**
6 **services must have conferred actual benefit to the protected person.**

7 Under Nevada law, a guardian is responsible for the payment of all attorney’s
8 fees and costs the guardian incurs absent an order from the Court allowing payment from the
9 protected person’s estate. *See* NRS 159.344(1)-(2). The court may order the payment of fees
10 from the protected person’s estate only if those fees are *just, reasonable, and necessary*. *See*
11 NRS 159.344(5). In determining whether fees are just, reasonable, and necessary, the court is to
12 consider, among other things, whether the services conferred any actual benefit on the protected
13 person or advanced the protected person’s best interest, *see* NRS 159.344(5)(b); the extent to
14 which the services were provided in a reasonable, efficient, and cost-effective manner, *see* NRS
15 159.344(5)(i); efforts made by the party or attorney to reduce and minimize issues, *see* NRS
16 159.344(5)(k); actions by the party or attorney that unnecessarily expanded issues or delayed or
17 hindered the efficient administration of the estate, *see* NRS 159.344(5)(l); and “[a]ny other factor
18 that is relevant in determining whether attorney’s fees are just, reasonable and necessary,
19 including, without limitation, any other factor that is relevant in determining whether the person
20 was acting in good faith and was actually pursuing the best interests of the protected person,”
21 NRS 159.344(5)(n).

22 There is no Nevada case law that addresses when the Court should decline to shift
23 attorney’s fees. However, the Arizona Supreme Court has addressed this issue and held that
24 when a court considers a request for fees and costs in a guardianship case, the court should
25 consider, among other things, whether or not the guardian actually pursued the ward’s best
26 interests or conferred any benefit upon the ward.¹ The Court further explained that as a matter
27 of policy, parties to a guardianship case cannot be permitted to assume that their fees and
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¹ *In re Guardianship of Sleeth*, 244 P.3d 1169, 226 Ariz.171 (2010).
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1 expenses will be automatically paid out of the guardianship estate. Instead, they must face the
2 possibility that they will be liable for some of these costs. Otherwise, they have no financial
3 incentive to avoid poor decisions if the entirety of any financial risk is borne on the protected
4 person:

5 “When a guardian or conservator has no personal obligation for attorney’s fees and no
6 concern over whether his expenditures will be fully approved, he may lack incentive to avoid
7 financial improvidence. In a case in which the protected person’s estate suffers significant and
8 harmful losses, the superior court must exercise its independent judgment to determine what
9 portion of the attorney’s fees were reasonably incurred.”²

11 Here, Robyn Friedman and Donna Simmons, submit their request for reimbursement of
12 \$62,029.66 in attorney’s fees and costs.³ Petitioners seek to place a lien for this amount on the
13 protected person’s largest asset, her real property, located in California. Although Petitioners
14 only served as temporary guardians **for less than a one month period**, from September 23,
15 2019⁴ to October 15, 2019,⁵ Petitioners seek reimbursement of, what can only be characterized
16 as, an absurd amount of attorneys’ fees—including fees that stem from an earlier matter.
17 Petitioners submit attorneys’ fees requests that stem from a *previous* contentious probate matter
18 that did not benefit the protected person and was simply unproductive litigation. Similarly to the
19 guardian’s request in *Sleeth*, the present attorney’s fee request is a primary example of temporary
20 guardians lacking a financial incentive to avoid costly fees after substantial efforts to advance
21 their own interests, through both the present matter and the previous probate matter.
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26 ² *Id.*, 244 P.3d 1175, 266 Ariz. 177.

27 ³ See Petition for Approval of Attorneys Fees and Costs and Request to Enter a Judgment Against the Real
Property of the Estate, filed February 13, 2020.

28 ⁴ See Order Granting Ex Parte Petition for Appointment of Temporary Guardian of the Person and Estate and
Issuance of Letters of Temporary Guardianship, filed September 23, 2019.

⁵ See Court Minutes, October 15, 2019.

1 Petitioners argue that they have been the “driving force in moving the stabilization of
2 [June’s] living situation forward via this Honorable Court’s protection,” to assert they are
3 somehow entitled to payment of all their fees, from both this matter and the previous probate
4 matter, from June’s estate. They are wrong. An effort to stabilize June’s living situation was
5 not necessary or appropriate in this matter, especially as the current general guardian of the
6 person and estate was June’s named agent under a power of attorney, and preferred guardian
7 under a nomination of guardian, and capable of managing June’s affairs as per June’s express
8 wishes, as outlined in her substantial estate planning documentation. Current guardian has been
9 willing to serve as guardian from the beginning of this matter,⁶ and was rightfully the *prevailing*
10 party.
11

12 Consequently, this Court should deny Petitioners’ request for all fees incurred in the
13 prior probate matter and deny all fees incurred by the temporary guardians, both before and after
14 their appointment as temporary guardians. Petitioners are not automatically entitled to
15 reimbursement for attorneys’ fees and costs as a matter of right.
16

17 **B. Even if this Court allows for reimbursement of attorney fees and costs from the**
18 **guardianship estate, Petitioners filed their notice of intent to seek attorney’s fees**
19 **from the guardianship estate on September 19, 2019, and are therefore *only***
20 **arguably entitled to attorney’s fees and costs from the estate for *guardianship-***
21 ***related work while serving as Temporary Guardians*, and subject to all other NRS**
22 **159.344 provisions.**

23 Here, Petitioners have submitted their request for *reimbursement of \$62,029.66* in
24 attorneys’ fees and costs.⁷ A significant portion of these fees, as detailed in Mr. Michaelson’s
25 Invoices 12460 and 12560, are almost all entirely related to the probate matter—not *this*
26

27 ⁶ See Opposition to Ex Parte Petition for Appointment of Temporary and General Guardian of the Person and
28 Estate; Alternatively, Counter-Petition for Appointment of Kimberly Jones as Temporary and General Guardian
of the Person and Estate, p. 12, filed October 2, 2019.

⁷ See Petition for Approval of Attorneys Fees and Costs and Request to Enter a Judgment Against the Real
Property of the Estate, filed February 13, 2020.

guardianship matter, and consequently, the majority can be easily disallowed. The total to be disallowed as related to the prior probate matter is **\$14,051.00**.⁸ The protected person should not need to reimburse the Petitioners for any attorney's fees incurred prior to the present guardianship case. An exception is the preparation of the guardianship pleadings, which can easily be derived from the invoices, beginning with date 9/09/2019: LCP "Begin drafting Petition for Guardianship." This is the first billing entry that should have been submitted to the Court to consider.⁹ And this is the only billing entry from Invoice 12560 that may even arguably be considered for possible reimbursement by June's estate. Any fee request for work prepared on another matter is a *complete disregard* for the protected person's interests. Pre-guardianship work, including engaging in unproductive litigation, should not be considered by this Court pursuant to NRS 159.344(5)(k)-(n).

Finally, if this Court allows for a reimbursement of attorney's fees and costs, June requests that fees be significantly reduced based on noncompliance with NRS 159.344. In addition to the **\$14,051.00** that should be disallowed from Invoices 12460 and 12560; **\$34,070.00**¹⁰ should be disallowed from Invoices: 12595, 12720 and 12748, for a **total reduction of \$48,121.00** to be disallowed. See relevant objections next to each problematic billing entry:

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⁸ This number was calculated by adding the total reimbursable amounts requested from Invoice 12460 (\$4,900) plus Invoice 12560 (\$10,201.00) = \$15,101. From the latter amount, counsel subtracted \$1,050 that should likely be allowed for entry dated 9/9/2019 Begin Drafting Petition for Guardianship (Attorney LCP 3.5 hrs x \$350).

⁹ There is a 9/08/2019 billing entry that could be the first billing entry; however, the fact that JPM did not delegate this duty to a paralegal to communicate with Dr. Brown, is problematic. Under NRS 159.344(5)(i), this task should have been delegated to a paralegal.

¹⁰ An additional \$14,395 from Invoice no. 12595; \$9,960 from Invoice no. 12720; and \$9,715 from Invoice no. 12748.

