

**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

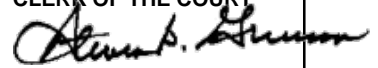
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Sep 24 2022 12:54 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**RESPONDENTS' APPENDIX**  
**Volume 7 (Nos. 1272–1338, 1356–1403)**

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*Attorneys for Respondents, Robyn Friedman and Donna Simmons*



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

\*\*\*

In the Matter of the Guardianship of:  
Kathleen Jones, Protected Person(s)

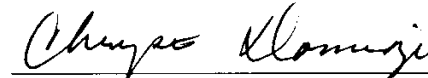
Case No.: G-19-052263-A  
Department B

**NOTICE OF ENTRY OF ORDER**

TO ALL INTERESTED PARTIES:

**PLEASE TAKE NOTICE** that an Order was entered in the above-entitled matter  
on March 13, 2020, a true and correct copy of which is attached hereto.

Dated this 16th day of March, 2020.



Chryste Domingo  
Judicial Executive Assistant to the  
HONORABLE LINDA MARQUIS

**CERTIFICATE OF SERVICE**

I hereby certify that on the above file stamped date:

☒ E-Served pursuant to NEFCR 9 on March 16, 2020, or placed in the folder(s) located in  
the Clerk's Office of, the following attorneys:

John P. Michaelson, Esquire

Maria L. Parra-Sandoval, Esquire

Jeffrey P. Luszeck, Esquire

Ty E. Kehoe, Esquire

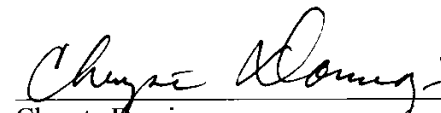
☒ I mailed, via first-class mail, postage fully prepaid, the foregoing NOTICE OF ENTRY  
OF ORDER to:

Robyn Friedman  
2824 High Sail Court  
Las Vegas NV 89117

Kimberly Jones  
9060 W Cheyenne Avenue  
Las Vegas NV 89129

Donna Simmons  
1441 N Redgum Unit G  
Anaheim CA 92806

Rodney Gerald Yeoman  
No Known Address



Chryste Domingo  
Judicial Executive Assistant to the  
HONORABLE LINDA MARQUIS

LINDA MARQUIS  
DISTRICT JUDGE  
FAMILY DIVISION,  
DEPT B  
LAS VEGAS, NV  
89101-2408



1 **ORDR**

2  
3 **DISTRICT COURT**  
4 **CLARK COUNTY, NEVADA**

5  
6 In the Matter of the  
7 Guardianship of:

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

8  
9 Kathleen June Jones,  
10 Protected Person(s)

11 **ORDER ON PETITION FOR PAYMENT OF GUARDIAN'S**  
12 **ATTORNEY'S FEES AND COSTS**

13 This matter having come before the Court on Kimberly Jones'  
14 Petition for Payment of Guardian's Attorney Fees and Costs. The Court,  
15 having considered the papers and pleadings on file herein, hereby makes  
16 the following findings and orders.  
17

18 Pursuant to NRS 159.344, any person, including, a guardian or  
19 proposed guardian, who retains an attorney for the purposes of  
20 representing a party in a guardianship proceeding is personally liable for  
21 any attorney's fees and costs incurred as a result of such representation.  
22

23 A person who is personally liable for attorney's fees and costs may  
24 petition this Court for payment of attorney's fees and costs from the  
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1 estate of the Protected Person, while also prohibiting payments from the  
2 Protected Person's estate "unless and until [this Court] authorizes  
3 payment pursuant to [NRS 159.344]."  
4

5 In addition, pursuant to NRS 159.344(3), when a person who  
6 intends to petition the court for payment of attorney's fees and costs  
7 from the guardianship estate first appears in the guardianship  
8 proceeding, the person must file written notice of his or her intent to  
9 seek payment of attorney's fees and costs from the guardianship estate.  
10  
11

12 The written notice of intent requires the following:  
13

- 14 a.) Must provide a general explanation of the compensation  
15 arrangement and how compensation will be computed;  
16
- 17 b.) Must include the hourly billing rates of all timekeepers,  
18 including, without limitation, attorneys, law clerks and  
19 paralegals;  
20
- 21 c.) Must provide a general explanation of the reasons why the  
22 services of the attorney are necessary to further the best  
23 interests of the protected person ;  
24
- 25 d.) Must be served by the person on all persons entitled to notice  
26 pursuant to NRS 159.034 and 159.047; and  
27

1 e.) Is subject to approval by the Court after a hearing.

2 **THE COURT FINDS** that Petitioner, Kimberly Jones, by and  
3 through her counsel of record, Jeffrey P. Luszeck, Esq., and Ross E.  
4 Evans, Esq., first appeared in this case on October 2, 2019 when she  
5 filed her Opposition and Counter-Petition. This Opposition and  
6 Counter-Petition did not include written notice of Kimberly Jones'  
7 intent to seek payment of fees from the guardianship estate.  
8  
9

10 **THE COURT FURTHER FINDS**, pursuant to NRS 159.344(1)  
11 Kimberly Jones was personally liable for any attorney's fees and costs  
12 incurred as a result of her retention of the law firm Solomon, Dwiggin  
13 & Freer, Ltd. to represent her in this guardianship proceeding.  
14  
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16 **THE COURT FURTHER FINDS** that on January 15, 2020,  
17 Kimberly Jones' filed her Notice of Intent to Seek Payment of  
18 Attorneys' Fees and Costs from Guardianship Estate.  
19

20 **IT IS HEREBY ORDERED** that Kimberly Jones' Petition for  
21 Payment of Guardian's Attorney Fees and Costs shall be granted only as  
22 to fees and costs incurred from January 15, 2020 and forward, subject to  
23 any objections filed by Maria Parra-Sandoval, Esq. Kimberly Jones'  
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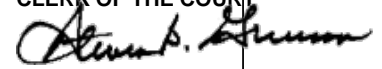
1 shall file billing for any fees and costs incurred from January 15, 2020  
2 and forward.  
3

4 **IT IS FURTHER ORDERED** that the Guardian is personally  
5 liable for her own attorney's fees before January 15, 2020.  
6

7 **IT IS SO ORDERED.**

8 Dated this 13<sup>th</sup> day of March, 2020.

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10 **DISTRICT COURT JUDGE**   
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**OBJ**

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*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.

**KATHLEEN JUNE JONES' PARTIAL OBJECTION TO EX PARTE PETITION FOR  
ORDER FOR HEARING ON SHORTENED TIME; PETITION FOR PAYMENT OF  
GUARDIAN'S ATTORNEY FEES AND COSTS; AND PETITION TO WITHDRAW  
AS COUNSEL FOR GUARDIAN**

Kathleen June Jones ("June"), the protected person herein, by and through her counsel,  
Maria L. Parra-Sandoval, Esq., hereby objects to the Ex Parte Petition for Order for Hearing on  
Shortened Time; Petition for Payment of Guardian's Attorney Fees and Costs; and Petition to  
Withdraw as Counsel for Guardian, filed by Kimberly Jones, ("Guardian"), the guardian herein.  
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. Guardian seeks to re-litigate costs despite the March 13, 2020 Order that**  
3                   **Guardian may only recover for attorney's fees and costs incurred from January**  
4                   **15, 2020 and forward.**

5                   Guardian seeks \$1,819.65 for costs incurred from *September 30, 2019 to the present*. Of  
6                   the \$1,819.65, Guardian has already submitted to this Court \$1,684.85 for approval in her prior  
7                   Petition for Payment of Guardian's Attorney's Fees and Costs filed January 15, 2019.<sup>1</sup>  
8                   Undersigned counsel specifically objected to \$1,366.50 of these costs/expenses.<sup>2</sup> On March 13,  
9                   2020, this Court denied Guardian's entire request and held Guardian personally liable for any  
10                  attorney fees and costs incurred prior to January 15, 2020.<sup>3</sup> Thus, Guardian is personally liable  
11                  for \$21,346.50 in requested attorneys' fees and \$1,684.85 in requested costs for a total of  
12                  \$23,031.35.<sup>4</sup> Guardian now hopes that by re-labeling or re-categorizing these costs as  
13                  "expenses" under NRS 159.183, that this Court will somehow allow these costs. Guardian is  
14                  wrong. Guardian's attorney in the first Petition for Payment of Guardian's Attorney's Fees and  
15                  Costs specifically cited to NRS 159.183<sup>5</sup> and this Court has already ruled on this issue.

16  
17                  Guardian's current Petition is simply an attempt to re-litigate the Court's March 13, 2020  
18                  Order. The Petition presents the same issues without any new facts that would change the  
19                  outcome from the first attempt. This Court correctly applied the law and denied Guardian's  
20                  attorney fees and costs based on NRS 159.344(3). The Court found that Guardian, through her  
21                  attorneys, first appeared in this case on October 2, 2019 when she filed her Opposition and  
22                  Counter-Petition. This document did not include a written notice of intent to seek payment of  
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26                  <sup>1</sup> See Petition for Payment of Guardian's Attorneys' Fees and Costs, Exhibit 2, filed January 15, 2020.

27                  <sup>2</sup> See Protected Person's Objection to Petition for Payment of Guardian's Attorneys' Fees and Costs, pg. 10,  
28                  paragraph no. 7, filed February 11, 2020.

<sup>3</sup> See Order on Petition for Payment of Guardian's Attorney's Fees and Costs, filed March 13, 2020.

<sup>4</sup> See Petition for Payment of Guardian's Attorneys' Fees and Costs, Exhibit 1 and Exhibit 2, filed February 11,  
2020.

<sup>5</sup> See Petition for Payment of Guardian's Attorneys' Fees and Costs, pg. 4, filed February 11, 2020.



1 fees from the guardianship estate. This Court held that Guardian is personally liable for her own  
2 attorney's fees before January 15, 2020, the date her written notice of intent was filed. The Order  
3 states: "...Kimberly Jones shall file billing for any fees and costs incurred from January 15, 2020  
4 and forward." Therefore, the only amount Guardian should be reimbursed for as reasonable  
5 costs/expenses is the difference between \$1,819.65 and \$1,684.85, or **\$134.80**. This is the  
6 amount of costs/expenses incurred post January 15, 2020. Thus, a request for fees of \$134.80 is  
7 appropriate and consistent with the Court's March 13, 2020 Order; any additional fees or costs  
8 incurred prior January 15, 2020 must be borne by Guardian.  
9

10 **B. June should not have to pay the entire \$5,509.00 in legal fees incurred after**  
11 **January 15, 2020 because virtually none of the work performed benefited her or**  
12 **her estate.**

13 Pursuant to NRS 159.344(5)(b), in determining whether attorney's fees are just,  
14 reasonable and necessary, the court may consider: "Whether the services conferred any actual  
15 benefit upon the ward or attempted to advance the best interests of the ward."<sup>6</sup> In the present  
16 case, the majority of the fees incurred post-January 15<sup>th</sup> were the result of the Guardian defending  
17 her request for \$23,031.35 in attorney fees and costs. Specifically, in this current request for fees  
18 Guardian's attorneys are asking for the fees incurred for drafting a Reply<sup>7</sup> to June's Objection to  
19 Petition for Payment of Guardian's Attorneys' Fees and Costs, attendance at the February 13,  
20 2020 Hearing at which Guardian did not prevail, and the Supplement<sup>8</sup> filed subsequent to that  
21 loss, requesting the Court to reconsider the issue. None of this work benefited June nor did it  
22 seek to advance her interests. June should not have to pay for this.  
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27 <sup>6</sup> See NRS 159.344 (5)(b)

28 <sup>7</sup> See Omnibus Reply to the Response and Objection to the Petition for Payment of Guardian's Attorney Fees and Costs, filed February 12, 2020.

<sup>8</sup> See Supplemental Brief to Petition for Payment of Guardian's Attorney Fees and Costs; Or, Alternatively, Motion to Reconsider, filed February 21, 2020.

Pursuant to NRS 159.344(9): If two or more parties in a guardianship proceeding file competing petitions for the appointment of a guardian or otherwise litigate any contested issue in the guardianship proceeding, only the prevailing party may petition the court for payment of attorney's fees and costs from the guardianship estate pursuant to this section. Based on the facts, Guardian did not prevail on her request for \$23,031.35 in attorney's fees and costs and should not be reimbursed from the guardianship estate for litigating a contested issue that she clearly lost.

June should not have to pay for legal fees incurred defending a request for fees and costs when the Guardian did not prevail in that request. Thus, as the Court appropriately held, Guardian is liable for all of her attorney's fees and *costs* incurred prior to January 15, 2020.

Additionally, as to the current Petition seeking fees and costs incurred subsequent to January 15, 2020, Guardian should only be reimbursed **\$1,400.00** in attorney fees from the guardianship estate. Guardian is personally liable for the rest. See below for specific objections.

Date	Tmkr	Rate (\$)	Time	Amount	Description	Objection	Proposed Reduction
2/6/2020	REE	350	2	\$700.00	Begin drafting Reply to Objection to Petition for Fees.	NRS 159.344(5)(b)-no benefit to June and did not advance June's interests; & under NRS 159.344(9), Guardian did not prevail in defending fees with this Reply.	\$700.00
2/7/2020	JPL	210	0.2	\$42.00	Begin to evaluate response to petition for fees.	NRS 159.344(5)(b)-no benefit to June and did not advance June's interests; & under NRS 159.344(9), Guardian did not prevail in defending fees with this Reply.	\$42.00
2/7/2020	REE	350	0.8	\$280.00	Continue to draft reply brief (.7); Conference with Jeffrey P. Luszeck regarding Reply (.1)	NRS 159.344(5)(b)-no benefit to June and did not advance June's interests; & under NRS 159.344(9), Guardian did not prevail in defending fees with this Reply;	\$280.00

						and on latter- Under NRS 159.344 (6)(a)(internal business activity)	
2/10/2020	REE	350	0.8	\$280.00	Revise and finalize Reply brief and exhibits	NRS 159.344(5)(b)-no benefit to June and did not advance June's interests; & under NRS 159.344(9), Guardian did not prevail in defending fees with this Reply.	\$280.00
2/11/2020	JPL	210	0.4	\$84.00	Evaluate response to fees filed by counsel for the protected person. Confer with Ross E. Evans regarding same. Evaluate correspondence to and from client.	NRS 159.344(5)(b) & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed.	\$84.00
2/11/2020	REE	350	2	\$700.00	Draft substantial revisions to Reply brief to include response to Legal Aid attorney's arguments (2.0);	NRS 159.344(5)(b)-no benefit to June and did not advance June's interests; & under NRS 159.344(9), Guardian did not prevail in defending fees with this Reply.	\$700.00
2/12/2020	JPL	210	0.4	\$84.00	Evaluate pleadings in preparation of hearing.	NRS 159.344(5)(b)-no benefit to June and did not advance June's interests; & under NRS 159.344(9), Guardian did not prevail in defending fees at the 2/13/2020 hearing.	\$84.00
2/12/2020	REE	350	0.6	\$210.00	Conference with Jeffrey P. Luszeck regarding Reply brief (.1); Draft revisions to Reply brief (.5);	NRS 159.344(5)(b)-no benefit to June and did not advance June's interests; & under NRS 159.344(9), Guardian did not prevail in defending fees with this Reply.	\$210.00
2/13/2020	JPL	210	0.3	\$63.00	Confer with Ross E. Evans regarding hearing. Telephone conference with _____	NRS 159.344(5)(b)-no benefit to June and did not advance June's interests; & under NRS 159.344(9), Guardian did not prevail in defending fees at the 2/13/2020	\$63.00

						hearing. & Under NRS 159.344 (6)(a)(internal business activity).	
2/13/2020	REE	350	3.5	\$1,225.00	Attend hearing on Petition for attorney fees (2.5); Conference with Jeffrey P. Luszeck and Alan D. Freer regarding hearing and preparation of supplement (.1); Draft supplement regarding fee petition (.9)	NRS 159.344(5)(b)-no benefit to June and did not advance June's interests; & under NRS 159.344(9), Guardian did not prevail in defending fees at the 2/13/2020 hearing nor with the Supplement & Under NRS 159.344 (6)(a)(internal business activity).	\$1,225.00
2/14/2020	JPL	210	0.2	\$42.00	Confer with Ross E. Evans regarding supplement.	NRS 159.344(5)(b)-no benefit to June and did not advance June's interests; & under NRS 159.344(9), Guardian did not prevail in defending fees at the 2/13/2020 hearing <i>nor</i> with this Supplement & Under NRS 159.344 (6)(a)(internal business activity).	\$42.00
2/14/2020	REE	350	0.3	\$105.00	Revise supplemental brief regarding fee petition.	NRS 159.344(5)(b)-no benefit to June and did not advance June's interests; & under NRS 159.344(9), Guardian did not prevail in defending fees at the 2/13/2020 hearing <i>nor</i> with the Reply and <i>nor</i> with this Supplement	\$105.00
2/19/2020	REE	350	0.3	\$105.00	Conference with Jeffrey P. Luszeck regarding supplement and petition for fees.	NRS 159.344(5)(b)-no benefit to June and did not advance June's interests; & Under NRS 159.344(9), Guardian did not prevail in defending fees at the 2/13/2020 hearing <i>nor</i> with this Supplement & Under NRS 159.344 (6)(a)(internal business activity).	\$105.00

2/21/2020	JPL	210	0.4	\$84.00	Supplement supplemental briefing to petition for attorneys' fees and costs.	NRS 159.344(5)(b)-no benefit to June and did not advance June's interests; & under NRS 159.344(9), Guardian did not prevail in defending fees at the 2/13/2020 hearing <i>nor</i> with the Reply <i>nor</i> with this Supplement.	\$84.00
2/21/2020	REE	350	0.3	\$105.00	Revise and file supplement to fee petition.	NRS 159.344(5)(b)-no benefit to June and did not advance June's interests; & under NRS 159.344(9), Guardian did not prevail in defending fees at the 2/13/2020 hearing <i>nor</i> with the Reply <i>nor</i> with this Supplement.	\$105.00

**Total proposed reduction: \$4,109.00**

### Conclusion

Based upon the foregoing, June partially objects to Guardian's Ex Parte Petition for Order for Hearing on Shortened time; Petition for Payment of Guardian's Attorney Fees and Costs; and Petition to Withdraw as Counsel for Guardian, and asks the Court to deny the requested attorney's fees and costs based on NRS 159.344(5)(b) and NRS 159.344(9). June requests the Court to grant only \$1,400 in legal fees plus \$134.80 in costs from the guardianship estate for those fees and costs incurred after January 15, 2020. The Guardian should be held personally liable for the rest of her attorneys' fees and costs. Finally, because there are no liquid assets available, it is respectfully requested that these fees and costs be deferred until either June passes or the estate obtains appropriate assets to pay them.

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DATED this 1<sup>st</sup> day of April, 2020.

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

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

Maria L. Parra-Sandoval, Esq.

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*Attorney for Adult Protected Person Kathleen  
June Jones*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 1<sup>st</sup> day of April 2020, I deposited in the United States Mail at Las Vegas, Nevada, a copy of the foregoing document entitled **KATHLEEN JUNE JONES' OBJECTION TO EX PARTE PETITION FOR ORDER FOR HEARING ON SHORTENED TIME; PETITION FOR PAYMENT OF GUARDIAN'S ATTORNEY FEES AND COSTS; AND PETITION TO WITHDRAW AS COUNSEL FOR GUARDIAN** in a sealed envelope, mailed regular U.S. mail, upon which first class postage was fully prepaid, addressed to the following:

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Kimberly Jones  
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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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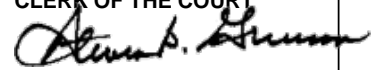
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13 Employee of Legal Aid Center of Southern Nevada  
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Attorneys for Rodney Gerald Yeoman

**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: April 3, 2020  
Time: 9:00 a.m.

**SUPPLEMENT TO OPPOSITION TO MOTION FOR PROTECTIVE ORDER**

<input type="checkbox"/> <b>TEMPORARY GUARDIANSHIP</b> <input type="checkbox"/> Person <input type="checkbox"/> Estate <input type="checkbox"/> Special Guardianship <input type="checkbox"/> Person and Estate	<input checked="" type="checkbox"/> <b>GENERAL GUARDIANSHIP</b> <input type="checkbox"/> Person <input type="checkbox"/> Estate <input type="checkbox"/> Special Guardianship <input checked="" type="checkbox"/> Person and Estate
<input type="checkbox"/> <b>SPECIAL GUARDIANSHIP</b> <input type="checkbox"/> Person <input type="checkbox"/> Estate <input type="checkbox"/> Special Guardianship <input type="checkbox"/> Person and Estate	<input type="checkbox"/> <b>NOTICES / SAFEGUARDS</b> <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 Supplement to Opposition to Motion for Protective Order.

4 The Opposition indicated: "The court reporter's transcripts of non-appearance are being  
5 prepared and will be supplemented at a later date." Attached hereto as **Exhibit D** is the non-  
6 appearance transcript for Donna Simmons. Attached hereto as **Exhibit E** is the non-appearance  
7 transcript for Robyn Friedman. Attached hereto as **Exhibit F** is the non-appearance transcript  
8 for Kimberly Jones.

10 Dated this 2<sup>nd</sup> day of April, 2020.

KEHOE & ASSOCIATES

11 /s/ Ty E. Kehoe

12 Ty E. Kehoe, Esq.

13 **CERTIFICATE OF SERVICE**

14 I CERTIFY on the 2<sup>nd</sup> day of April, 2020, I served a true copy of the Supplement to  
15 Opposition To Motion For Protective Order via electronic service through the court's efile system  
16 to the following, or via US First Class Mail postage pre-paid to the addresses listed:

17 Jeffrey P. Luszeck, Esq.  
18 jluszeck@sdfnvlaw.com  
19 Ross E. Evans, Esq.  
20 revans@sdfnvlaw.com

John P. Michaelson, Esq.  
john@michaelsonlaw.com  
Jeffrey R. Sylvester, Esq.  
jeff@SylvesterPolednak.com

21 Counsel for Kimberly Jones

Counsel for Robyn Friedman and Donna  
Simmons

22 All other parties on the court's system

23 Maria L. Parra-Sandoval, Esq.  
24 Legal Aid Center of Southern Nevada, Inc.  
mparra@lacs.org

Geraldine Tomich, Esq.  
gtomich@maclaw.com  
James A. Beckstrom, Esq.  
jbeckstrom@maclaw.com

25 Counsel for June Jones

Counsel for Kimberly Jones

27 /s/ Ty E. Kehoe

28 Ty E. Kehoe

In the Matter of the )  
Guardianship of the )  
Person and Estate of: )  
KATHLEEN JUNE JONES, ) No. G-19-052263-A  
Protected Person. ) Dept. No. B

Taken on Friday, February 7, 2020  
By a Certified Court Reporter  
At 10:20 a.m.  
At Kehoe & Associates  
871 Coronado Center Drive  
Suite 200  
Henderson, Nevada

Reported By: Cindy Huebner, CCR 806

**APPEARANCES :**

For Rodney Gerald Yeoman:

**TY E. KEHOE, ESQ.**  
 Kehoe & Associates  
 871 Coronado Drive  
 Suite 200  
 Henderson, NV 89052  
 TyKehoeLaw@gmail.com

**INDEX OF EXHIBITS**

NO.	DESCRIPTION	PAGE
Exhibit A.	Notice of Deposition of Donna Simmons	3

\* \* \* \* \*

MR. KEHOE: We will go on the record and mark Exhibit A, which is the Notice of Deposition of Donna Simmons in the guardianship matter of Kathleen June Jones, Clark County, District Court Case Number G-19-052263-A.

This deposition was scheduled for today, February 7th at 10:00 a.m. It is now approximately 10:20 a.m., and no one has appeared.

The notice of deposition was properly served through the court's e-serve system. Opposing counsel was definitely aware of it, raised some objections, but has not yet obtained any order permitting them to not appear today, and we did not consent to take the deposition off calendar and so we are doing this transcript of nonappearance.

(Deposition Exhibit A marked.)

(Proceedings concluded at  
10:22 a.m.)

CERTIFICATE  
OF  
CERTIFIED SHORTHAND REPORTER

\* \* \* \* \*

I, the undersigned Certified  
Shorthand Reporter in and for the State of  
Nevada, do hereby certify:

That the foregoing proceedings were taken  
before me at the time and place therein set  
forth, that the proceedings were recorded  
stenographically by me and were thereafter  
transcribed under my direction; that the  
foregoing is a true record of the testimony and  
of all objections made at the time of the  
proceedings.

I further certify that I am a disinterested  
person and am in no way interested in the  
outcome of said action or connected with or  
related to any of the parties in said action or  
to their respective counsel.

The dismantling, unsealing or unbinding of  
the original transcript will render the  
reporter's certificate null and void.

In witness whereof, I have subscribed my  
name on this date, March 1, 2020.

  
-----  
Cindy Huebner  
CCR No. 806

1 KEHOE & ASSOCIATES  
TY E. KEHOE, ESQ.  
2 Nevada Bar No. 006011  
871 Coronado Center Drive, Suite 200  
3 Henderson, Nevada 89052  
Telephone: (702) 837-1908  
4 Facsimile: (702) 837-1932  
TyKehoeLaw@gmail.com

5 Matthew C. Piccolo, Esq.  
6 Nevada Bar No. 14331  
PICCOLO LAW OFFICES  
7 8565 S Eastern Ave Ste 150  
Las Vegas, NV 89123  
8 Tel: (702) 749-3699  
Fax: (702) 944-6630  
9 matt@piccololawoffices.com

10 Attorneys for Rodney Gerald Yeoman

11 **DISTRICT COURT**  
12 **CLARK COUNTY, NEVADA**

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

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

14 KATHLEEN JUNE JONES,  
15  
16 Protected Person.

17 **NOTICE OF DEPOSITION OF DONNA SIMMONS**

18 **TO: Donna Simmons by and through her attorney John P. Michaelson, Esq.;**  
19 **TO: All Other Parties**

20 PLEASE TAKE NOTICE that pursuant to Rule 30 Nevada Rules of Civil Procedure,  
21 commencing on **February 7, 2020 at 10:00 a.m.**, Ty E. Kehoe, Esq., of the law firm of Kehoe  
22 & Associates, and Matthew C. Piccolo, Esq., of the law firm of Piccolo Law Offices, counsel  
23 for Rodney Gerald Yeoman, will take the deposition of the above captioned individual at the  
24 law office of **Kehoe & Associates, 871 Coronado Center Drive, Suite 200, Henderson, NV**  
25 **89052**, upon oral examination, by a method authorized pursuant to Nevada Rules of Civil  
26 Procedure, including possible videotaped deposition, before an officer authorized by law to  
27 administer oaths.

28 KEHOE & ASSOCIATES  
871 Coronado Center Drive, Suite 200  
Henderson, Nevada 89052  
(702) 837-1908

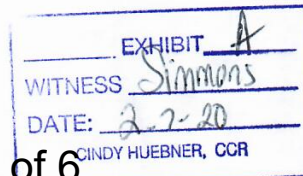


EXHIBIT D Page 5 of 6

Case Number: G-19-052263-A

Page 1 of 2

1 You are invited to attend and cross-examine.

2 Dated this 24<sup>th</sup> day of January, 2020.

Submitted by:

3 KEHOE & ASSOCIATES

4 /s/ Ty E. Kehoe

5 Ty E. Kehoe, Esq.

6 **CERTIFICATE OF SERVICE**

7 I HEREBY CERTIFY that on the 24<sup>th</sup> day of January, 2020, I served a true and correct  
8 copy of the NOTICE OF DEPOSITION OF DONNA SIMMONS via electronic service to the  
9 following, or via US First Class Mail postage pre-paid to the addresses listed:  
10

11 Jeffrey P. Luszeck, Esq.

Ross E. Evans, Esq.