Invoice No. 12595

Date	Tmkr	Rate	Time	Amount (\$)	Description	Objection	Proposed Reduction (\$)
9/10/2019	JPM	450	0.4	\$ 180.00	Phone conference with attorney David Johnson re pros and cons of guardianship petition in this matter.	Under NRS 159.344 (6)(a)(no compensation for internal business activity)-Attorney Johnson is not a party to this matter (he was on the probate matter)	\$ 180.00
9/10/2019	JPM	450	1	\$ 450.00	Various communications including getting Dr. Brown paid. Draft/edit/revise petition for guardianship.	Under NRS 159.344(5)(i), this task should have been delegated to a paralegal & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed.	\$ 450.00
9/11/2019	JPM	450	0.7	\$ 315.00	Coordinate with Dr. Brown, including review his report. Client communications.	Under NRS 159.344(5)(i), the first task should have been delegated to a paralegal & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed.	\$ 315.00
9/13/2019	LCP	300	2.6	\$ 780.00	Revisions to Petition for Guardianship to reflect clients as Petitioners	Under NRS 159.344(5)(i), time for task is excessive and unreasonable. By this date, LCP had already spent 8.7 hours drafting the Petition for Guardianship.	\$ 600.00
9/13/2019	LCP	300	1	\$ 300.00	Petition for Guardianship; forward draft to JPM for review	Under NRS 159.344(5)(i), time for task is excessive and unreasonable; and description of task is vague. If LCP meant more revisions, time for task is excessive and unreasonable; & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed.	\$ 300.00
9/13/2019	LCP	300	0.4	\$ 120.00	TC with JPM; email to clients re: info needed for Petition	NRS 159.344(5)(b) & Under NRS 159.344 (6)(a)(no compensation for internal business activity) & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed.	\$ 120.00
9/16/2019	LCP	300	2.3	\$ 690.00	Further revisions to Petition for Guardianship	Under NRS 159.344(5)(i), time for task is excessive and unreasonable; there is no rationale for the revisions (in contrast, in other entries, revisions are made "per client	\$ 690.00

						request," which makes sense).	
9/16/2019	LM	200	0.3	\$	60.00	Begin preparing ancillary documents for appointment of temporary guardianship NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services	\$ 60.00
9/16/2019	LCP	300	1	\$	300.00	Research Temporary vs. Special Guardianship and discuss with JPM review of draft of Petition Under NRS 159.344(6)(b), no award is to be made for time that is block-billed & Under NRS 159.344 (6)(a)(no compensation for internal business activity) & Under NRS 159.344(5)(i), time for task is excessive and unreasonable.	\$ 300.00
9/16/2019	JPM	450	1.6	\$	720.00	Review draft petition. Edit and revise. Direct team. Under NRS 159.344(6)(b), no award is to be made for time that is block-billed & Under NRS 159.344 (6)(a)(no compensation for internal business activity). By this date LCP has already worked on the petition for 13.6 hours.	\$ 720.00
9/17/2019	LM	200	1.2	\$	240.00	Continue to Draft all ancillary temporary guardianship documents; draft guardian's acknowledgment of duties; draft citation to appear and show cause for general Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed. And fyi, a form is readily available for guardian's acknowledgment of duties, so that paralegal does not have to draft it or reinvent the wheel.	\$ 240.00

1							Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services.	
2						draft certificate of service for appointment of general guardian		
3	9/17/2019	LM	200	0.2	\$ 40.00			\$ 40.00
4								
5							NRS 159.344(5)(b) & Under NRS 159.344(5)(i), time for task is excessive and unreasonable; there is no rationale listed. With this entry, LCP has worked a total of 15.1 hours drafting and revising the same petition.	
6						Further draft Petition for Temporary and General Guardianship		
7	9/17/2019	LCP	300	1.5	\$ 450.00			\$ 450.00
8								
9								
10							NRS 159.344(5)(b) & Under NRS 159.344(5)(i), time for task is excessive and unreasonable; there is no rationale listed. With this entry, LCP has worked a total of 16.1 hours drafting and revising the same petition.	
11						Further draft Petition for guardianship		
12	9/17/2019	LCP	300	1	\$ 300.00			\$ 300.00
13								
14							NRS 159.344(5)(b) & Under NRS 159.344(5)(i), time for task is excessive and unreasonable; there is no rationale listed for further revisions (in contrast, in other entries, revisions are made "per client request," which makes sense) & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed. With this entry, LCP has worked a total of 19.7 hours drafting and revising the same petition!	
15						Revisions to Petition; email to clients for review		
16	9/17/2019	LCP	300	3.6	\$ 1,080.00			\$ 1,080.00
17								
18						Gather facts, research arguments, direct team and draft/edit/revise petition for temp and petition for general guardianship.	Under NRS 159.344(5)(i), the first task should have been delegated to a lower biller; Under NRS 159.344(6)(b), no award is to be made for time that is block-billed & Under NRS 159.344 (6)(a)(no compensation for internal business activity).	
19	9/17/2019	JPM	450	3	\$ 1,350.00			\$ 1,350.00

1						Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services.	
2						Compile exhibits to be attached to ex parte petition for appointment of temporary guardian.	
3	9/18/2019	LM	200	0.4	\$ 80.00		\$ 80.00
4						Email Robyn and Donna regarding signatures on verifications to ex parte petition and on oath for the Letters of Temporary Guardianship	
5	9/18/2019	LM	200	0.3	\$ 60.00	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(i), time for task is excessive and unreasonable; an email should be .1.	\$ 45.00
6						Telephone call and leave message with Teri and Scott regarding our filing for appointment of temporary guardianship	
7	9/18/2019	LM	200	0.3	\$ 60.00	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(i), time for task is excessive and unreasonable; each call should be .1. x \$150.	\$ 30.00
8						telephone call with Teri regarding her opposing the petition for appointment of temporary guardian	
9	9/18/2019	LM	200	0.4	\$ 80.00	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150.	\$ 20.00
10						Under NRS 159.344(5)(i), time for task is excessive and unreasonable; there is <i>no rationale</i> listed for further revisions (in contrast, in other entries revisions are made "per client request," which makes sense; and I did not object to those) & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed. Important to note: with this entry, LCP has spent 23.7 hours drafting and revising this petition.	
11	9/18/2019	LCP	300	2.4	\$ 720.00	Further revisions to Petition; email draft to clients	\$ 720.00
12						Under NRS 159.344(5)(i), the first task should have been delegated to a lower biller; Under NRS 159.344(6)(b), no award is to be made for time that is block-billed & Under NRS 159.344 (6)(a)(no compensation for internal business activity).	
13	9/18/2019	JPM	450	5	\$ 2,250.00	Gather facts, research arguments, direct team and draft/edit/revise petition for temp and petition for general guardianship.	\$ 2,250.00

1						Under NRS 159.344(6)(b), no award is to be made for time that is block-billed; "various tasks" is too vague as well.	
2					Various tasks associated with finalizing Petition		
3	9/18/2019	LCP	300	0.9	\$ 270.00		\$ 270.00
4						Under NRS 159.344 (6)(a)(no compensation for internal business activity).	
5	9/19/2019	LCP	300	0.1	\$ 30.00	TC with JPM	\$ 30.00
6						Under NRS 159.344(5)(i), time for task is excessive and unreasonable; there is <i>no rationale</i> listed for further revisions (in contrast, in other entries revisions are made "per client request," which makes sense). By this billing entry, 18.2 solid hours have already been billed just to <i>revising</i> the Petition for Guardianship. There's more time that can't be deciphered from block-billing entries. And there's more time billed for "drafting" the petition. The final document is 30 pages, plus exhibits.	
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13							
14	9/19/2019	LCP	300	0.5	\$ 150.00	revisions to Petition	\$ 150.00
15							
16						Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services.	
17							
18					Efiled petition for appointment of temporary guardian		
19	9/19/2019	LM	200	0.2	\$ 40.00		\$ 40.00
20						Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(i), time for task is excessive and unreasonable; the law firm would likely have a template already available for this task that can be recycled.	
21							
22							
23							
24	9/19/2019	LM	200	1	\$ 200.00	drafted order granting temporary guardianship	\$ 100.00
25						Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services.	
26							
27							
28	9/19/2019	LM	200	0.2	\$ 40.00	efiled citation to appear and show cause	\$ 40.00

1							Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services.	
2	9/19/2019	LM	200	0.3	\$ 60.00	prepared amended citation		\$ 60.00
3						Email to clients re status of filing and next steps; sign Citation; review and sign Order	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed.	
4	9/19/2019	LCP	300	0.5	\$ 150.00			\$ 150.00
5						Various calls and communications with staff and attorneys for other parties in attempts to meet and confer to resolve claims and also prepare our petition for guardianship-draft/edit/ and revising same.	NRS 159.344(5)(b) & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed	
6	9/19/2019	JPM	450	1.7	\$ 765.00			\$ 765.00
7						Receipt of email from client with location of her mother	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(i), time for task is excessive and unreasonable; an email should be .1.	
8	9/20/2019	LM	200	0.2	\$ 40.00			\$ 25.00
9						email Dave at Servlaw to attempt personal service at the Kraft house address	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(i), time for task is excessive and unreasonable; an email should be .1 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services (this is not a legally substantive task).	
10	9/20/2019	LM	200	0.2	\$ 40.00			\$ 40.00
11						TC with JPM re providing advance copy of pleading to opposing counsel	Under NRS 159.344 (6)(a)(no compensation for internal business activity).	
12	9/20/2019	LCP	300	0.2	\$ 60.00			\$ 150.00
13						Various communications re obtaining guardianship and noticing other parties, as well as logistics b/w the parties re June's care and including responding to Ty Kehoe's ex parte contact with probate court re POA's that are	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed & Under NRS 159.344(5)(b), for "ex parte contact with probate court." How does that benefit the protected person?	
14	9/20/2019	JPM	450	1.3	\$ 585.00			\$ 585.00

9/23/2019	LCP	300	0.4	\$ 120.00	Call from JPM re obtaining Order from Judge's Clerk (.1); call from D. Johnson (.2); communication with JPM re status of Order and message from D. Johnson (.1)	Under NRS 159.344 (6)(a)(no compensation for internal business activity).	\$ 120.00
9/23/2019	JPM	450	0.4	\$ 180.00	Various communications and direction to team re guardianship.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed & Under NRS 159.344 (6)(a)(no compensation for internal business activity).	\$ 180.00
9/23/2019	JPM	450	2.2	\$ 990.00	Various communications with client, counsel for Kimberly, counsel for Dick and Gerry. On phone while Robyn visits Kraft house and informs Kimberly of guardianship, to answer questions. Later conversations and emails with clients.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed.	\$ 990.00
9/24/2019	LM	200	0.5	\$ 100.00	Emailed a copy of the Letters...(2); arrange to obtain certified copies ...(2); emailed a copy of the Letters...to Ty Kehoe and David Johnson (.1).	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services.	\$ 100.00

Total proposed reduction for invoice no. 12595 \$ 14,395.00

Invoice No. 12720

Date	Tmkr	Rate	Time	Amount	Description	Objection	Proposed Reduction (\$)
9/25/2019	LM	200	0.6	\$ 120.00	Receipt of email...regarding obtaining certified copies (.1); Respond to same (.2); prepare receipt of documents (.1); email Robyn that certified copies are ready for pickup (.1); telephone call and leave message with Donna...; efiled	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services. These are <i>all</i> secretarial tasks--tasks that are not legally substantive.	\$ 120.00

					affidavit of personal appearance (.1)		
9/25/2019	LCP	300	1.1	\$ 330.00	Review multiple emails from client; lengthy response email re: duties of guardian	Under NRS 159.344(5)(i), time for task is excessive and unreasonable; maybe a call would have lasted less? & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed.	\$ 330.00
9/25/2019	JPM	450	0.6	\$ 270.00	Review some communications. Phone conference with Robyn. Direct team.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed & Under NRS 159.344 (6)(a)(no compensation for internal business activity).	\$ 270.00
9/25/2019	LCP	300	0.7	\$ 210.00	Redraft of demand letters to T. Kehoe and D. Johnson per request of R. Friedman.	NRS 159.344(5)(b). How did this task benefit the protected person?	\$ 210.00
9/25/2019	JPM	450	0.7	\$ 315.00	Review of correspondence from Robyn. Direct team re letters to attorneys for other parties. Draft/edit/revise those letters. Send email to client with letter attached.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed & Under NRS 159.344 (6)(a)(no compensation for internal business activity) & Under NRS 159.344(5)(b), How did this task benefit the protected person?	\$ 315.00
9/26/2019	LCP	300	0.9	\$ 270.00	Revisions to demand letters to T. Kehoe and D. Johnson per client request.	NRS 159.344(5)(b). How did this task benefit the protected person?	\$ 270.00
9/26/2019	LCP	300	0.3	\$ 90.00	Send demand letters to opposing counsel	Under NRS 159.344(5)(i), time for task is excessive and unreasonable; & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services, regardless of who the biller is. These are all secretarial tasks--tasks that are not legally substantive (transmitting a letter).	\$ 90.00

1					Review email from opposing counsel regarding requested items, temporary guardianship and visitation, then review and revise draft response email to opposing counsel regarding same.	Under NRS 159.344(5)(i), time for task is excessive and unreasonable; Under NRS 159.344(6)(b), no award is to be made for time that is block-billed & Under NRS 159.344(5)(b), How did it benefit the protected person?	
2	9/27/2019	AEF	350	0.4	\$ 140.00		\$ 140.00
3						Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4), no compensation for time spent performing secretarial or clerical services (tasks that are not legally substantive).	
4	9/27/2019	LM	200	0.2	\$ 40.00	Telephone call with Robyn Friedman regarding email to her sister.	\$ 40.00
5						Numerous communications and emails to/from clients, David Johnson, Ty Kehoe trying to obtain June's identification and other property and resolve visitation issues.	
6	9/27/2019	JPM	450	2	\$ 900.00		\$ 900.00
7						Later phone call with Ty Kehoe. Call with client.	
8	9/27/2019	JPM	450	0.5	\$ 225.00		\$ 225.00
9						Review of combative Ty Kehoe communication and response thereto. Multiple communications with clients, counsel for Kimberly and Mr. Kehoe.	
10	9/28/2019	JPM	450	0.8	\$ 360.00		\$ 360.00
11						Communications with all parties. Setup and participate in phone conference with Kimberly and her attorney.	
12	9/29/2019	JPM	450	0.6	\$ 270.00		\$ 270.00
13						TC with Legal Aid attorney, M. Parra-Sandoval	
14	9/30/2019	LCP	300	0.3	\$ 90.00		\$ 60.00

1							Under NRS 159.344 (6)(a)(no compensation for internal business activity)-attorney David Johnson was a party in the probate matter/POA action, not the guardianship matter; and has never appeared on the guardianship matter; & Under NRS 159.344(5)(b). How did this task benefit the protected person?	
2	10/1/2019	JPM	450	0.2	\$ 90.00	Communication with attorney David Johnson.		\$ 90.00
3							Under NRS 159.344(6)(b), no award is to be made for time that is block-billed & Under NRS 159.344 (6)(a)(no compensation for internal business activity).	
4	10/1/2019	JPM	450	0.5	\$ 225.00	Phone conference with Kimberly's new attorney Jeff Luszeck. Dictation and staff direction.		\$ 225.00
5							Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150.	
6	10/1/2019	LM	200	0.3	\$ 60.00	Review court file for oppositions to petition for appointment of guardianship.		\$ 15.00
7							Under NRS 159.344(5)(i), time for task is excessive and unreasonable--actual body includes three sentences plus a certificate of service; & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services, regardless of who the biller is. This Notice is equivalent to drafting a Notice of Entry of Order, which is a clerical task. There is also a form available.	
8	10/1/2019	LCP	300	0.5	\$ 150.00	Draft Notice of Intent to Move Protected Person		\$ 150.00
9							Under NRS 159.344(5)(g)(2) paralegal rate is excessive-the most should be \$150; & Under NRS 159.344(5)(i) this is not efficient or cost-effective--instead it is duplicative work (LCP charged .5 at the \$300 rate for reviewing this same document on the same date); & Under NRS 159.344(5)(b) How did this task benefit the protected person? LM did not draft anything from this.	
10	10/2/2019	LM	200	1.4	\$ 280.00	Receipt and review of Ty Kehoe's opposition to petition for appointment of temporary guardian and counter petition for appointment of temporary and general guardian.		\$ 280.00