12 jluszeck@sdfnlaw.com

revans@sdfnlaw.com

13 Counsel for Kimberly Jones

John P. Michaelson, Esq.

john@michaelsonlaw.com

Counsel for Robyn Friedman and Donna  
Simmons

15 Maria L. Parra-Sandoval, Esq.

16 Legal Aid Center of Southern Nevada, Inc.

17 mparra@lacs.org

18 Counsel for June Jones

Geraldine Tomich, Esq.

gtomich@maclaw.com

James A. Beckstrom, Esq.

jbeckstrom@maclaw.com

Counsel for Kimberly Jones

19 /s/ Ty E. Kehoe

20 Ty E. Kehoe



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

In the Matter of the )  
Guardianship of the )  
Person and Estate of: )  
 ) No. G-19-052263-A  
KATHLEEN JUNE JONES, ) Dept. No. B  
 )  
Protected Person. )  
----- )

**SCHEDULED DEPOSITION OF ROBYN FRIEDMAN**  
**CERTIFICATE OF NONAPPEARANCE**

Taken on Tuesday, February 11, 2020  
By a Certified Court Reporter  
At 10:21 a.m.  
At Kehoe & Associates  
871 Coronado Center Drive  
Suite 200  
Henderson, Nevada

Reported By: Cindy Huebner, CCR 806

**APPEARANCES :**

For Rodney Gerald Yeoman:

**TY E. KEHOE, ESQ.**  
 Kehoe & Associates  
 871 Coronado Drive  
 Suite 200  
 Henderson, NV 89052  
 TyKehoeLaw@gmail.com

**INDEX OF EXHIBITS**

NO.	DESCRIPTION	PAGE
Exhibit A.	Notice of Deposition of Robyn Friedman	3

\* \* \* \* \*

MR. KEHOE: It is February 11, 2020 at  
10:21 a.m. at 871 Coronado Center Drive,  
Suite 200, Henderson, Nevada 89052.

We have marked Exhibit A, which is the  
Notice of Deposition of Robyn Friedman noticing  
her deposition for this date, time, and location  
for 10:00 a.m. It is now 10:22, and she has not  
appeared nor made any other contact other than  
previously stating through her counsel that she  
did not believe she needed to attend and seeking  
a protective order. However, such protective  
order was never granted and this counsel never  
vacated the deposition.

(Deposition Exhibit A marked.)

(Proceedings concluded at  
10:22 a.m.)

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CERTIFICATE  
OF  
CERTIFIED SHORTHAND REPORTER

\* \* \* \* \*


I, the undersigned Certified Shorthand Reporter in and for the State of Nevada, do hereby certify:

That the foregoing proceedings were taken before me at the time and place therein set forth, that the proceedings were recorded stenographically by me and were thereafter transcribed under my direction; that the foregoing is a true record of the testimony and of all objections made at the time of the proceedings.

I further certify that I am a disinterested person and am in no way interested in the outcome of said action or connected with or related to any of the parties in said action or to their respective counsel.

The dismantling, unsealing or unbinding of the original transcript will render the reporter's certificate null and void.

In witness whereof, I have subscribed my name on this date, March 2, 2020.

  
-----  
Cindy Huebner  
CCR No. 806

1 KEHOE & ASSOCIATES  
2 TY E. KEHOE, ESQ.  
3 Nevada Bar No. 006011  
4 871 Coronado Center Drive, Suite 200  
5 Henderson, Nevada 89052  
6 Telephone: (702) 837-1908  
7 Facsimile: (702) 837-1932  
8 TyKehoeLaw@gmail.com

5 Matthew C. Piccolo, Esq.  
6 Nevada Bar No. 14331  
7 PICCOLO LAW OFFICES  
8 8565 S Eastern Ave Ste 150  
9 Las Vegas, NV 89123  
10 Tel: (702) 749-3699  
11 Fax: (702) 944-6630  
12 matt@piccololawoffices.com

10 Attorneys for Rodney Gerald Yeoman

11 **DISTRICT COURT**  
12 **CLARK COUNTY, NEVADA**

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

14 KATHLEEN JUNE JONES,  
15 Protected Person.

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

16 **NOTICE OF DEPOSITION OF ROBYN FRIEDMAN**

17  
18 **TO: Robyn Friedman by and through her attorney John P. Michaelson, Esq.;**  
19 **TO: All Other Parties**

20 PLEASE TAKE NOTICE that pursuant to Rule 30 Nevada Rules of Civil Procedure,  
21 commencing on **February 11, 2020 at 10:00 a.m.**, Ty E. Kehoe, Esq., of the law firm of Kehoe  
22 & Associates, and Matthew C. Piccolo, Esq., of the law firm of Piccolo Law Offices, counsel  
23 for Rodney Gerald Yeoman, will take the deposition of the above captioned individual at the  
24 law office of **Kehoe & Associates, 871 Coronado Center Drive, Suite 200, Henderson, NV**  
25 **89052**, upon oral examination, by a method authorized pursuant to Nevada Rules of Civil  
26 Procedure, including possible videotaped deposition, before an officer authorized by law to  
27 administer oaths.

28 KEHOE & ASSOCIATES  
871 Coronado Center Drive, Suite 200  
Henderson, Nevada 89052  
(702) 837-1908

EXHIBIT	A
WITNESS	Friedman
DATE:	2-11-20
CINDY HUEBNER, CCR	

Page 1 of 2

**EXHIBIT E Page 5 of 6**

Case Number: G-19-052263-A

1 You are invited to attend and cross-examine.

2 Dated this 24<sup>th</sup> day of January, 2020.

Submitted by:

3 KEHOE & ASSOCIATES

4 /s/ Ty E. Kehoe

5 Ty E. Kehoe, Esq.

6 **CERTIFICATE OF SERVICE**

7 I HEREBY CERTIFY that on the 24<sup>th</sup> day of January, 2020, I served a true and correct  
8 copy of the NOTICE OF DEPOSITION OF ROBYN FRIEDMAN via electronic service to the  
9 following, or via US First Class Mail postage pre-paid to the addresses listed:  
10

11 Jeffrey P. Luszeck, Esq.

Ross E. Evans, Esq.

12 jluszeck@sdfnvlaw.com

revans@sdfnvlaw.com

13 Counsel for Kimberly Jones

John P. Michaelson, Esq.

john@michaelsonlaw.com

Counsel for Robyn Friedman and Donna  
14 Simmons

15 Maria L. Parra-Sandoval, Esq.

16 Legal Aid Center of Southern Nevada, Inc.

mparra@lacs.org

17 Counsel for June Jones

Geraldine Tomich, Esq.

gtomich@maclaw.com

18 James A. Beckstrom, Esq.

jbeckstrom@maclaw.com

Counsel for Kimberly Jones

19 /s/ Ty E. Kehoe

20 Ty E. Kehoe



**APPEARANCES :**

For Rodney Gerald Yeoman:

**TY E. KEHOE, ESQ.**  
 Kehoe & Associates  
 871 Coronado Drive  
 Suite 200  
 Henderson, NV 89052  
 TyKehoeLaw@gmail.com

**INDEX OF EXHIBITS**

NO.	DESCRIPTION	PAGE
Exhibit A.	Notice of Deposition of Kimberly Jones	3



\* \* \* \* \*

MR. KEHOE: It is February 12, 2020.

We are at the offices of Kehoe & Associates,  
871 Coronado Center Drive, Suite 200, Henderson,  
Nevada, 89052.

This is the date and time set for the  
deposition of Kimberly Jones in the guardianship  
matter of Kathleen June Jones, Case Number  
G-19-052263-A.

The deposition was noticed for  
10:00 a.m. It is now 10:22 a.m. Nobody has  
appeared. Nobody has contacted us today about  
the appearance or rescheduled the appearance.

There were disputes regarding the  
appearance, but no protective order has been  
entered and no agreement to modify the notice has  
been reached. Therefore, we are doing this  
transcript of nonappearance.

We have marked as Exhibit A the Notice  
of Deposition of Kimberly Jones, which was  
properly served through the court's electronic  
service mechanism.

(Deposition Exhibit A marked.)

(Proceedings concluded at

10:23 a.m.)

CERTIFICATE  
OF  
CERTIFIED SHORTHAND REPORTER

\* \* \* \* \*

I, the undersigned Certified  
Shorthand Reporter in and for the State of  
Nevada, do hereby certify:

That the foregoing proceedings were taken  
before me at the time and place therein set  
forth, that the proceedings were recorded  
stenographically by me and were thereafter  
transcribed under my direction; that the  
foregoing is a true record of the testimony and  
of all objections made at the time of the  
proceedings.

I further certify that I am a disinterested  
person and am in no way interested in the  
outcome of said action or connected with or  
related to any of the parties in said action or  
to their respective counsel.

The dismantling, unsealing or unbinding of  
the original transcript will render the  
reporter's certificate null and void.

In witness whereof, I have subscribed my  
name on this date, March 3, 2020.

  
-----  
Cindy Huebner  
CCR No. 806

1 KEHOE & ASSOCIATES  
TY E. KEHOE, ESQ.  
2 Nevada Bar No. 006011  
871 Coronado Center Drive, Suite 200  
3 Henderson, Nevada 89052  
Telephone: (702) 837-1908  
4 Facsimile: (702) 837-1932  
TyKehoeLaw@gmail.com

5 Matthew C. Piccolo, Esq.  
6 Nevada Bar No. 14331  
PICCOLO LAW OFFICES  
7 8565 S Eastern Ave Ste 150  
Las Vegas, NV 89123  
8 Tel: (702) 749-3699  
Fax: (702) 944-6630  
9 matt@piccololawoffices.com

10 Attorneys for Rodney Gerald Yeoman

11 **DISTRICT COURT**  
12 **CLARK COUNTY, NEVADA**

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

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

14 KATHLEEN JUNE JONES,  
15  
16 Protected Person.

17 **NOTICE OF DEPOSITION OF KIMBERLY JONES**

18 **TO: Kimberly Jones by and through her attorneys Jeffrey P. Luszeck, Esq. and James**  
19 **A. Beckstrom, Esq.;**  
**TO: All Other Parties**

20 PLEASE TAKE NOTICE that pursuant to Rule 30 Nevada Rules of Civil Procedure,  
21 commencing on **February 12, 2020 at 10:00 a.m.**, Ty E. Kehoe, Esq., of the law firm of Kehoe  
22 & Associates, and Matthew C. Piccolo, Esq., of the law firm of Piccolo Law Offices, counsel  
23 for Rodney Gerald Yeoman, will take the deposition of the above captioned individual at the  
24 law office of **Kehoe & Associates, 871 Coronado Center Drive, Suite 200, Henderson, NV**  
25 **89052**, upon oral examination, by a method authorized pursuant to Nevada Rules of Civil  
26 Procedure, including possible videotaped deposition, before an officer authorized by law to  
27 administer oaths.  
28

KEHOE & ASSOCIATES  
871 Coronado Center Drive, Suite 200  
Henderson, Nevada 89052  
(702) 837-1908

EXHIBIT	A
WITNESS	Jones
DATE:	2-12-20
CINDY HUEBNER, CCR	

Page 1 of 2

EXHIBIT F Page 5 of 6

Case Number: G-19-052263-A

1 You are invited to attend and cross-examine.

2 Dated this 24<sup>th</sup> day of January, 2020.

Submitted by:

3 KEHOE & ASSOCIATES

4 /s/ Ty E. Kehoe

5 Ty E. Kehoe, Esq.

6 **CERTIFICATE OF SERVICE**

7 I HEREBY CERTIFY that on the 24<sup>th</sup> day of January, 2020, I served a true and correct  
8 copy of the NOTICE OF DEPOSITION OF KIMBERLY JONES via electronic service to the  
9 following, or via US First Class Mail postage pre-paid to the addresses listed:  
10

11 Jeffrey P. Luszeck, Esq.

Ross E. Evans, Esq.

12 jluszeck@sdfnvlaw.com

revans@sdfnvlaw.com

13 Counsel for Kimberly Jones

John P. Michaelson, Esq.

john@michaelsonlaw.com

Counsel for Robyn Friedman and Donna  
14 Simmons

15 Maria L. Parra-Sandoval, Esq.

16 Legal Aid Center of Southern Nevada, Inc.

17 mparra@lacs.org

18 Counsel for June Jones

Geraldine Tomich, Esq.

gtomich@maclaw.com

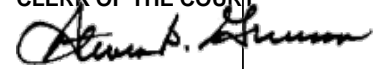
James A. Beckstrom, Esq.

jbeckstrom@maclaw.com

Counsel for Kimberly Jones

19 /s/ Ty E. Kehoe

20 Ty E. Kehoe



1 **PRG**

2 GHANDI DEETER BLACKHAM

3 Laura A. Deeter, Esq.

4 Nevada Bar No. 10562

5 725 S. 8<sup>th</sup> Street, Suite 100

6 Las Vegas, Nevada 89101

7 Telephone: (702) 878-1115

8 Facsimile: (702) 979-2485

9 laura@ghandilaw.com

10 KEHOE & ASSOCIATES

11 TY E. KEHOE, ESQ.

12 Nevada Bar No. 006011

13 871 Coronado Center Drive, Suite 200

14 Henderson, Nevada 89052

15 Telephone: (702) 837-1908

16 Facsimile: (702) 837-1932

17 TyKehoeLaw@gmail.com

18 Matthew C. Piccolo, Esq.

19 Nevada Bar No. 14331

20 PICCOLO LAW OFFICES

21 8565 S Eastern Ave Ste 150

22 Las Vegas, NV 89123

23 Tel: (702) 749-3699

24 Fax: (702) 944-6630

matt@piccololawoffices.com

*Attorneys for Rodney Gerald Yeoman*

**EIGHTH JUDICIAL DISTRICT COURT**

**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

**(Hearing Requested)**

**PETITION FOR REMOVAL OF GUARDIAN AND FOR RETURN OF PROTECTED  
PERSON'S PROPERTY**

Rodney Gerald Yeoman ("Gerry"), husband of the Protected Person Kathleen June Jones  
("June"), by and through his counsel of record, submits this Petition for Removal of Guardian

1 pursuant to NRS 159.185 and 159.1853<sup>1</sup> and for Return of Protected Person's Property pursuant  
2 to NRS 159.305.