						Under NRS 159.344(5)(g)(2) paralegal rate is excessive-the most should be \$150; & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services--these tasks are not legally substantive tasks.	
10/7/2019	LM	200	0.4	\$	80.00	Review of email from Geraldine Tomich requesting copy of the petition for guardianship (.2); emailed a copy to Ms. Tomich (.2).	\$ 80.00
10/8/2019	LM	200	0.3	\$	60.00	Attempt to cal Cindy Sauchak of the Las Vegas Metropolitan Police Department (.1); email Ms. Sauchak regarding setting up a telephone conference with JPM (.1); telephone call with Metro's abuse and neglect (.1)	\$ 60.00
10/8/2019	JPM	450	0.3	\$	135.00	Communications with clients and Kimberly's counsel discussing issues and trying to arrange face to face settlement meeting.	\$ 135.00
10/8/2019	LM	200	0.7	\$	140.00	Telephone call with Detective Ludwig at Metro's abuse and neglect unit regarding setting up conference call.	\$ 140.00
10/9/2019	JPM	450	2.8	\$	1,260.00	Continue preparing for settlement conference. Travel to and participate in settlement conference at Kimberly's attorney's office.	\$ 1,260.00
Total proposed reduction for invoice no. 12720							\$ 9,960.00

Invoice No. 12748

Date	Tmkr	Rate	Time	Amount	Description	Objection	Proposed Reduction (\$)
10/10/2019	LM	200	0.6	\$ 120.00	Drafted notice of intent for Scott Simmons to appear by telephone at the hearing on October 15th (.5); telephone call and leave message for Scott to confirm the telephone number we can reach him at next week (.1)	Under NRS 159.344(5)(g)(2) paralegal rate is excessive-the most should be \$150; Under NRS 159.344(5)(i), time for task is excessive and unreasonable--the notice of intent to appear by telephone is a standard document/form is available; & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services--these tasks are not a legally substantive tasks.	\$ 120.00
10/11/2019	LM	200	0.5	\$ 100.00	Review of emails received from client to compel opposing party to provide information and documentation on finances and personal information such as passport and medical records (.2); review guardianship statutes regarding petition for instruction (.3).	Under NRS 159.344(5)(g)(2) paralegal rate is excessive-the most should be \$150.	\$ 25.00
10/11/2019	LCP	300	4.2	\$ 1,260.00	Draft Reply to Opposition	Under NRS 159.344(5)(i) time for task is excessive and unreasonable--LCP spent a total of 12.4 hours working on this Reply, and JPM spent an additional 2.2 on the same pleading. The filed pleading is 18 pages of writing plus exhibits, for a total of 56 pages. A chunk of the reply includes repetitive arguments from the Ex Parte Petition filed on 9-19-2019. The Reply should not have taken an excessive amount of time. If this Court will consider allowing this, it should only be the 2.2 hours for JPM (I did not include those entries as problematic).	\$ 1,260.00

						Under NRS 159.344(5)(i) time for task is excessive and unreasonable--LCP spent a total of 12.4 hours working on this Reply, and JPM spent an additional 2.2 on the same pleading. The filed pleading is 18 pages of writing plus exhibits, for a total of 56 pages. A chunk of the reply includes repetitive arguments from the Ex Parte Petition filed on 9-19-2019. The Reply should not have taken an excessive amount of time. If this Court will consider allowing this, it should only be the 2.2 hours for JPM (I did not include those entries as problematic).	
10/11/2019	LCP	300	0.5	\$	150.00	Draft Reply to Opposition	\$ 150.00
						Under NRS 159.344(5)(g)(2) paralegal rate is excessive-the most should be \$150; & Under NRS 159.344(5)(i) this is not efficient or cost-effective--instead it is duplicative work, since LCP is the main staff member drafting the Reply to Opposition (in fact, LCP billed 12 hours on this task).	
10/11/2019	LM	200	0.8	\$	160.00	Prepare response to counter petition for guardianship	\$ 160.00
						Under NRS 159.344(5)(g)(2) paralegal rate is excessive-the most should be \$150; & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services--these tasks are not legally substantive tasks; & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed-latter entry.	
10/11/2019	LM	200	0.6	\$	120.00	filing response before Tuesday's hearing and preparing a notice of move (.2); prepared a notice of move; efiled and eserved same with the court (.4).	\$ 120.00

						Under NRS 159.344(5)(i) time for task is excessive and unreasonable--LCP spent a total of 12.4 hours working on this Reply, and JPM spent an additional 2.2 on the same pleading. The filed pleading is 18 pages of writing plus exhibits, for a total of 56 pages. A chunk of the reply includes repetitive arguments from the Ex Parte Petition filed on 9-19-2019. The Reply should not have taken an excessive amount of time. If this Court will consider allowing this, it should only be the 2.2 hours for JPM (I did not include those entries as problematic).	
10/11/2019	LCP	300	1.7	\$	510.00	Work on Reply to Opposition	\$ 510.00
10/12/2019	JPM	450	3.5	\$	1,575.00	Review numerous pleadings and communications and draft/edit/revise response pleading. Communications with client and team re the same.	\$ 1,575.00
10/13/2019	LCP	300	2.6	\$	780.00	Work on Reply to Opposition	\$ 780.00

						Under NRS 159.344(6)(b), no award is to be made for time that is block-billed (each task must be itemized with a time); & Under NRS 159.344 (6)(a)(no compensation for internal business activity)	
10/13/2019	JPM	450	0.2	\$	90.00	Review some emails and direct team on draft of response.	\$ 90.00
						Under NRS 159.344(5)(i) time for task is excessive and unreasonable--LCP spent a total of 12.4 hours working on this Reply, and JPM spent an additional 2.2 on the same pleading. The filed pleading is 18 pages of writing plus exhibits, for a total of 56 pages. A chunk of the reply includes repetitive arguments from the Ex Parte Petition filed on 9-19-2019. The Reply should not have taken an excessive amount of time. If this Court will consider allowing this, it should only be the 2.2 hours for JPM (I did not include those entries as problematic).	
10/14/2019	LCP	300	1.5	\$	450.00	Work on Reply to Opposition	\$ 450.00
						Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services (regardless of who the biller is)--tasks that are not legally substantive.	
10/14/2019	LCP	300	0.9	\$	270.00	Gather and assemble documents that will be attached as exhibits to Reply.	\$ 270.00
						Under NRS 159.344(5)(g)(2) paralegal rate is excessive-the most should be \$150; & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services--these tasks are not legally substantive tasks.	
10/14/2019	LM	200	0.3	\$	60.00	Telephone call with Robyn Friedman and Donna to sign the respective verification pages to reply	\$ 60.00

10/14/2019	LM	200	1.7	\$ 340.00	draft order granting petition for appointment of general guardian	Under NRS 159.344(5)(g)(2) paralegal rate is excessive-the most should be \$150; & Under NRS 159.344(5)(i), time for task is excessive and unreasonable, and not cost-efficient. This is work done prematurely. A general guardianship was never granted to these parties and thus this order could never have been filed.	\$ 340.00
10/14/2019	JPM	450	2.5	\$ 1,125.00	Draft/edit/revise supplement and prepare arguments for hearing tomorrow.	Under NRS 159.344(5)(i), first task related to the supplement (which was really just a verification page and certificate of service) should have been delegated to a lower biller/paralegal; & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed (each task must be itemized with a time).	\$ 1,125.00
10/15/2019	LM	200	0.4	\$ 80.00	Receipt of email from Geri Tomich regarding scheduling at 2:00 p.m. meeting with JPM (.2); respond to same and calendar (.2).	Under NRS 159.344(5)(g)(2) paralegal rate is excessive-the most should be \$150; & Under NRS 159.344(5)(i), time for task is excessive and unreasonable; & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services--these tasks are not legally substantive tasks.	\$ 80.00
10/15/2019	LM	200	0.4	\$ 80.00	Telephone call with Sharon Coates regarding latest version of the care plan ... (.2); receipt and review of Rule 6 the initial guardianship care plan rule (.2)	Under NRS 159.344(5)(g)(2) paralegal rate is excessive-the most should be \$150; & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services--the telephone call is not a legally substantive task.	\$ 50.00

10/15/2019	LM	200	0.4	\$ 80.00	Telephone call with Sharon Coates regarding latest version of the care plan ... (.2); receipt and review of Rule 6 the initial guardianship care plan rule (.2)	Under NRS 159.344(5)(g)(2) paralegal rate is excessive-the most should be \$150; & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services--the telephone call is not a legally substantive task.	\$ 50.00
10/15/2019	LM	200	0.6	\$ 120.00	Prepared supplement to reply to oppositions to include executed verification of clients (.4); efiled and mailed same (.2).	Under NRS 159.344(5)(g)(2) paralegal rate is excessive-the most should be \$150; & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services--these tasks--preparing documents to file, efilings, and mailing are not a legally substantive tasks.	\$ 120.00
10/15/2019	JPM	450	5.2	\$ 2,340.00	Prepare for hearing. Participate in hearing including client conferences and negotiations.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed (each task must be itemized separately, with a time).	\$ 2,340.00
10/18/2019	LM	200	0.2	\$ 40.00	Review court file for order regarding hearing; calendared evidentiary hearing and return hearing on investigator's report.	Under NRS 159.344(5)(g)(2), paralegal rate is excessive-the most should be \$150; & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services--these are not legally substantive tasks.	\$ 40.00

Total proposed reduction for invoice no. 12748 \$ 9,715.00

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1 **C. Conclusion**

2 Based upon the foregoing, June asks the Court to employ its discretionary powers to deny
3 Petitioners' attorney's fee request in its entirety. In the alternative, if the Court finds that the
4 former temporary guardians are entitled to reimbursement from the protected person's estate,
5 then the reimbursement should be limited to only attorney's fees request for work completed by
6 the temporary guardian *during and for their service* as temporary guardians, reducing the request
7 for reimbursement from \$62,029.66 by \$48,121.00, for a total amount to be allowed from June's
8 estate totaling \$13,908.66. Any other amount is unjust, unreasonable, and unnecessary.
9

10 DATED this 4th day of March 2020.

11
12 **LEGAL AID CENTER OF**
13 **SOUTHERN NEVADA, INC.**

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

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

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

19 725 E. Charleston Blvd
20 Las Vegas, NV 89104

21 Telephone: (702) 386-1526
22 Facsimile: (702) 386-1526

23 mparra@lacs.org

24 Attorney for Adult Protected Person Kathleen
25 June Jones
26
27
28

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 4th day of March 2020, I deposited in the United States Mail at Las Vegas, Nevada, a copy of the foregoing document entitled **KATHLEEN JUNE JONES' OBJECTION TO PETITION FOR APPROVAL OF ATTORNEYS FEES AND COSTS AND REQUEST TO ENTER A JUDGMENT AGAINST THE REAL PROPERTY OF THE ESTATE** 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 Street
Dewey, AZ 86327

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

Jen Adamo
14 Edgewater Drive
Magnolia, DE 19962

Courtney Simmons
765 Kimbark Avenue
San Bernardino, CA 92407

Scott Simmons
1054 S. Verde Street
Anaheim, CA 92805

Ampersand Man
2824 High Sail Court
Las Vegas, NV 89117

Kimberly Jones
6277 Kraft Avenue
Las Vegas, NV 89130

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 EDCR 8.05:

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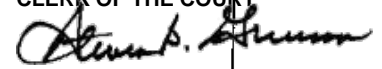
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12 /s/Alexa Reanos
13 Employee of Legal Aid Center of Southern Nevada
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1 **RPLY**

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13 Attorneys for Robyn Friedman and Donna Simmons

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

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

KATHILEEN JUNE JONES,

An Adult Protected Person.

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

**REPLY IN SUPPORT OF MOTION FOR
PROTECTIVE ORDER**

Hearing Date: March 17, 2020
Hearing Time: 9:30 a.m.

ROBYN FRIEDMAN and DONNA SIMMONS, by and through their attorneys of record, John P. Michaelson, Esq., with the law firm of Michaelson & Associates, Ltd., and Jeffrey R. Sylvester, Esq., with the law firm of Sylvester & Polednak, Ltd., hereby file this Reply in Support of Motion for Protective Order (the "**Reply**").

This Reply is based on the Memorandum of Points and Authorities in the Motion, all of the pleadings and papers on file in this case, and any oral argument allowed by the Court.

DATED this 10th day of March, 2020.

SYLVESTER & POLEDNAK, LTD.

By: 

Jeffrey R. Sylvester, Esq.

Kelly L. Schmitt, Esq.

1731 Village Center Circle

Las Vegas, Nevada 89134

Attorneys for Robyn Friedman and Donna Simmons

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I.

3 FACTUAL BACKGROUND

4 1. On September 19, 2019, Robyn Friedman and Donna Simmons (the
5 “Petitioners”) commenced the instant action by filing an Ex Parte Petition for Appointment of
6 Temporary Guardian of the Person and Estate and Issuance of Letters of Temporary
7 Guardianship (the “Petition”).

8 2. On September 23, 2019, this Court granted the Petition, appointed Petitioners as
9 Temporary Guardians, and issued Letters of Temporary Guardianship reflecting same.¹

10 3. On October 3, 2019, this Court extended the Petitioners’ appointment as
11 Temporary Guardians. Notably, during the hearing, the protected person, through her court
12 appointed counsel, advised this Court of her wish for Kimberly Jones (“Kimberly”) to be
13 appointed as her guardian, if a guardianship is deemed necessary.²

14 4. On October 15, 2019, the protected person, through her court appointed counsel,
15 once again advised this Court of her wish for Kimberly to be appointed as her guardian.³

16 5. On that same date this Court, consistent with the protected person’s wishes,
17 appointed Kimberly as General Guardian of the protected person thereby denying Rodney
18 Gerald Yeoman’s (“Gerry”) counter-petition in its entirety. In addition, this Court expressly
19 revoked the Petitioners’ Letters of Guardianship.⁴ The Court also set a return hearing on the
20 Investigative Reports on January 14, 2020, *and if necessary, an evidentiary hearing on the*
21 *Investigative Reports for February 20, 2020* (emphasis added).⁵

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26 ¹ See Notice of Entry of Order Granting Ex Parte Petition for Appointment of Temporary Guardians of the Person
and Estate and Issuance of Letters of Temporary Guardianship entered on September 23, 2019.

27 ² See October 3, 2019 Transcript of Proceedings at p. 10, 4-11.

28 ³ See October 15, 2019 Transcript of Proceedings at p.

⁴ See Notice of Entry of Order dated November 25, 2019.

⁵ *Id.*

1 6. Notably, Gerry did not deem this Court's appointment of Kimberly as General
2 Guardian and denial of Gerry's Petition *in its entirety* to be an appealable issue, as Gerry did
3 not timely appeal the November 25, 2019 Order.

4 7. On November 22, 2019, Kimberly as General Guardian filed a Petition for
5 Return of Property of Protected Person seeking the return of the protected person's dogs and a
6 Petition for Confirmation to Bring Civil Actions on behalf of the protected person relating to the
7 improper transfer of the Kraft House.

8 8. On December 10, 2019, this Court determined the dogs - the real property at
9 issue - were the separate property of the protected person and further, set this issue for the
10 evidentiary hearing on February 20, 2020, out of an abundance of caution.

11 9. On December 23, 2019, Notice of Entry of Order granting the motion for return
12 of property and motion for confirmation to bring civil actions on behalf of protected person was
13 entered.

14 10. Notably, Gerry did not timely appeal the Court's December 23, 2019 Order.

15 11. On January 24, 2020, Gerry, through his counsel, issued via e-service Deposition
16 Notices to Petitioners requiring Donna, a California resident who has only appeared in this
17 matter through counsel and telephonically, to appear for deposition on February 7, 2020, and
18 Robyn to appear on February 11, 2020.

19 12. On that same date, Gerry, through his counsel, propounded Requests for
20 Admissions, Interrogatories, and Requests for Production of Documents on Petitioners seeking
21 facts relating to the appointment of guardian and facts relating to the "A" case.⁶

22 13. Upon the agreement of counsel for Gerry, counsel for Kimberly, and counsel for
23 the protected person, the February 20, 2020 Evidentiary Hearing was vacated.