3 Kimberly Jones has mismanaged June's estate and is not suitable to be June's guardian.  
4 The forensic investigator recently found that Kimberly has withdrawn money from June's bank  
5 accounts without accounting for it and that she has likely misused it. Many other serious  
6 questions regarding Kimberly's conduct in regard to June continue to persist. Gerry, June's  
7 husband of ten years, is qualified, suitable, and willing to serve as the guardian of June's person.  
8 The Court should appoint him to that role and replace Kimberly with a neutral guardian of June's  
9 estate.

### 10 INTRODUCTION

11 Recent evidence shows that Kimberly Jones is not qualified to be June's guardian. The  
12 compliance investigator's report reveals that Kimberly has withdrawn a total of \$6,836.82 from  
13 June's accounts "for personal and unknown reasons." Kimberly has had several months to  
14 explain to the investigator why she withdrew the funds and what she has done with them, but  
15 she has failed to do so. It also appears that Kimberly used some of June's funds to pay attorney's  
16 fees for which Kimberly is personally liable, without court authorization.

17 Kimberly is not qualified or suitable for many other reasons. First, she forcibly took June  
18 from her husband Gerry before these guardianship proceedings began, without any legal  
19 authority to do so. Second, from the beginning of these proceedings, Kimberly's sisters, Robyn  
20 Freidman and Donna Simmons, have expressed serious concerns about Kimberly's suitability.  
21 For instance, they have stated she does not communicate well with the family, is not transparent  
22 with June's finances, has mismanaged June's finances, and has isolated June from her family.

---

23  
24 <sup>1</sup> Alternatively, Gerry petitions the Court to modify the guardianship pursuant to NRS  
159.1905 based on the same facts provided in this Petition.

1 They withdrew their objections upon Kimberly being appointed as Guardian, but then raised  
2 more issues when Kimberly requested that her attorney's fees be paid from the Guardianship  
3 Estate. Kimberly continues to isolate June from Gerry by making visitation extremely difficult  
4 and stressful, despite the Court's orders. It would be in June's best interests to remove Kimberly  
5 as her guardian.

6 Given the investigator's findings, the Court should require Kimberly to account for the  
7 funds she withdrew under oath and, if necessary, require her to return the property to June.

8 Even if the Court believes Kimberly is suitable to be June's guardian, her status as the  
9 preferred person to serve as guardian continues to be in doubt because the Parties and the Court  
10 have not had an opportunity to determine whether the powers of attorney that June allegedly  
11 signed are valid. If they are not valid, then Gerry statutorily takes priority over Kimberly and  
12 anyone else.

13 The Court should appoint Gerry to replace Kimberly as the guardian of June's person  
14 because is he qualified, suitable, and willing to serve as such. Two of his medical providers have  
15 stated he is physically and mentally able to care for June, and his track record of nine years also  
16 shows he is capable of doing so, or, if necessary, obtain assistance. While the Court did  
17 previously state that Gerry should provide 100% of his medical records if he wants unsupervised  
18 visits with June, this is extremely invasive to Gerry's HIPAA rights, and while the Court is  
19 required to determine what is in June's best interest, the right of an 87 year old man to spend  
20 time with his wife has been completely disregarded.

21 The Court should also replace Kimberly with a neutral guardian of her estate. Appointing  
22 a neutral guardian would be in the best interest of June by helping address concerns about June's  
23 finances, reducing the infighting between family regarding management of her estate and  
24

1 payment of their respective fees and costs, and also possibly lead to a resolution of the dispute  
2 arising from the sale of the Kraft House.

3 Gerry believes the evidence available is sufficient grounds for removing Kimberly, but  
4 if the Court does not believe the evidence is sufficient, then Gerry asks the Court to allow the  
5 Parties to continue the discovery process already started to help untangle all the disputed facts  
6 that have arisen from the beginning of this matter. Discovery and an evidentiary hearing would  
7 be extremely helpful, if not vital, to determining what has actually occurred and who is currently  
8 the most qualified, suitable person to be June's guardian.

### 9 **BACKGROUND**

10 The following timeline may be helpful to the Court as a reminder of events applicable  
11 to this Petition:

- 12 • Sep.6, 2019: Probate Court hearing by Kimberly, Robyn and Donna to determine  
13 whether the Powers of Attorney are valid and enforceable. No ruling was made by  
the Probate Commissioner.
- 14 • Sep. 7, 2019: Kimberly and her sisters forcibly remove June from the care of her  
15 husband without legal authority;
- 16 • Sep. 19, 2019: Robyn Friedman and Donna Simmons file an ex-parte petition to  
become June's temporary guardians;
- 17 • Sep. 23, 2019: the Court grants the ex-parte petition for temporary guardianship;
- 18 • Oct. 2, 2019: Gerry and Kimberly file oppositions to the ex-parte petition and  
counter-petitions to become June's guardian;
- 19 • Oct. 15, 2019: the Court appoints Kimberly to be the general guardian of June's  
20 person and estate and appoints an investigator to review June's finances; the Court  
21 also sets an evidentiary hearing to hear the investigator's report and, if necessary,  
consider changes to June's guardian based on the report;
- 22 • Jan. 14, 2020: the Court confirms "discovery is open, discover away";
- 23 • Jan. 20, 2020: Gerry serves discovery requests;
- 24 • Jan. 22, 2020: Kimberly serves discovery requests;



- Feb. 7, 2020: the Court vacated the evidentiary hearing, despite Gerry's objection that many evidentiary issues persist in this matter;
- Mar. 13, 2020: Sonia Jones, compliance investigator, filed her financial forensic audit of June's estate.

In addition to this Petition, the Court currently has before it several petitions for fees (attorney's and guardian's) as well as a motion for protective order related to Gerry's served discovery.

## ARGUMENT

### A. **Kimberly Jones Has Mismanaged June's Estate and Is Not Otherwise Qualified or Suitable to Be Her Guardian.**

The compliance investigator's recent report, along with Kimberly's misconduct, make it clear that Kimberly is not qualified or suitable to be June's guardian, or, at a minimum, that these issues raise real concerns that the Court and Parties need to address. As a result, pursuant to NRS 159.185 and 159.1853, the Court should remove Kimberly as June's guardian, or, in the alternative, allow the Parties to engage in discovery regarding these concerns and others, and present their findings at an evidentiary hearing to help the Court determine who is currently the most suitable person to be June's guardian.

NRS 159.1853 allows the spouse of the protected person to file a petition for removal, and NRS 159.185 authorizes the Court to remove a guardian for the following reasons, among others:

- "(a) The guardian has become . . . unsuitable or otherwise incapable of exercising the authority and performing the duties of a guardian as provided by law; . . .
- (d) The guardian of the estate has mismanaged the estate of the protected person; . . .
- (j) The best interests of the protected person will be served by the appointment of another person as guardian."

1 When a person petitions for the removal of guardian, “the court shall issue and serve a  
2 citation on the guardian and on all other interested persons,” and “[t]he citation must require the  
3 guardian to appear and show cause why the court should not remove the guardian.” NRS  
4 159.1855(1)-(2). Once a guardian is removed, the Court may appoint another guardian “upon a  
5 petition filed by any interested person.” NRS 159.187(1).

6 In her recent report, Sonia Jones, the compliance investigator, expressed a concern that  
7 “Kimberly Jones withdrew a total of \$6,836.82 from the Protected Person and Rodney Yeoman’s  
8 funds, for personal and unknown reasons.” (Ex. A, filed separately under seal, Investigator  
9 Report, Mar. 13, 2020, p. 10). This amount includes a withdrawal of \$2,000.00 in July 2019,  
10 which Kimberly said she spent on “funds for legal assistance on behalf of the Protected Person,”  
11 and a withdrawal of \$4,836.00 from June’s and Gerry’s account in August 2019, which Kimberly  
12 said she allegedly placed in a safe deposit box. (*Id.*). Kimberly has not provided any specific  
13 explanation of why she withdrew these funds, why withdrawing them was necessary, or any  
14 actual evidence of what she did with the funds.

15 The investigator stated that Kimberly will provide documentation to show what she did  
16 with these funds, but to this day she has not provided the Parties or the Court any such  
17 documentation. She also did not list these assets on the Inventory she filed for June’s estate on  
18 December 13, 2019. Specifically, Kimberly failed to list on the inventory the approximately  
19 \$5,000 in June’s cash Kimberly claims to have been storing in a safe deposit box, and Kimberly  
20 failed to list the actual safe deposit box on the inventory (even though the inventory form  
21 specifically asks about safe deposit boxes). Note that the Court ordered the investigation on  
22 October 15, 2019, and Sonia Jones began her investigation by at least December 2019; thus,  
23 Kimberly has had at least three months to explain to the investigator why she withdrew these  
24 funds, and to provide evidence of what she did with the funds, but she has failed to do so.

1 Kimberly has not stated whether she used June's money to pay attorney's fees for these  
2 proceedings or some other legal matter, but taking the money for these proceedings without the  
3 Court's authorization would be a misuse of June's assets and a violation of law. NRS 159.344(1)  
4 states plainly that "a guardian or proposed guardian . . . who retains an attorney for the purposes  
5 of representing a party in a guardianship proceeding is personally liable for any attorney's fees  
6 and costs incurred as a result of such representation." Such a person may petition the Court for  
7 payment of those fees and costs, but may not take them from the protected person's estate "unless  
8 and until the court authorizes the payment" after proper procedures are followed. 159.344(1)-  
9 (6). This Court has already ruled that Kimberly is not entitled to be reimbursed for attorney fees  
10 prior to January 15, 2020. Kimberly has taken this money from June's account without any  
11 explanation or evidence, and the Court should require her to account for and return it, pursuant  
12 to NRS 159.305, as discussed below.

13 Kimberly is also not qualified or suitable to be June's guardian because she forcibly took  
14 June from her husband Gerry before these guardianship proceedings began. On September 7,  
15 2019, Kimberly and her sisters Robyn Friedman and Donna Simmons coordinated the forcible  
16 taking of June from a hotel restaurant in Phoenix where she was staying with Gerry during his  
17 medical treatment at the Mayo Clinic. During this incident, Kimberly insisted that June go with  
18 her and her brother-in-law "to have a bagel." (*See* Ex. B, Police Report and Statement of  
19 Professional Caregiver). June said twice, "I don't want to go," (*id.*), and June's daughter Donna  
20 has stated that "I know my mom would want to be by Gerry's side while he is in the hospital,"  
21 (Ex. C, Text Message, Mar. 28, 2019, 11:19:05 AM). Kimberly took June against her will while  
22 her brother-in-law prevented June's caregiver from intervening.

23 This kidnapping occurred before any petition for guardianship had been filed. Although  
24 Kimberly alleges that June signed documents naming her as June's power of attorney, those

1 powers, even if valid, did not give her any right to forcibly take June from her husband and  
2 caregiver. At no point in all of the pleadings filed herein has anyone explained how a power of  
3 attorney would give such rights to Kimberly. Additionally, Kimberly's counsel and Robyn and  
4 Donna's counsel assured Gerry's counsel at the courthouse on September 6, 2019 that they  
5 would not permit their clients to withhold June from Gerry; and yet, less than 24 hours later that  
6 is exactly what occurred. Although the Court is likely aware of the kidnapping incident from  
7 past pleadings, it is one the Court should explore in depth because it shows Kimberly has and  
8 will exceed legal and societal boundaries while failing to respect the rights of June and her loved  
9 ones, and that June's best interest is not her primary concern.

10 Lastly, Kimberly's sisters expressed many concerns about her suitability, which the  
11 Court has not yet addressed. In their initial Ex Parte Petition for Guardianship, Robyn Friedman  
12 and Donna Simmons made the following statements about Kimberly:

- 13 • "Kimberly historically has not been communicative with the rest of the family,  
14 nor has she been transparent with the financial transactions she has done on behalf  
15 of Ms. Jones" (Ex-Parte Petition, Sep. 19, 2019, ¶ 43);
- 16 • "Kimberly, in her role as attorney-in-fact, has demonstrated an inability or  
17 unwillingness to provide any care plans<sup>2</sup> to Ms. Jones' family," which has  
18 resulted in "a highly unstable and stressful environment for Ms. Jones . . . where  
19 her assets are being depleted with no accountability or transparency" (*id.* ¶ 45);
- 20 • "Kimberly has made it difficult for Ms. Jones' children to interact with Ms. Jones  
21 . . . Kimberly has blocked incoming calls and text messages from Petitioners,  
22 resulting in a situation in which communication is difficult at best but nearly  
23 impossible most of the time" (*id.* ¶ 49);
- 24 • "Guardianship is also necessary to address a history of financial mismanagement  
by the current fiduciary [Kimberly]. As an example, Ms. Jones owns a house in  
Anaheim, California, which has been rented for approximately \$1,500 under  
market rental value for many years. Another example is that in 2016 or 2017 when  
Ms. Jones underwent hip surgery and was out of her home, the attorney-in-fact  
allowed a young person who was not vetted to live in Ms. Jones' home. The

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<sup>2</sup> Although temporary guardians Robyn and Donna filed a care plan on October 2, 2019, Kimberly has not filed a care plan.

1           unvetted caregiver-attendant stole a large amount of money and property from  
2           Ms. Jones that was only partially recovered, and what was recovered was, upon  
3           information and belief, *due to the efforts of Mr. Yeoman*. These and other lapses  
4           in financial judgment, awareness, know-how and/or attentiveness, coupled with  
          ongoing lack of transparency and communication issues and the inability to  
          achieve peace between the parties must be addressed in order to maximize the  
          potential income available for Ms. Jones' care" (*id.* ¶ 50 (emphasis added)).

5   Robyn and Donna also stated during earlier hearings that Kimberly was hiding June's medicine  
6   in the trunk of her car, and the Court expressed great concern about her actions. (Transcript  
7   October 3, 2019 22:23).

8           Despite all of these expressed concerns, the Court chose to make Kimberly the guardian;  
9   however, the Court noted at the time that it could remove a guardian sua sponte pursuant to SB  
10   20<sup>3</sup>. Since that time, the evidence has shown the ongoing concerns about Kimberly to be true.  
11   As stated, she has taken June's money without explanation, and she continues to isolate June  
12   from her husband, even though the Court has ordered Kimberly to co-operate with Gerry  
13   regarding visitation and allow him to be with June from 8:00 a.m. to 5:00 p.m. The supervised  
14   visits make Gerry so uncomfortable that he has nearly given up hope of ever being able to spend  
15   time with his wife again. Surprisingly, the Parties have not yet had an opportunity to conduct  
16   discovery regarding these issues and present their findings at an evidentiary hearing.

17           At a minimum, this evidence, and the allegations associated with them, make it clear that  
18   serious questions exist regarding Kimberly's suitability to be June's guardian, and whether it is  
19   in June's best interest to have Kimberly continue to be her guardian. Gerry believes he is more  
20   suitable than Kimberly to be June's guardian.

21   ///

22   ///

23  
24           

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<sup>3</sup> See October 15, 2019 hearing transcript, p.74:8-14.

1           **B.     The Court Should Further Investigate Kimberly’s Conduct and, if**  
2           **Necessary, Order Her to Return June’s Property.**

3           Given the investigator’s findings, Gerry petitions the Court under NRS 159.305 to  
4           investigate what Kimberly did with the \$6,836.82 she withdrew from June’s and Gerry’s bank  
5           accounts. NRS 159.305(1) allows an interested person to petition the court upon oath alleging  
6           “[t]hat a person has or is suspected to have concealed, converted to his or her own use, conveyed  
7           away or otherwise disposed of any money, good, chattel or effect of the protected person,” and  
8           authorizes the court to “cause the person to be cited to appear before the district court to answer,  
9           upon oath, upon the matter of the petition.” After examination, the Court may then require the  
10          person to return the asset. NRS 159.315(1)(a).

11          Based on the investigator’s report, Gerry suspects that Kimberly has concealed,  
12          converted to her own use, conveyed away or otherwise disposed of June’s money, as described  
13          above. The Court should cite Kimberly to appear before the Court to answer, upon oath,  
14          questions about the property. If the Court finds that Kimberly has improperly concealed,  
15          converted, conveyed away, or otherwise disposed of June’s property, then the Court should order  
16          Kimberly to return the property to them, along with double the value of the assets and any other  
17          damages, pursuant to NRS 159.315(3).

18           **C.     Kimberly’s Status as the Preferred Guardian Is Still Uncertain.**

19          Under NRS 159.0613, a person has preference as guardian if the protected person  
20          nominated the person as part of an estate plan “while he or she was not incapacitated.”  
21          159.0613(3)(a). If such a nominated person does not exist, then the spouse of the protected  
22          person has preference over a child. *See* 159.0613(4)(c). Thus, if for any reason the powers of  
23          attorney June allegedly signed are invalid, then Gerry has preference as June’s guardian over  
24          Kimberly and her other children. In addition, the statute states that a person must be nominated  
25          while she is not incapacitated; thus, if the Powers of Attorney are invalid, June’s stated

1 preference expressed through her court-appointed attorney during this guardianship should not  
2 carry as much weight as the order of preference set forth in the statute.

3 Since before these proceedings, Gerry has expressed concerns about the validity of the  
4 estate planning documents allegedly signed. Gerry recognizes it is possible June actually signed  
5 them, but he has reasons to question whether or not she did, and for what purpose. The originals  
6 have never been provided and are alleged to have been destroyed, and aside from the signature,  
7 the handwriting on the financial Power of Attorney is not June's. Even June's own children and  
8 their attorneys acknowledge concerns with the powers of attorney. To that end, June's daughters  
9 filed a probate action to confirm the powers of attorney, and Gerry filed an objection expressing  
10 his concerns. The probate court did not end up addressing those concerns because June's  
11 daughters did not give proper notice to June, and the Parties in these proceedings have not had  
12 an opportunity to conduct discovery regarding the validity of the powers of attorney. If it turns  
13 out they are invalid, then the Court must give statutory preference to Gerry to serve as June's  
14 guardian.

15 **D. The Court Should Appoint Gerry as June's Guardian of Person and a**  
16 **Neutral Guardian as Her Guardian of Estate.**

17 Gerry Yeoman, June's husband, is qualified, suitable, and willing to serve as the guardian  
18 of June's person. To begin, Gerry is not incapacitated and does not have a disability—he is  
19 physically able to care for June and able to make decisions about her health and other  
20 circumstances. Two of Gerry's medical providers have stated the following: "I believe Gerry is  
21 physically and mentally able to care for his wife" and "It is my opinion that Mr. Yeoman is  
22 capable of caring for himself and his spouse when needed." (Ex. D, filed separately under seal,  
23 Decl. Heidi A Baker, FNP-BC, Nov. 27, 2019; Letter from Kelley Rone, NP, C-NP, Jan. 23,

24

2020). Ms. Baker made her conclusion after administering various mental and physical tests to Gerry, and Ms. Rone has been treating Gerry at the Mayo Clinic since before these proceedings.

Before June's daughters took her from Gerry, he was providing good in-house, personal care for June, including obtaining assistance with meals, shelter, clothing, medical care, bathing, sanitation, entertainment, and more. He and June lived together for nine years without any issues. As Kimberly has acknowledged, Gerry and his family loved and cared for June for years before these proceedings. (*See* Ex. C, Text Message, Apr. 10, 2019, 10:32:50 AM). Not even the guardianship pleadings provide any evidence of concerns about care for June by Gerry, and may not even make such allegations. Moreover, even if Gerry becomes personally incapable of providing all of June's care, he has sufficient financial resources available to obtain the assistance of a professional caregiver, and history evidences his willingness to do so when necessary.

Gerry is also qualified, suitable, and willing to serve for the following reasons:

- He is a resident of the State of Nevada;
- He is over 18 years of age and is competent to serve;
- He is related to June by marriage, as defined by NRS 159.0613(9)(d);
- He has not been judicially determined to have committed abuse, neglect, exploitation, isolation, or abandonment of a child, his spouse, his parent, or any other adult;
- He has not been convicted in Nevada or any other jurisdiction of a felony;
- He has not been suspended for misconduct or disbarred from the practice of law, the practice of accounting, or any other profession which involves the management or sale of money, investments, securities, or real property and requires licensure in the State of Nevada or any other state;
- He has not been appointed as guardian over the protected person in a state other than Nevada;



- 1       • He has not filed for or received protection under federal bankruptcy laws within the  
2       immediately preceding 7 years.<sup>4</sup>

3       Pursuant to NRS 159.1905, Gerry also provides the following information:

- 4       • Gerry's address is 2632 E. Harmon Ave. Las Vegas, NV 89121;  
5       • June is 81 years old;  
6       • June resides at 6277 W. Kraft Ave. Las Vegas, NV 89130;  
7       • June's current guardian is Kimberly Jones who resides at 6277 W. Kraft Ave. Las  
8       Vegas, NV 89130;  
9       • Kimberly has filed herein on December 13, 2019 an inventory of June's property,  
10       plus June has an interest in the A-Case filed in connection with this guardianship,  
11       plus June apparently has an interest in a safe deposit box and approximately \$5,000  
12       cash which is not accounted for in the inventory. It is anticipated that the property  
13       will be used for the benefit of June during the guardianship proceedings.

14       Gerry's petition is not sought for the purpose of initiating litigation, and, unlike June's  
15       daughters, he is not seeking payment of guardian's fees or attorney's fees from June's estate if  
16       he is appointed guardian.

17       Gerry is petitioning the Court to replace Kimberly as the guardian of June's person, and  
18       he is asking the Court to replace Kimberly with a neutral guardian of June's estate. Although  
19       Gerry adamantly denies he did anything improper in regard to the sale of the Kraft House and  
20       will continue to defend himself vigorously in the civil case, he recognizes the existing concern  
21       about the sale and believes for the time being it would be appropriate to have a neutral guardian  
22       of June's estate. The public guardian could also be an alternative, but Gerry is concerned that  
23

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24       <sup>4</sup> Gerry also incorporates by reference the other statements and facts provided in support of his  
original petition to be guardian filed on October 2, 2019.

1 would lead to June being placed in an assisted living facility, which to the best of his knowledge,  
2 is not necessary at this point, or desired.

3 The Court should note that there is no evidence of problems with Gerry's care of June.  
4 There have been no complaints by June's family during their nine years of marriage, and no  
5 evidence exists now. The only concerns June's family has raised is in regard to the Kraft House  
6 transfer, but that should not be relevant to Gerry acting as guardian of the person.

7 Also, it appears that Kimberly, Robyn and Donna are litigating for personal reasons,  
8 possibly related to their future inheritance. They do not appear to have June's best interests in  
9 mind, at least in regard to her estate, because any equity recovered from the Kraft House has  
10 already been spent on attorney fees, which fees have been requested to be paid by June.

11 **E. The Court Should Allow the Parties to Continue Discovery and Hold an**  
12 **Evidentiary Hearing.**

13 Gerry believes that the evidence presented is sufficient cause to remove Kimberly as  
14 guardian and appoint him as guardian; however, if the Court does not believe the evidence is  
15 sufficient, then Gerry urges the Court to allow the Parties to continue the discovery process to  
16 help untangle the many disputed facts that have arisen from the beginning of this matter. Indeed,  
17 on October 15, 2019, the Court set an evidentiary hearing for February 20, 2020 to review the  
18 status of the guardianship based on the investigator's report. Now that we have the investigator's  
19 findings, which raise many concerns, discovery and an evidentiary hearing would be extremely  
20 helpful, if not vital, to help determine precisely what has happened and who is currently the most  
21 qualified, suitable person to be June's guardian and act in her best interests. Finally, as the Court  
22 knows, this case has been highly contentious with many allegations of inappropriate conduct. In  
23 such cases, discovery and an evidentiary hearing are typically undertaken as a matter of course,  
24 and should occur here.

1 **CONCLUSION**

2 Kimberly is not qualified or suitable to be June's guardian and has not acted in her best  
3 interests. The forensic investigator recently found that she has withdrawn money from June's  
4 bank accounts without accounting for it and that she has likely misused it. Many other serious  
5 questions regarding Kimberly's conduct in regard to June continue to persist. Gerry, June's  
6 husband of ten years, is qualified, suitable, and willing to serve as the guardian of June's person.  
7 He has acted in her best interests throughout their marriage and will continue to do so. The Court  
8 should appoint him to be the guardian of June's person and replace Kimberly with a neutral  
9 guardian of June's estate.

10 Based upon the above, this Court should remove Kimberly as guardian of June Jones and  
11 appoint Gerry Yeoman as the guardian of her person and a neutral guardian as the guardian of  
12 her estate. The Court should also conduct an investigation pursuant to NRS 159.305 regarding  
13 the funds Kimberly withdrew from June's accounts, including by requiring Kimberly to testify  
14 under oath regarding the withdrawals. Gerry also prays:

- 15 1. That the Court direct the Clerk to issue letters of guardianship to Rodney  
16 Gerald Yeoman;
- 17 2. That Rodney Gerald Yeoman be allowed to serve as guardian of the person  
18 without bond;
- 19 3. That Rodney Gerald Yeoman be allowed to create and implement a care plan  
20 for June;
- 21 4. That Rodney Gerald Yeoman have access to all historical medical and  
22 government records and information pertaining to June, including for purposes of HIPPA;
- 23 5. That the Court grant Rodney Gerald Yeoman every power and authority  
24 permitted by statute as the legal guardian of June's person;

6. That the Court suspend any general durable power of attorney or healthcare power of attorney documents previously executed by June during the duration of the guardianship;

7. That the Court require Kimberly to return any of June's property that it deems to have been taken inappropriately from her estate;

8. That the Court order any other relief it deems appropriate.

Dated this 14<sup>th</sup> day of April, 2020.

GHANDI DEETER BLACKHAM

/s/ Laura A. Deeter

LAURA A. DEETER, ESQ.  
Nevada Bar No. 10562  
725 S. 8<sup>th</sup> Street, Suite 100  
Las Vegas, NV 89101  
(702) 878-1115  
*Attorneys for Rodney Gerald Yeoman*

VERIFICATION

I, Rodney Gerald Yeoman, hereby declare I am the husband of Kathleen June Jones;  
that I have read the foregoing Petition for Removal of Guardian and for Return of Protected  
Person's Property and know the contents thereof; that the same are true and accurate according  
to my best knowledge.

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

Dated this 14 day of April, 2020.