24 14. This Court's February 7, 2020, Minute Order specifically states "[t]here are no
25 unresolved issues remaining in this matter."⁷

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28 ⁶ On February 22, 2020, Kimberly as General Guardian commenced the "A" case against Gerry and Candice and Richard Powell relating to the improper transfer of the Kraft House, Case No. A- 19-807458-C.

15. Despite this, counsel for Gerry has refused to withdraw the written discovery issued to Petitioners and has also refused to vacate Petitioners' respective depositions.

II.

LEGAL ARGUMENT

A. Absent Case or Controversy, the Discovery Is Essentially A Fishing Expedition.

Assuming the February 20, 2020, evidentiary hearing had not been vacated, an evidentiary hearing isn't a discovery tool nor is it an open invitation for the parties to engage in a fishing expedition to see what arises. Rather, the purpose of an evidentiary hearing is for the district court to see and hear from witnesses in order to gauge their respective credibility to resolve the truth of any facts on which the witnesses disagree. If nothing is in dispute—if the parties agree on a single operative set of facts—then no evidentiary hearing is necessary because there are no questions of credibility for the district court to sort out by watching the competing witnesses testify in person and be subjected to cross-examination on any possible inconsistencies. *See U.S. v. de la Fuente*, 548 F.2d 528, 533 (5th Cir. 1977).

As recently as *Cuomo v. Clearing House Ass'n, LLC*, — U.S. —, —, 129 S.Ct. 2710, 2719, 174 L.Ed.2d 464 (2009), the Supreme Court stated that “[j]udges are trusted to prevent ‘fishing expeditions’ or an undirected rummaging through bank books and records for evidence of some unknown wrongdoing.” In *Rivera v. NIBCO, Inc.*, 364 F.3d 1057, 1072 (9th Cir.2004), the Ninth Circuit stated that “[d]istrict courts need not condone the use of discovery to engage in ‘fishing expedition[s]’” and in *Hofer v. Mack Trucks, Inc.*, 981 F.2d 377, 380 (8th Cir.1993), the Eighth Circuit stated that the broad construction of relevancy “should not be misapplied so as to allow fishing expeditions in discovery.” *Hofer* further stated that “[s]ome threshold showing of relevance must be made before parties are required to open wide the doors of discovery and to produce a variety of information which does not reasonably bear upon the issues in the case.” *Id.* *Voggenthaler v. Maryland Square, LLC*, No. 2:08-CV-01618-RCJ, 2011

⁷ See February 7, 2020 Minute Order.

1 WL 112115, at *8 (D. Nev. Jan. 13, 2011), *on reconsideration in part*, No. 1:08-CV-L618-R CJ-
2 GWF, 2011 WL 902338 (D. Nev. Feb. 28, 2011).

3 Here, this Court previously determined the central issue of this matter - the appointment
4 of a guardian to protect the person and estate of Kathleen June Jones. More specifically, this
5 Court determined by clear and convincing evidence that Kimberly shall be appointed as General
6 Guardian and in doing so, this Court expressly considered and *denied* Gerry's request to be
7 appointed as such. The deadline for Gerry to appeal the appointment of Kimberly as guardian
8 has long since expired. Gerry is not permitted to conduct discovery as he is not a party.

9 The appointment of a guardian or more specifically any perceived inability of Kimberly
10 to perform her duties as General Guardian was not an issue contemplated by this Court for the
11 February 20, 2020 evidentiary hearing. As the record reflects, the only two issues for the
12 Court's consideration on February 20, 2020, included the return of the dogs and the receipt of
13 the Investigative Reports. Thus, the Court permitted limited discovery in the context of the
14 evidentiary hearing, not a fishing expedition on any and all matters.

15 Notwithstanding, Gerry propounded written discovery seeking facts relating to the
16 appointment of guardian, facts relating to the "A" case, and facts relating to the dogs - the only
17 issue ripe for the then pending evidentiary hearing. Once the dog issue was resolved and the
18 evidentiary hearing vacated - the written discovery as propounded sought wholly irrelevant
19 information.

20 N.R.C.P. 26(b)(1) allows discovery of matters "relevant to the subject matter in the
21 pending action..." and further states that "it is not ground for objection that the information
22 sought will be inadmissible at the trial if the information sought appears reasonably calculated
23 to lead to the discovery of admissible evidence." Accordingly, the information sought
24 through discovery must be relevant to the subject matter of the action and reasonably calculated
25 to lead to the discovery of admissible evidence. Generally speaking, "[a]ll relevant evidence is
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1 admissible”⁸ “[R]elevant evidence’ means evidence having any tendency to make the existence
2 of any fact that is of consequence to the determination of the action more or less probable than it
3 would be without the evidence.”⁹

4 Absent a case or controversy, it is difficult to adequately prepare a client for deposition
5 or to prepare responses to written discovery. For example:

- 6 a. what discovery is relevant within the definition of relevancy; and
7 b. if the order is final, and the court found by clear and convincing
8 evidence, a guardian is necessary, what discovery is permitted that predates the order.

9 There is no pending controversy in this matter warranting discovery. There is no NRCP
10 16.1; no scheduling order and no discovery cut-off.

11 It is undisputed the Petitioners initiated the instant action for the appointment of a
12 guardian over their mother. It is undisputed this Court appointed Kimberly as the guardian of
13 the protected person so any discovery related to this issue is moot. It is undisputed the “A”
14 case was authorized by this Court and subsequently filed by Kimberly to deal directly with the
15 improper transfer of the Kraft House. Thus this guardianship proceeding is not the proper
16 forum for conducting any discovery related to the “A” case. It is also undisputed that the dogs
17 have been returned to the protected person so any discovery related to that issue is moot. It is
18 also undisputed that the Petitioners appointment as temporary guardians has been revoked by
19 this Court. Thus, Petitioners are no longer parties to the instant action subjecting them to
20 Gerry’s abusive discovery tactics including but not limited to improperly propounding written
21 discovery and serving deposition notices on Petitioners after their revocation as temporary
22 guardians. Any such requests should have been directed to the Petitioners by way of subpoena
23 in accordance with NRCP 34(c) and NRCP 45. Gerry’s attempt to bootstrap the irrelevant
24 written discovery directed to Petitioners with that of the premature written discovery related to
25 the “A” case which has absolutely nothing to do with Petitioners is wholly improper. There is
26

27 ⁸ NRS 48.025(1)

28 ⁹ NRS 48.015 (emphasis added).

1 no case or controversy currently pending to allow for discovery in this guardianship
2 proceeding. Petitioners are entitled to a protective order relating to the written and deposition
3 discovery.

4 **III.**

5 **CONCLUSION**

6 In light of the foregoing, Petitioners respectfully request this Court issue a protective
7 order (1) quashing their improper deposition notices; and (2) requiring Gerry to withdraw the
8 improper written discovery.

9 DATED this 10th day of March, 2020.

10 **SYLVESTER & POLEDNAK, LTD.**

11
12 By: 

13 Jeffrey R. Sylvester, Esq.

14 Kelly L. Schmitt, Esq.

15 1731 Village Center Circle

16 Las Vegas, Nevada 89134

17 Attorneys for Robyn Friedman and Donna
18 Simmons
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CERTIFICATE OF SERVICE

Pursuant to N.R.C.P. 5(b), I hereby certify that I am an employee of SYLVESTER & POLEDNAK, LTD. and that on this 10th day of March, 2020, I caused to be served a copy of the above-entitled document on the parties set forth below via the Court e-filing system where an email address is provided and/or by depositing the same in the United States Mail, first class, postage prepaid, addressed as follows:

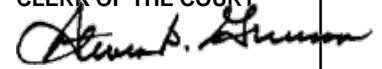
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Attorneys for Respondent Kimberly Jones

DISTRICT COURT

CLARK COUNTY, NEVADA

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

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

KATHLEEN JUNE JONES

An Adult Protected Person.

**OPPOSITION TO FRIEDMAN AND SIMMONS' PETITION FOR APPROVAL OF
ATTORNEYS' FEES AND COSTS AND REQUEST TO ENTER A JUDGMENT
AGAINST THE REAL PROPERTY OF THE ESTATE; AND JOINDER TO KATHLEEN
JUNE JONES' OBJECTION**

Kimberly Jones ("Kimberly"), by and through her counsel of record, Jeffrey P. Luszeck, Esq., and Ross E. Evans, Esq., of the law firm Solomon Dwiggins & Freer, Ltd., hereby objects to Friedman and Simmons' Petition for Approval of Attorneys' Fees and Costs and Request to Enter a Judgment Against the Real Property of the Estate ("Petition for Fees"), and further Joins in the Objection submitted by Kathleen June Jones. In support thereof, Kimberly responds as follows:

1. Robyn Friedman ("Robyn") and Dona Simmons ("Donna") incurred \$32,195.50 in attorneys' fees before they even filed their Ex Parte Application to appoint themselves as Temporary Guardians in this matter on September 19, 2019.¹ These fees also predate the NRS 159.344 Notice of Intent to Seek Fees, which was included in such Petition. Accordingly, this portion of fees should be denied in its entirety.

2. Moreover, as noted by counsel for the Protected Person, these pre-filing fees

¹ See, Petition for Fees, at Exhibit 1, thereto.

1 related to a failed attempt by Robyn and Donna to have the Probate Court issue a judicial
2 declaration construing the Protected Person's Power of Attorney. However, rather than proceed in
3 that Court, Robyn and Donna jumped ship to seek their Ex Parte appointment as Guardians,
4 despite and contrary to the terms of the same Power of Attorney which designated their sister
5 Kimberly to serve as Guardian.

6 3. In moving for Guardianship, Robyn and Donna allege that they had to file
7 immediately and on an ex parte basis for temporary guardianship because they allege that
8 Kimberly had done nothing to investigate the circumstances regarding the financial misconduct
9 by the Protected Person's spouse, Gerald Yeoman ("Gerald"), and son-in-law, Dick Powell. The
10 temporary guardianship and ex parte filing was a completely unnecessary and wasteful expense,
11 as nothing needed to occur in less than the typical 30 days it takes to set a hearing in Guardianship
12 Court. Moreover, all of the factual basis for alleged by Robyn and Donna for why they needed to
13 file on an emergency and ex parte basis, had already occurred demonstrating that there was no
14 current risk of financial or physical harm at the time of filing. While Robyn and Donna argue that
15 Gerald had threatened to evict his spouse from the residence where she resided, they ignore that
16 there was no pending eviction at the time of their filing, and that the Protected Person would have
17 been able to oppose any future attempted eviction in justice court. Further, housing was never an
18 important question because the Protected Person owns real property in California to which she
19 could have relocated at any moment.

20 4. Moreover, Kimberly had taken a number of actions since learning of the financial
21 misconduct which negate Robyn and Donna's allegations that they had to seek an emergency ex
22 parte appointment as Temporary Guardians. For instance, prior to Robyn and Donna's ex parte
23 filings, Kimberly had already initiated complaints and made a report to Las Vegas Metro Police
24 Department and the Elder Abuse Detail, as well as generated complaint reports to Elder Protective
25 Services. Kimberly took the following actions since learning of the facts constituting the financial
26 misconduct:

- 27 a. On July 15, 2019, Kimberly retained attorney David Johnson to pursue recovery
28 of the Protected Person's interest in the real property. Mr. Johnson, Esq.,

recorded a lis pendens against the real property.

- b. August 8, 2019 - Called Metro to meet her at Dick Powell's house because he refused to let [the Protected Person] leave.
- c. August 9, 2019 - Called Las Vegas Metro Elder Abuse & Neglect left message. Detective Ploense called back, he took information and said that it would be assigned to a detective on Monday.
- d. August 12, 2019 - Called Las Vegas Metro Elder Abuse & Neglect, case assigned to Detective Ortega #6747 702-828-3364.
- e. August 21, 2019 - Called Elder Protective Services and Detective Ortega, left messages.
- f. August 22, 2019 - Called Elder Protective Services, spoke to Juan Gonzalez.
- g. August 26, 2019 - Spoke with Michelle Pester, LCSW Cleveland Clinic about Gerry cancelling [the Protected Person]'s medical appointments.
- h. August 27, 2019 - Det. Brambilla Metro Elder Protective Services called said the case had been re-assigned to him. Dropped off case information and documents at Metro station for Det. Brambilla.
- i. August 29, 2019 - Spoke with Alysson Thewes, LCSW Clinical Social Worker at Cleveland Clinic.
- j. August 30, 2019 - Ruth Almen Director of Clinical Social Work at Cleveland Clinic called. Ruth said she would be making a report to Elder Protective Services about Gerry cancelling [the Protected Person]'s medical appointments.
- k. August 31, 2019 - Called Metro and had them meet me at Dick's house because Dick would not allow me to see [the Protected Person]. Gerry was at Mayo Clinic in Arizona.
- l. September 3, 2019 - Left message with Det. Brambilla about Dick Powell with drawing \$1000 using [the Protected Person]'s ATM card.
- m. September 19, 2019 - Det. Brambilla called and scheduled interview.
- n. September 24, 2019 - Interview at 10:00 with Det. Brambilla at Las Vegas Metro.
- o. September 30, 2019 - Spoke with Taylor Belding Elder Protective Services 702-486-7081, gave her Det. Brambilla's contact information.
- p. November 4, 2019 - Taylor Belding Elder Protective Services email communication. Taylor Belding Elder Protective Services came to the Kraft house and spoke to [the Protected Person] between August 22-September 3.

See, true and correct June Jones Elder Protective Services and Las Vegas Metro Contact Record.
attached hereto as **Exhibit 1**.

5. These events demonstrate that not only was Kimberly investigating the financial

1 misconduct, but she was actively pursuing and participating in a criminal investigation into the
2 circumstances of the financial misconduct. Further, Kimberly had already retained counsel and
3 was in the process of initiating a lawsuit against Gerald Yeoman and Dick Powell on behalf of the
4 Protected Person which was interrupted due to Robyn and Donna's Ex Parte Petition for
5 Guardianship. Indeed, despite that Kimberly regularly communicated her actions to her sisters,
6 they failed to give either Kimberly or the Protected Person with advanced notice that they would
7 be seeking a temporary guardianship. Notwithstanding, their unnecessary and premature filing,
8 Robyn and Donna ultimately capitulated that Kimberly should be the Guardian.

9 6. The Protected Person's Estate should not be charged the enormous legal fees
10 incurred by Robyn and Donna prior to their initiating the Guardianship which had nothing to do
11 with the Guardianship. Nor should the Protected Person's estate be charged for Robyn and
12 Donna's legal fees for their unnecessary ex parte filings, nor the legal fees incurred while they
13 squabbled over whether Kimberly should be appointed Guardian. Indeed, this Court removed
14 Robyn and Donna as temporary guardians and appointed Kimberly Jones as Guardian at the
15 hearing on October 15, 2019, which was within a month of their ex parte filings.

16 7. It does not appear that there were any legal services rendered for Robyn and
17 Donna in seeking Guardianship or responding to the various responses to the Guardianship, which
18 actually benefitted the Protected Person or her Estate. Indeed, even after Robyn and Donna were
19 appointed temporarily as Guardians, they maintained Kimberly as the day-to-day caregiver until
20 her appointment as the permanent Guardian. Thus, despite Robyn and Donna's ex parte filings,
21 the status quo remained virtually the same, as Kimberly took care of her mother before, during,
22 and following the ex parte temporary guardianship. Therefore, the Court should determine that
23 there was no benefit to the Protected Person by these early filings, and the Protected Person
24 should not have to bear the enormous legal expenses racked up by Robyn and Donna.

25 **WHEREFORE**, Petitioner, Kimberly Jones as Guardian of the Person and Estate of
26 Kathleen Jones respectfully requests that this Court enter its Order as follows:

27 a. Denying the Petition For Approval Of Attorneys' Fees And Costs And Request To
28

1 Enter A Judgment Against The Real Property Of The Estate; and

2 b. For any and all such further relief as the Court deems just and appropriate.