By: Rodney G. Yeoman  
Rodney Gerald Yeoman

# EXHIBIT A

Filed Separately Under Seal

## EXHIBIT B

4805639900

RESIDENCE INN DESERT VIEW

09:16:52 p.m. 09-09-2019

1 / 9



# PHOENIX POLICE DEPARTMENT (0723)

## Incident Report

Incident Number 201900001550990		CFS Incident # 201901550990
Report Type Incident Report		Page 1 of 7
Date / Time Occurred 09/07/2019 08:00 to		Date / Time Reported 09/07/2019 08:19

Arrested Suspects	Additional Suspects	Unknown Suspects	Victims	Other Persons 5	Vehicles	Items	Evidence Count	Leoka Count	Related Report #
<input type="checkbox"/> Arson Related Arson Code					Damage Value		<input type="checkbox"/> Bias Crime <input type="checkbox"/> Gang Involved <input type="checkbox"/> Domestic Violence		
Incident Details									
Squad 63B	Clearance Disposition			Cleared by Exception			Exceptional Clearance Date		
Situation Found					Status				
Location Given By Dispatcher E MAYO BLVD					Cargo Theft NO				
Incident Address									
Street Address E MAYO BLVD									
City PHOENIX		State ARIZONA		Zip 85054		Country Code UNITED STATES OF AMERICA (USA)			
Administrative Info									
Reporting Officer TULEY, MICHELLE		Serial # 08682							
OFFENSE									
<input checked="" type="checkbox"/> Primary Offense									
Offense Description FI. 600									
Offense/Statute Code FI-600 010		Severity		Attempted/Completed COMPLETED		Premise Type HOTEL / MOTEL			
Circumstances		Bias NONE				Bias 2			
Bias 3		Bias 4				Bias 5			
Criminal Activity 1		Criminal Activity 2				Criminal Activity 3			
Offender Using 1		Offender Using 2				Offender Using 3			
# Premise Entered	Home Invasion	Domestic Violence		Gang Activity					
Primary Gang Type		Primary Gang Name							
Secondary Gang Type		Secondary Gang Name							
Drug Related	Drug Type	Drug Origin		Drug Precursors					
MO Panel	Entry Type	Entry Area		Entry Method					
Entry Point 1		Entry Point 2		Exit Point 1					
Exit Point 2		Target Area		Property Target 1					
Property Target 2		Property Target 3		Victim Target					
Time of Day		Victim Activity		Action 1 to Premises					
Action 2 to Premises		Action 3 to Premises		Action 1 on Victim					
Action 2 on Victim		Action 3 on Victim		Other Action 1					
Other Action 2		Other Action 3		Solicited Offered 1					
Solicited Offered 2		Solicited Offered 3		Weapon 1					
Weapon 1 Auto		Weapon 2		Weapon 2 Auto					
Weapon 3		Weapon 3 Auto		Arson					
Precipitating Circumstance		Instrument Used							
Comments									

**PUBLIC RECORDS**  
Released pursuant to  
A.R.S. 39-121, Et. Seq  
To:

1326



4805639900

RESIDENCE INN DESERT VIEW

09:17:10 p.m.

09-09-2019

2 / 9



## PHOENIX POLICE DEPARTMENT (0723)

## Incident Report

Incident Number 201900001550990		CFS Incident # 201901550990
Report Type Incident Report		Page 2 of 7
Date / Time Occurred 09/07/2019 08:00 to		Date / Time Reported 09/07/2019 08:19

OTHER PERSON	Person Type REPORTING PERSON											
Name (Last, First Middle) POWELL, RICHARD												
Suffix												
Primary Language		Nickname		Race WHITE		Sex MALE		SSN [REDACTED]		Date of Birth [REDACTED]		
Age 77		Age Range to		Can Identify Suspect?								
Height 5'10"		Weight 200		Driver's License # [REDACTED]		DL State NEVADA						
Place of Birth				Citizenship				Ethnicity NON-HISPANIC		Marital Status MARRIED		
ICE Contact Date		ICE Phone #		ICE Response								
Home Phone		Cell Phone		Email Address		Additional Email or Social Media Handle					Social Media Types	

1327

4805639900

RESIDENCE INN DESERT VIEW

09:17:30 p.m. 09-09-2019

3 / 9

**PHOENIX POLICE DEPARTMENT (0723)**  
**Incident Report**

<b>Incident Number</b> 201900001550990		<b>CFS Incident #</b> 201901550990
<b>Report Type</b> Incident Report		<b>Page</b> 3 <b>of</b> 7
<b>Date / Time Occurred</b> 09/07/2019 08:00 to		<b>Date / Time Reported</b> 09/07/2019 08:19

<b>Primary Language</b>	<b>Nickname</b>	<b>Race</b> WHITE	<b>Sex</b> FEMALE	<b>SSN</b>	<b>Date of Birth</b>	<b>Age</b> 64	<b>Age Range</b> to
<b>Height</b> 5'01"	<b>Weight</b> 180	<b>Driver's License #</b>	<b>DL State</b> ARIZONA	<b>Can Identify Suspect?</b>			
<b>Place of Birth</b>	<b>Citizenship</b>		<b>Ethnicity</b> HISPANIC	<b>Marital Status</b>			
<b>ICE Contact Date</b>	<b>ICE Phone #</b>	<b>ICE Response</b>					
<b>Home Phone</b>	<b>Cell Phone</b>	<b>Email Address</b>	<b>Additional Email or Social Media Handle</b>		<b>Social Media Types</b>		
<b>Other Person Home Address</b>							
<b>Street Address</b>							
<b>City</b> PHOENIX	<b>State</b> ARIZONA		<b>Zip</b> 85041	<b>Country Code</b>			
<b>Employment Information</b>							
<input type="checkbox"/> <b>Student</b>	<input type="checkbox"/> <b>Homeless</b>	<b>Employer / School</b> BRIGHTSTAR	<b>Occupation</b> CARE GIVER				
<b>Street Address</b>							
<b>City</b>	<b>State</b>		<b>Zip</b>	<b>Country Code</b>			
<b>Details</b>							
<b>Work Phone</b>	<b>Hours of Employment</b>	<b>Hair Color</b> BLACK	<b>Hair Length</b> SHOULDER	<input type="checkbox"/> <b>Glasses</b>			
<b>Eye Color</b> BROWN	<b>Build</b> AVERAGE	<b>Facial Hair</b>	<b>Voice</b>	<b>Complexion</b> MEDIUM			
<b>Resident</b> U.S. RESIDENT	<b>Teeth</b>						
<b>Gang Information</b>							
<input type="checkbox"/> <b>Primary Gang</b>	<b>Primary Gang Name</b>		<b>Primary Gang Membership Info</b>				
<b>Primary Gang Location Info</b>		<b>Rival Gang Name</b>					
<b>Colors/Logos</b>							
<input type="checkbox"/> <b>Secondary Gang</b>	<b>Secondary Gang Name</b>		<b>Secondary Gang Membership Info</b>				
<b>Secondary Gang Location</b>		<b>Rival Gang Name</b>					
<b>Colors/Logos</b>							
<input type="checkbox"/> <b>Clothing or Colors</b>	<input type="checkbox"/> <b>Gang Tattoos</b>	<input type="checkbox"/> <b>Paraphernalia or Photographs</b>	<input type="checkbox"/> <b>Self Proclamation</b>	<input type="checkbox"/> <b>Witness Testimony/Statement</b>	<input type="checkbox"/> <b>Written/Electronic Correspondance</b>		
<b>Other</b>							
<b>Guardian Information</b>							
<input type="checkbox"/> <b>Guardian Notified</b>	<b>Guardian Notified By</b>	<b>Notified Method</b>		<b>Guardian Notified On</b>			
<b>Guardian Of</b>	<b>Guardian Relationship</b>						

<b>OTHER PERSON</b>	<b>Person Type</b> NEXT OF KIN						
<b>Name (Last, First Middle)</b> JONES, KIMBERLY		<b>Suffix</b>					
<b>Primary Language</b>	<b>Nickname</b>	<b>Race</b> WHITE	<b>Sex</b> FEMALE	<b>SSN</b>	<b>Date of Birth</b>	<b>Age</b>	<b>Age Range</b> 45 to 50
<b>Height</b> 5'02"	<b>Weight</b> 120	<b>Driver's License #</b>	<b>DL State</b>	<b>Can Identify Suspect?</b>			
<b>Place of Birth</b>	<b>Citizenship</b>		<b>Ethnicity</b> NON-HISPANIC	<b>Marital Status</b>			
<b>ICE Contact Date</b>	<b>ICE Phone #</b>	<b>ICE Response</b>					

4805639900

RESIDENCE INN DESERT VIEW

09:17:48 p.m. 09-09-2019

4 / 9



# PHOENIX POLICE DEPARTMENT (0723)

## Incident Report

Incident Number 201900001550990		CFS Incident # 201901550990
Report Type Incident Report		Page 4 of 7
Date / Time Occurred 09/07/2019 08:00 to		Date / Time Reported 09/07/2019 08:19

Home Phone	Cell Phone	Email Address	Additional Email or Social Media Handle		Social Media Types
Other Person Home Address					
Street Address					
City LAS VEGAS	State NEVADA	Zip	Country Code		
Employment Information					
<input type="checkbox"/> Student	<input type="checkbox"/> Homeless	Employer / School	Occupation		
Street Address					
City	State	Zip	Country Code		
Details					
Work Phone	Hours of Employment	Hair Color BLOND OR STRAWBERRY	Hair Length LONG	<input type="checkbox"/> Glasses	
Eye Color	Build THIN	Facial Hair	Voice	Complexion	
Resident U.S. RESIDENT					
Gang Information					
<input type="checkbox"/> Primary Gang	Primary Gang Name		Primary Gang Membership Info		
Primary Gang Location Info		Rival Gang Name			
Colors/Logos					
<input type="checkbox"/> Secondary Gang	Secondary Gang Name		Secondary Gang Membership Info		
Secondary Gang Location		Rival Gang Name			
Colors/Logos					
<input type="checkbox"/> Clothing or Colors	<input type="checkbox"/> Gang Tattoos	<input type="checkbox"/> Paraphernalia or Photographs	<input type="checkbox"/> Self Proclamation	<input type="checkbox"/> Witness Testimony/Statement	<input type="checkbox"/> Written/Electronic Correspondence
Other					
Guardian Information					
<input type="checkbox"/> Guardian Notified	Guardian Notified By		Notified Method		Guardian Notified On
Guardian Of		Guardian Relationship			

OTHER PERSON	Person Type INVESTIGATIVE LEAD				
Name (Last, First Middle) BUTLER, JACK					Suffix
Primary Language	Nickname	Race WHITE	Sex MALE	SSN	Date of Birth
Age	Age Range 65 to 70				
Height 6'00"	Weight 200	Driver's License #	DL State	Can Identify Suspect?	
Place of Birth	Citizenship	Ethnicity NON-HISPANIC		Marital Status	
ICE Contact Date	ICE Phone #	ICE Response			
Home Phone	Cell Phone	Email Address	Additional Email or Social Media Handle		Social Media Types
Other Person Home Address					
Street Address					
DEWEY		ARIZONA	Zip	Country Code	

4805639900

RESIDENCE INN DESERT VIEW

09:18:06 p.m. 09-09-2019

5/9



## PHOENIX POLICE DEPARTMENT (0723)

## Incident Report

Incident Number 201900001550990		CFS Incident # 201901550990
Report Type Incident Report		Page 5 of 7
Date / Time Occurred 09/07/2019 08:00 to		Date / Time Reported 09/07/2019 08:19

Employment Information			
<input type="checkbox"/> Student	<input type="checkbox"/> Homeless	Employer / School	Occupation
Street Address			
City	State	Zip	Country Code
Details			
Work Phone	Hours of Employment	Hair Color GRAY OR PARTIALLY GRAY	Hair Length SHORT <input type="checkbox"/> Glasses
Eye Color	Build	Facial Hair GOATEE	Voice
Resident	Teeth	Complexion	
U.S. RESIDENT			
Gang Information			
<input type="checkbox"/> Primary Gang	Primary Gang Name	Primary Gang Membership Info	
Primary Gang Location Info		Rival Gang Name	
Colors/Logos			
<input type="checkbox"/> Secondary Gang	Secondary Gang Name	Secondary Gang Membership Info	
Secondary Gang Location		Rival Gang Name	
Colors/Logos			
<input type="checkbox"/> Clothing or Colors	<input type="checkbox"/> Gang Tattoos	<input type="checkbox"/> Paraphernalia or Photographs	<input type="checkbox"/> Self Proclamation
<input type="checkbox"/> Witness Testimony/Statement		<input type="checkbox"/> Written/Electronic Correspondence	
Other			
Guardian Information			
<input type="checkbox"/> Guardian Notified	Guardian Notified By	Notified Method	Guardian Notified On
Guardian Of		Guardian Relationship	

OTHER PERSON	Person Type INVESTIGATIVE LEAD						
Name (Last, First Middle)							Suffix
JONES, JUNE							
Primary Language	Nickname	Race WHITE	Sex FEMALE	SSN	Date of Birth	Age 82	Age Range to
Height 5'03"	Weight 140	Driver's License #	DL State	Can Identify Suspect?			
Place of Birth		Citizenship		Ethnicity NON-HISPANIC	Marital Status MARRIED		
ICE Contact Date	ICE Phone #	ICE Response					
Home Phone	Cell Phone	Email Address	Additional Email or Social Media Handle		Social Media Types		
Street Address							
City	State	Zip	Country Code				
Employment Information							
<input type="checkbox"/> Student	<input type="checkbox"/> Homeless	Employer / School	Occupation				
Street Address							
City	State	Zip	Country Code				
Details							

1330

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RESIDENCE INN DESERT VIEW

09:18:25 p.m. 09-09-2019

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**PHOENIX POLICE DEPARTMENT (0723)**  
**Incident Report**

Incident Number 201900001550990		CFS Incident # 201901550990
Report Type Incident Report		Page 6 of 7
Date / Time Occurred 09/07/2019 08:00 to		Date / Time Reported 09/07/2019 08:19

Work Phone	Hours of Employment	Hair Color BLOND OR STRAWBERRY	Hair Length OVER EARS	<input type="checkbox"/> Glasses
Eye Color BROWN	Build AVERAGE	Facial Hair	Voice	Complexion LIGHT
Resident U.S. RESIDENT	Teeth			
<b>Gang Information</b>				
<input type="checkbox"/> Primary Gang	Primary Gang Name	Primary Gang Membership Info		
Primary Gang Location Info		Rival Gang Name		
Colors/Logos				
<input type="checkbox"/> Secondary Gang	Secondary Gang Name	Secondary Gang Membership Info		
Secondary Gang Location		Rival Gang Name		
Colors/Logos				
<input type="checkbox"/> Clothing or Colors	<input type="checkbox"/> Gang Tattoos	<input type="checkbox"/> Paraphernalia or Photographs	<input type="checkbox"/> Self Proclamation	<input type="checkbox"/> Witness Testimony/Statement
<input type="checkbox"/> Written/Electronic Correspondance				
Other				
<b>Guardian Information</b>				
<input type="checkbox"/> Guardian Notified	Guardian Notified By	Notified Method	Guardian Notified On	
Guardian Of	Guardian Relationship			

**Narrative Information**

ON 090719 AT 0828 HOURS, I WAS DISPATCHED TO 5665 EAST MAYO BOULEVARD, RESIDENCE INN HOTEL, REFERENCE A CHECK WELFARE. DETAILS ON THE CALL STATED THE COMPLAINANT'S MOTHER-IN-LAW WAS TAKEN BY HER DAUGHTER TO AN UNKNOWN LOCATION AGAINST HER WILL.