3 DATED this 1st day of March, 2020.

4 SOLOMON DWIGGINS & FREER, LTD.

5 By: *[Signature]*

6 JEFFREY F. LUSZECK, ESQ. (#9619)

ROSS E. EVANS, ESQ. (#11374)

9060 West Cheyenne Avenue

Las Vegas, Nevada 89129

Attorneys for Kimberly Jones

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of March, 2020, pursuant to NRCP 5(b), I caused a true and correct copy of the foregoing **OPPOSITION TO FRIEDMAN AND SIMMONS' PETITION FOR APPROVAL OF ATTORNEYS' FEES AND COSTS AND REQUEST TO ENTER A JUDGMENT AGAINST THE REAL PROPERTY OF THE ESTATE; AND JOINDER TO KATHLEEN JUNE JONES' OBJECTION**, to be served to the following in the manner set forth below:

Via:

☐ Hand Delivery
☐ U.S. Mail, Postage Prepaid
☐ Certified Mail, Receipt No.: _____
☐ Return Receipt Request
☒ E-Service through Wiznet

Robyn Friedman and Donna Simmons:
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Laura A. Deeter, Esq.
GHANDI DEETER BLACKAM
laura@ghandilaw.com

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Kimberly Jones
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An employee of SOLOMON DWIGGINS & FRIER, LTD.

EXHIBIT 1

June Jones Elder Protective Services and Las Vegas Metro Contact Record

1. August 8, 2019

Called Metro to meet me at Dick Powell's house because he refused to let mom leave.

2. August 9, 2019

Called Las Vegas Metro Elder Abuse & Neglect left message. Detective Ploense called back, he took information and said that it would be assigned to a detective on Monday.

3. August 12, 2019

Called Las Vegas Metro Elder Abuse & Neglect, case assigned to Detective Ortega #6747 702-828-3364.

4. August 21, 2019

Called Elder Protective Services and Detective Ortega, left messages.

5. August 22, 2019

Called Elder Protective Services, spoke to Juan Gonzalez.

6. August 26, 2019

Spoke with Michelle Pester, LCSW Cleveland Clinic about Gerry cancelling mom's medical appointments.

7. August 27, 2019

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8. August 29, 2019

Spoke with Alysson Thewes, LCSW Clinical Social Worker at Cleveland Clinic.

9. August 30, 2019

Ruth Almen Director of Clinical Social Work at Cleveland Clinic called. Ruth said she would be making a report to Elder Protective Services about Gerry cancelling my mom's medical appointments.

10. August 31, 2019

Called Metro and had them meet me at Dick's house because Dick would not allow me to see my mom. Gerry was at Mayo Clinic in Arizona.

11. September 3, 2019

Left message with Det. Brambilla about Dick Powell with drawing \$1000 using my mom's ATM card.

12. September 19, 2019

Det. Brambilla called and scheduled interview.

13. September 24, 2019

Interview at 10:00 with Det. Brambilla at Las Vegas Metro.

14. September 30, 2019

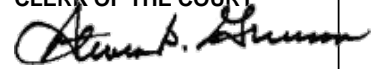
Spoke with Taylor Belding Elder Protective Services 702-486-7081, gave her Det. Brambilla's contact information.

June Jones Elder Protective Services and Las Vegas Metro Contact Record

15. November 4, 2019

Taylor Belding Elder Protective Services email communication.

-Taylor Belding Elder Protective Services came to the Kraft house and spoke to my mom between August 22-September 3, I am not certain of the exact date.



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**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

KATHLEEN JUNE JONES,
Protected Person.

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

Date: March 17, 2020
Time: 9:30 a.m.

**JOINDER IN OPPOSITIONS TO PETITION FOR APPROVAL OF ATTORNEY'S FEES
AND COSTS AND REQUEST TO ENTER A JUDGMENT AGAINST THE REAL
PROPERTY OF THE ESTATE**

<input type="checkbox"/> TEMPORARY GUARDIANSHIP <input type="checkbox"/> Person <input type="checkbox"/> Estate <input type="checkbox"/> Special Guardianship <input type="checkbox"/> Person and Estate	<input checked="" type="checkbox"/> GENERAL GUARDIANSHIP <input type="checkbox"/> Person <input type="checkbox"/> Estate <input type="checkbox"/> Special Guardianship <input checked="" type="checkbox"/> Person and Estate
<input type="checkbox"/> SPECIAL GUARDIANSHIP <input type="checkbox"/> Person <input type="checkbox"/> Estate <input type="checkbox"/> Special Guardianship <input type="checkbox"/> Person and Estate	<input type="checkbox"/> NOTICES / SAFEGUARDS <input type="checkbox"/> Blocked Account Required <input type="checkbox"/> Bond Required <input type="checkbox"/> Public Guardian's Bond

1 Rodney Gerald Yeoman (“Gerry”), husband of the Protected Person Kathleen June Jones,
2 by and through his counsel Ty E. Kehoe, Esq., Laura A. Deeter, Esq., and Matthew C. Piccolo,
3 Esq., submits this Joinder in Oppositions to Petition for Approval of Attorney’s Fees And Costs
4 and Request to Enter a Judgment Against the Real Property of the Estate (“Petition”). Gerry
5 joins in the oppositions filed by both the Protected Person, and Kimberly.
6

7 Additionally, Gerry points out the Petition seeks attorney’s fees and costs totaling a
8 substantial portion of the financial concerns the original guardianship petition raised related to
9 the Protected Person. In fact, the disputed equity in the Kraft Property, which is the underlying
10 basis of this guardianship, totals approximately \$105,000. The Petition seeks fees and costs over
11 \$60,000 from the Protected Person for a few weeks of a temporary guardianship. One counsel
12 for the current guardian has already asked for over \$23,000 in additional attorney’s fees and costs
13 from the Protected Person. The other counsel for the current guardian has not yet filed an
14 application for attorney’s fees and costs, but almost certainly has incurred over \$22,000 which
15 will be sought to be paid by the Protected Person. Thus, the entire equity which the guardians
16 have suggested they are seeking for the Protected Person has already been lost to attorney’s fees
17 and costs, and the litigation regarding the equity has barely even commenced. These financial
18 realities indicate the attorney’s fees and costs sought in the Petition are not reasonable.
19

20 Concerns are raised regarding the actions of Robyn and Donna based upon the fact that
21 Kimberly (the person with the purported power of attorney for the Protected Person), and Gerry
22 (the husband of the Protected Person), were working together for resolution prior to the ex parte
23 petition for temporary guardianship, and both opposed the petition for temporary and general
24 guardianship. Additionally, both Kimberly and Gerry had priority under the statute to be
25 appointed guardian over Robyn and Donna who started this guardianship process and sought the
26
27
28

1 temporary guardianship. These facts indicate the attorney's fees and costs sought in the Petition
2 are not reasonable.

3 Kimberly and her attorney argue there was no emergency need for the temporary
4 guardianship. Gerry has repeatedly argued the same. Neither Robyn nor Donna have ever proven
5 any emergency need. The only alleged financial risk to the Protected Person had occurred
6 approximately 18 months before the ex parte petition for temporary guardianship. These facts
7 indicate the attorney's fees and costs sought in the Petition are not reasonable.
8

9 The Petition is seeking over \$60,000 in attorney's fees and costs for just the temporary
10 guardianship. That is not reasonable. \$60,000 for a temporary guardianship because of a concern
11 over \$105,000 in alleged disputed equity is not reasonable. There has still not been any adequate
12 analysis of the disputed equity which precipitated this entire guardianship proceeding.
13

14 Additionally, as to the pending discovery disputes, based upon the fee application by
15 Robyn and Donna, as well as the disputed issues regarding the commencement of this
16 guardianship (particularly the temporary guardianship upon which the Petition is based), along
17 with the disputed issues regarding the alleged emergency need for the temporary guardianship,
18 additional grounds exist for Robyn and Donna to be treated as parties herein and subject to the
19 discovery requests propounded by Gerry and currently under consideration by this Court.
20

21 Dated this 12th day of March, 2020.

KEHOE & ASSOCIATES

22 /s/ Ty E. Kehoe

Ty E. Kehoe, Esq.

23 **CERTIFICATE OF SERVICE**

24 I HEREBY CERTIFY on the 12th day of March, 2020, I served a true and correct copy of
25 the Joinder in Oppositions to Petition for Approval of Attorney's Fees And Costs and Request to
26 Enter a Judgment Against the Real Property of the Estate via electronic service through the court's
27 efile system to the following, or via US First Class Mail postage pre-paid to the addresses listed:
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All other parties on the court's system

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Ty E. Kehoe