UPON MY ARRIVAL, I CONTACTED RICHARD POWELL WHO TOLD ME THE FOLLOWING:

HIS FATHER-IN-LAW, JERRY YEOMAN, IS IN THE MAYO HOSPITAL AND HIS WIFE, JUNE JONES, WAS STAYING AT THE RESIDENCE INN HOTEL NEXT DOOR WHILE HE WAS GETTING TREATMENT FOR THE LAST SIX DAYS. RICHARD AND HIS WIFE FLEW IN FROM LAS VEGAS LAST NIGHT, AND HE SAID HE GOT A CAREGIVER FOR JUNE WHILE THEY ARE IN TOWN SINCE JUNE HAD HIP SURGERY AND NEEDS ASSISTANCE AT TIMES MOVING AROUND.

TODAY, RICHARD WAS NOTIFIED BY THE CAREGIVER THAT JUNE'S DAUGHTER, KIMBERLY JONES, AND SON-IN-LAW, JACK BUTLER, CAME TO THE RESIDENCE INN HOTEL AND TOOK JUNE AGAINST HER WILL TO AN UNKNOWN LOCATION. RICHARD SAID YESTERDAY, 090619, KIMBERLY AND HER OTHER TWO SISTERS WERE TRYING TO GET POWER OF ATTORNEY OVER JUNE, BUT THE JUDGE DENIED IT. HE BELIEVED KIMBERLY CAME TO PHOENIX TO TAKE JUNE AWAY TO LIVE WITH EITHER KIMBERLY IN CALIFORNIA, OR JACK IN DEWEY, ARIZONA. I ASKED IF HE BELIEVED JUNE WAS IN ANY IMMEDIATE DANGER, AND HE SAID NO. HE WAS NOT AWARE OF ANY PAST VIOLENCE OR THREATS TO HARM JUNE.

I THEN SPOKE TO THE CAREGIVER, LAURA ROCHA, WHO SAID SHE WAS AT BREAKFAST WITH JUNE IN THE LOBBY OF THE HOTEL WHEN A WHITE FEMALE WHO IDENTIFIED HERSELF AS KIMBERLY AND A WHITE MALE WHO IDENTIFIED HIMSELF AS JACK WALKED UP TO THE TABLE. JACK STOOD BY LAURA'S CHAIR SO SHE COULD NOT MOVE, AND KIMBERLY SAID TO JUNE, "HI MOM IT'S KIMBERLY. WE'RE GONNA GO HAVE A BAGEL THEN GO SEE JERRY." LAURA SAID JUNE TOLD THEM AT LEAST THREE TIMES SHE DID NOT WANT TO GO WITH THEM, AT WHICH TIME KIMBERLY SAID, "WELL YOU'RE GOING." SHE TOOK AHOLD OF JUNE'S WHEELCHAIR AND LEFT THROUGH THE HOTEL LOBBY ENTRANCE/EXIT. LAURA SAID SHE DID NOT FOLLOW THEM SO SHE DID NOT SEE THEM ENTER A

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RESIDENCE INN DESERT VIEW

09:18:48 p.m. 09-09-2019

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## PHOENIX POLICE DEPARTMENT (0723)

## Incident Report

Incident Number 201900001550990		CFS Incident # 201901550990
Report Type Incident Report		Page 7 of 7
Date / Time Occurred 09/07/2019 08:00 to		Date / Time Reported 09/07/2019 08:19

VEHICLE.

I ASKED LAURA WHAT THEY LOOKED LIKE, AND SHE DESCRIBED JACK AS A WHITE MALE AGE 65-70 WEARING A T-SHIRT, WITH GRAY HAIR AND A GOATEE. SHE DESCRIBED KIMBERLY AS A WHITE FEMALE AGE 45-50, THIN BUILD, WEARING BLACK YOGA PANTS AND SUNGLASSES, AND BELIEVED SHE WAS WEARING A LONG ASH BLONDE WIG. AFTER SPEAKING WITH RICHARD, HE DESCRIBED KIMBERLY AS NATURALLY HAVING LONG, STRAIGHT, DIRTY BLONDE HAIR.

SERGEANT MICSUNESCU WAS ON SCENE AND I ALSO ADVISED SERGEANT MALDONADO OF THE INCIDENT. IT WAS DETERMINED THAT THIS INCIDENT DID NOT MEET THE CRITERIA FOR A KIDNAPPING OR MISSING PERSON REPORT.

OFFICER JOHNSON #9306 WAS ALSO ON SCENE AND ABLE TO GET AHOLD OF JUNE'S OTHER DAUGHTER, ROBIN FRIEDMAN (702-234-6304). SHE ADVISED THAT JUNE SUFFERS FROM DEMENTIA AND KIMBERLY HAS HAD POWER OF ATTORNEY SINCE 2012, AND HAD DOCUMENTS SHOWING THAT. SHE EMAILED THE DOCUMENTS TO ME, WHICH I INCLUDED IN THIS REPORT.

SHE ALSO SAID THAT JUNE HAS LIVED WITH KIMBERLY FOR THE LAST FIVE MONTHS IN LAS VEGAS, NOT CALIFORNIA, AND HAS BEEN TAKING CARE OF HER. SHE SAID THE JUDGE IN THE COURT HEARING YESTERDAY, 090619, DID NOT DECIDE ANYTHING, AND THE POA PAPERWORK WAS STILL VALID.

THIS FI WAS GENERATED TO DOCUMENT THE INCIDENT.

NOTHING FURTHER.

Public Narrative

DECLARATION OF

9-7-2011

at approx. 7:45A I took Ms Jones for Breakfast in Lobby Area. A Lady with long Hair Wig (ASH), sunglasses approached Ms. Jones to greet her with a tall man. They introduced themselves as Daughter Kimberly & Son in Law Jack. They TOLD Ms. Jones that they taking her for a Bagel Ms. Jones said, "No I don't want to go. So she then said yes we will go for a Bagel & go visit Jerry. So Ms Jones said, "I don't want to go" anywhere. So Kimberly in firm voice said Well your going to have a Bagel & pulled wheel chair spun it around & left toward <sup>entrance</sup> Exit doors. Jack stood blocking my chair holding conversation with me. When he turned toward door saw they were outside. He grab hard boiled Egg placed on Napkin & left.

Jan Roch

I declare under penalties of Perjury in the State of Nevada that the above is true & correct.

## ARIZONA NOTARY ACKNOWLEDGEMENT (JURAT)

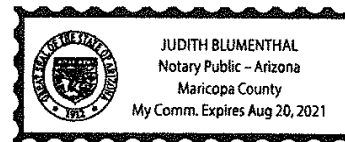
State of Arizona )  
County of MARICOPA )

Subscribed and sworn (or affirmed) before me this 9<sup>th</sup> day of September, 2019,  
by ROCHA LAURA LUPE B (name of signer).

Judith Blumenthal  
Notary Public Signature

(Seal)

NOTARY  
Title or Rank



Serial Number, if any

My Commission Expires: Aug 20, 2021

DECLARATION OF TRUTH. 1 PAGE.



## EXHIBIT C

**Conversation with Donna Jines Daughter**

iMessage Message received from Donna Jines Daughter 3/28/2019 10:07:01 AM

DD

Hi Marci. I heard your dad was having some medical issues. I hope He's feeling better soon. If you need help with my mom, please contact Kim. Robyn is out of town. In case you didn't know. Your sister and Dick recently bought my mom's house from her (knowing she's had dementia for years now) for \$100,000 less than market value was - without telling anyone from our family for over a year until we found out online. We believe this was elder financial abuse based on her inability to make rational financial decisions at the time. They or Gerry (her caregiver) should now certainly have cash and plans to provide for her care in these situations. If they are unable or unwilling to, and she needs a guardian to be assigned legally as they believe she can't be left alone due to her dementia, please let us know if you'd like us to begin that process through the state of Nevada we are willing to take on that responsibility and provide for her privately, in home, not in a care facility.

iMessage Message sent 3/28/2019 10:22:40 AM - Delivered

Donna, I try to just stay out of all that mess. There's too much drama between everyone and there is really nothing I can do about any of it. My main concern right now is being able to have someone sit with June today so that I can go see my dad. June ate this morning and I have been cleaning the house a little (pretty clean already) and June is sad and a little terry eyed worried about her husband. She just laid down and is napping.

iMessage Message received from Donna Jines Daughter 3/28/2019 11:19:05 AM

DD

I'm sorry your stuck in this situation but you need to contact Kim and find out when she can be there to relieve you. Like I said, ROBYN and PERRY are out of town and not able to help out. I am a care taker for an 82 year old man that is not able to be left alone either and his family members are also out of town, so I am not able to help out this time. I'm sure my mom is very worried about her husband. I know my mom would want to be by Gerry's side while he is in the hospital and would probably love to go with you for a visit, too. I know if that was my husband, I would certainly want to be at the hospital with him.

iMessage Message sent 3/28/2019 11:21:36 AM - Delivered

Believe me when I say I would like nothing more than for all of us to set differences aside and come together for my mom.

iMessage Message sent 4/10/2019 10:25:24 AM - Delivered

No one has even asked where their mom is, who is with her or if she is even sad that her husband is pretty ill. I cannot imagine why

iMessage Message received from Kim (June's Daughter) 4/10/2019 10:29:02 AM

KD

Scott, Teri and I are aware of what's going on. I've spoke with my mom, Dick and Peggy multiple times over the last few days.

iMessage Message sent 4/10/2019 10:29:50 AM - Delivered

I know you have Kim. That's what I meant 1 out of 5. I feel frustrated I guess

iMessage Message sent 4/10/2019 10:30:15 AM - Delivered

Not with you

iMessage Message received from Kim (June's Daughter) 4/10/2019 10:32:50 AM

KD

I know you do and it's understandable. I'm so thankful and appreciative of the manor in which your family and especially your dad has loved and cared for my mom in recent years.

iMessage Message sent 4/10/2019 10:33:20 AM - Delivered

I know Kim. I see that in you.

iMessage Message sent 4/10/2019 10:34:06 AM - Delivered

I thought maybe there was some hope somewhere with a couple of the others. Lol

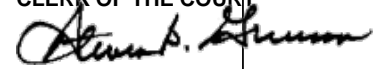
iMessage Message received from Kim (June's Daughter) 4/10/2019 10:35:25 AM

KD

I'm still holding out hope as well but in the mean time a plan needs to be made and she needs to know she will be taken care of. It's heartbreaking.

## EXHIBIT D

Filed Separately Under Seal



**CIEI**

GHANDI DEETER BLACKHAM

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matt@piccololawoffices.com  
*Attorneys for Rodney Gerald Yeoman*

**EIGHTH JUDICIAL DISTRICT COURT  
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

**CITATION**

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

1 TO: Maria L. Parra-Sandoval, Esq. – Attorney for Kathleen June Jones, Protected Person  
2 Geraldine Tomich, Esq. – Attorney for Kimberly Jones, Guardian  
3 James Beckstrom, Esq. – Attorney for Kimberly Jones, Guardian  
4 Ross E. Evans, Esq. – Attorney for Kimberly Jones, Guardian  
5 Jeffrey P. Luszeck, Esq. – Attorney for Kimberly Jones, Guardian  
6 John P. Michaelson, Esq. – Attorney for Robyn Friedman and Donna Simmons  
7 Jeffrey R. Sylvester, Esq. – Attorney for Robyn Friedman and Donna Simmons  
8 State Guardianship Compliance Financial Forensics  
9 Teri Butler – Adult Daughter  
10 Jen Adamo – Adult Grandchild  
11 Jon Criss – Adult Grandchild  
12 Ryan O’Neal – Adult Grandchild  
13 Tiffany O’Neal – Adult Grandchild  
14 Cortney Simmons – Adult Grandchild  
15 Ampersand Man c/o Robyn Friedman – Minor Grandchild  
16 Director of the Department of Health and Human Services  
17

18 THE ABOVE-ENTITLED COURT, directing the Clerk of this Court to issue a Citation  
19 directing any interested persons, to appear at a time and place to be specified and to show cause  
20 why the Petition for Removal of Guardian and Return of Protected Person’s Property  
21 (“Petition”), should not be approved.  
22

23 The said interested persons, are hereby directed to appear on the 20th day of May  
24 2020, at the hour of 9:00 a.m./p.m. in the Eighth Judicial District Court, Regional Justice  
Center, before the Guardianship Court, Department B, which is located at 200 Lewis Avenue,  
Las Vegas, Nevada 89155, Courtroom 10A,

///  
///  
///  
///  
///  
///  
///

1 then and there to show cause why the Petition should not be approved. Interested persons have  
2 a right to appear at the hearing and to oppose the Petition for Removal of Guardian and Return  
3 of Protected Person's Property, and have the right to be represented by an Attorney.

4 STEVEN D. GRIERSON,  
5 CLERK OF THE COURT

6 BY:

7 

8 Deputy Clerk Elizabeth Odo

9 Electronically Issued  
10 Date: 4/14/2020

11 Submitted by:  
12 GHANDI DEETER BLACKHAM

13 /s/ Laura A. Deeter

14 \_\_\_\_\_  
15 Laura A. Deeter, Esq.  
16 Nevada Bar No. 10562  
17 725 S. 8<sup>th</sup> Street, Suite 100  
18 Las Vegas, NV 89101  
19 *Attorneys for Rodney Gerald Yeoman*  
20  
21  
22  
23  
24

## Guardianship of Adult

## COURT MINUTES

**April 15, 2020**

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

**April 15, 2020                      11:00 AM                      All Pending Motions**

**HEARD BY:** Marquis, Linda **COURTROOM:** RJC Courtroom 10A

**COURT CLERK:** Christensen, Karen; Stengel, Tanya

**PARTIES PRESENT:**

**Robyn Friedman, Petitioner, Temporary Guardian, Present**      **Jeffrey R Sylvester, Attorney, Present**  
**John P. Michaelson, Attorney, Present**

**Kathleen June Jones, Protected Person, Not Present** **Maria L. Parra-Sandoval, Attorney, Present**

**Donna Simmons, Petitioner, Temporary Guardian, Present**      **Jeffrey R Sylvester, Attorney, Present**  
**John P. Michaelson, Attorney, Present**

**Rodney Gerald Yeoman, Other, Present**

**Laura A Deeter, Attorney, Present**  
**Matthew C. Piccolo, Attorney, Present**  
**Ty E. Kehoe, Attorney, Present**

**Kimberly Jones, Guardian of Person and Estate,  
Other, Present**

**James A. Beckstrom, Attorney, Present**  
**Ross E Evans, ESQ, Attorney, Present**

**State Guardianship Compliance Officer, Agency,  
Not Present**

**Richard Powell, Other, Not Present** **Pro Se**

## JOURNAL ENTRIES

MOTION FOR PROTECTIVE ORDER... ROBYN FRIEDMAN AND DONNA SIMMONS' JOINDER TO KIMBERLY JONES' MOTION FOR PROTECTIVE ORDER... OPPOSITION TO MOTION FOR PROTECTIVE ORDER... KIMBERLY JONES' REPLY IN SUPPORT OF MOTION FOR PROTECTIVE ORDER... REPLY IN SUPPORT OF MOTION FOR PROTECTIVE ORDER... PETITION FOR APPROVAL OF ATTORNEY'S FEES AND COSTS AND REQUEST TO ENTER A JUDGMENT AGAINST THE REAL PROPERTY OF THE ESTATE... KATHLEEN June JONES' OBJECTION TO PETITION FOR APPROVAL OF ATTORNEY'S FEES AND COSTS AND REQUEST TO ENTER A JUDGMENT AGAINST THE REAL PROPERTY OF THE ESTATE... OPPOSITION TO FRIEDMAN AND SIMMONS PETITION FOR APPROVAL OF ATTORNEY'S FEES AND COSTS AND REQUEST TO ENTER A JUDGMENT AGAINST THE REAL PROPERTY OF THE ESTATE; AND JOINDER TO KATHLEEN June JONES' OBJECTION... RESPONSE TO (1) KATHLEEN June JONES' OBJECTION TO PETITION FOR APPROVAL OF ATTORNEY'S FEES AND COSTS AND REQUEST TO ENTER A JUDGMENT AGAINST THE REAL PROPERTY OF THE ESTATE; (2) RESPONSE TO KIMBERLY JONES' JOINDER TO OBJECTION TO FRIEDMAN AND SIMMONS' PETITION FOR APPROVAL OF ATTORNEY'S FEES AND COSTS AND REQUEST TO ENTER A JUDGMENT AGAINST THE REAL PROPERTY OF THE ESTATE AND (3) RESPONSE TO JOINDER TO OPPOSITION TO PETITION FOR APPROVAL OF ATTORNEY'S FEES AND COSTS AND REQUEST TO ENTER A JUDGMENT AGAINST THE REAL PROPERTY

Printed Date: 4/22/2020

Page 1 of 3

Minutes Date:

April 15, 2020

Notice: Journal Entries are prepared by the courtroom clerk and are not the official record of the Court.



OF THE ESTATE FILED BY RODNEY GERALD YEOMAN

Court Clerks: Karen Christensen, Tanya Stengel (ts)

Donna Simmons, Robyn Friedman, and Attorney Ross appeared telephonically.  
All other parties appeared via BlueJeans.

Court noted Petition for Removal of Guardian was filed yesterday and two dates were given in error. Court stated the hearing set for 5/6/20 does not give enough time for replies and objections and so that hearing shall be vacated; the 5/20/20 date shall stand.

Court noted it is prepared to rule based on the pleadings. Court inquired whether or not there were any further arguments that needed to be made.

Attorney Michaelson made statements regarding the back and forth history of the case and the costs related to this case.

Attorney Beckstrom made statements regarding the Protective Order being unnecessary and made reference to the cost of the case.

Attorney Ross made statements regarding Attorney s Fees and requested to withdraw as Attorney of record for Kimberly Jones.

Attorney Sylvester made statements regarding clarification on interested parties as to discovery.

Attorney Kehoe pointed out to the Court that the investigator, Ms. Jones, was not on the call and had been present for past hearings.

Court noted Ms. Jones written report was filed and very detailed; her presence was not needed for today s hearing.

Attorney Deeter made statements regarding Attorney Sylvester s request for clarification about parties in regard to discovery. Attorney Deeter argued that his clients should be considered parties to the case. Attorney Deeter made further statements regarding Evidentiary Hearing issues and discovery.

Attorney Michaelson replied to arguments regarding his Attorney s Fees.

Attorney Parra-Sandoval replied to Attorney Michaelson s argument.

The Court commented on interested parties according to the statute. Court noted the statute states all family members within two degrees of consanguinity as well as other people are considered parties to the case but may not necessarily be considered interested parties as to the litigation. Court made further statements regarding whether or not Temporary Guardians relieved of their duties would be considered interested parties to the litigation. Court stated a definite answer could not be given without additional briefing.

Attorney Beckstrom made statements regarding this issue being addressed in the Objection to the Petition for Removal of Guardian that was recently filed.

Court and Counsel engaged in discussion.

Court advised Counsel to include in their replies or responses to the Petition who should be considered an interested party for purposes of discovery.

COURT ORDERED, the following:

Motion for Protective Order shall be GRANTED IN PART.

Attorney Michaelson: Petition for Approval of Attorney's Fees and Costs and Request to Enter a Judgment against the Real Property of the Estate shall be GRANTED IN PART.

Petition to Withdraw as Counsel for Guardian shall be APPROVED and GRANTED.

Attorney Ross: Payment of Guardian's Attorney Fees and Costs shall be GRANTED IN PART.

Prevailing Parties Attorney's shall prepare and submit Orders ELECTRONICALLY as a modifiable form so the Court can include additional findings and exact amount of fees.

Hearing set on 5/6/20 at 10:00 am shall be VACATED.

Hearing set on 5/20/20 at 9:00 am shall STAND.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

May 20, 2020 9:00AM Citation  
RJC Courtroom 10A Marquis, Linda

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TRANS

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FILED

MAY 14 2020

*Ann L. Sullivan*  
CLERK OF COURT

EIGHTH JUDICIAL DISTRICT COURT  
FAMILY DIVISION  
CLARK COUNTY, NEVADA

IN THE MATTER OF THE	)	
GUARDIANSHIP OF:	)	CASE NO. G-19-052263-A
	)	
KATHLEEN JONES;	)	DEPT. B
	)	
PROTECTED PERSON.	)	
	)	

BEFORE THE HONORABLE LINDA MARQUIS  
DISTRICT COURT JUDGE

TRANSCRIPT RE: ALL PENDING MOTIONS

WEDNESDAY, APRIL 15, 2020

1 APPEARANCES:  
2     The Petitioners:                   ROBYN FRIEDMAN  
3   DONNA SIMMONS  
4     For the Petitioner:               JOHN P. MICHAELSON, ESQ.  
5   2200 Paseo Verde Pkwy. #160  
6   Henderson, Nevada 89052  
7   (702) 731-2337  
8   JEFFREY R. SYLVESTER, ESQ.  
9   1731 Village Center Cir.  
10    Las Vegas, Nevada 89134  
11    (702) 952-5200  
12     The Co-Petitioner:               KATHLEEN JUNE JONES  
13     For the Co-Petitioner:           MARIA PARRA-SANDOVAL, ESQ.  
14    725 E. Charleston Blvd.  
15    Las Vegas, Nevada 89104  
16    (704) 386-1070  
17     The Guardian:                   KIMBERLY JONES  
18     For the Guardian:               JAMES BECKSTROM, ESQ.  
19    10001 Park Run Drive  
20    Las Vegas, Nevada 89145  
21    (702) 207-6081  
22    ROSS E. EVANS, ESQ.  
23    9060 W. Cheyenne Ave.  
24    Las Vegas, Nevada 89129  
  (702) 589-3513  
16     Also Present:                   RODNEY GERALD YEOMAN  
17    TY E. KEHOE, ESQ.  
18    871 Coronado Center Dr.  
19    #200  
20    Henderson, Nevada 89052  
21    (702) 837-1908  
22    LAURA DEETER, ESQ.  
23    725 S. 8th Street, #100  
24    Las Vegas, Nevada 89101  
  (702) 878-1115  
  MATTHEW C. PICCOLO, ESQ.  
  8565 S. Eastern Ave. #150  
  Las Vegas, Nevada 89123  
  (702) 749-3699

1 LAS VEGAS, NEVADA

WEDNESDAY, APRIL 15, 2020

2 PROCEEDINGS

3 (THE PROCEEDINGS BEGAN AT 11:14:11)

4  
5 THE COURT: This is the matter of the guardianship  
6 of Kathleen Jones, G-19-052263-A. We have -- I'm Judge Linda  
7 Marquis in the courtroom. Nobody's with me in the courtroom.  
8 We do have a mix of people appearing in three different ways.  
9 I am going to confirm as I name you off, and then I'm going to  
10 ask you, Counsel, for your appearances.

11 I see Ms. Parra-Sandoval is appearing via Blue  
12 Jeans. Ms. Parra-Sandoval, your appearance for the record?

13 MS. PARRA-SANDOVAL: Good morning. For the record  
14 (indiscernible). Yes. Maria Parra-Sandoval, 13736, from  
15 Legal Aid (indiscernible) Katherine Jones.

16 THE COURT: Mr. Michaelson, I think you have to -- I  
17 see you on the big screen, so I think you just have to  
18 disconnect your phone. There's Mr. Michaelson. All right.  
19 And then, Ms. Deeter, appearing via Blue Jeans.

20 MS. DEETER: Good morning, Your Honor. Laura  
21 Deeter, 10562, on behalf of Gerry Yeoman.

22 THE COURT: Mr. Kehoe, your appearance via Blue  
23 Jeans?

24 MR. MICHAELSON: I hung up because I was trying not

1 to --  
2 THE COURT: Mr. Kehoe?  
3 MR. KEHOE: Yes, Your Honor. Yes, Your Honor. Ty  
4 Kehoe for Gerry Yeoman, who is also present through Blue  
5 Jeans.  
6 MR. MICHAELSON: I -- I thought it --  
7 THE COURT: Mr. Michaelson, your appearance for the  
8 record?  
9 MR. MICHAELSON: But I got no sound.  
10 THE COURT: Mr. Michaelson, can you hear us? I can  
11 see Mr. Michaelson, but I -- I guess he can't hear me. I'm  
12 going to ask my secretary to email Mr. Michaelson and let him  
13 know that I can see him, and I think he can see me, I don't  
14 know, but that I can't -- I don't think he can hear me. Also,  
15 on audio --  
16 MR. MICHAELSON: I probably shouldn't have hung up.  
17 I thought that's what was causing the distortion.  
18 THE COURT: Mr. Kehoe, your client is -- is present  
19 via audio; is that correct?  
20 MR. KEHOE: Yes.  
21 THE COURT: Mr. Beckstrom --  
22 MR. KEHOE: Yes, Your Honor.  
23 THE COURT: Mr. Beckstrom, you're present, as well,  
24 via audio?

1 MR. BECKSTROM: Correct, Your Honor. Present with  
2 Kimberly Jones.  
3 THE COURT: Mr. Sylvester, you're appearing at --  
4 via audio --  
5 MR. MICHAELSON: If you can hear me, I hung up the  
6 phone to stop some distortion, but I can't hear anything.  
7 THE COURT: Okay. All right. Who else am I  
8 missing? Ms. Simmons, Ms. Friedman, you're appearing via  
9 telephone; is that correct?  
10 MS. SIMMONS: We are here.  
11 THE COURT: Mr. Evans, you're appearing via  
12 telephone; is that correct?  
13 MR. EVANS: Yes, that's correct.  
14 THE COURT: All right. I'm going to try to --  
15 MR. PICCOLO: Your Honor?  
16 THE COURT: Yes?  
17 MR. PICCOLO: Matthew Piccolo, also on behalf of  
18 Mr. Yeoman. Thank you.  
19 THE COURT: Thank you, Mr. Piccolo. Anyone else  
20 that I missed? I'm going to try to --  
21 MR. MICHAELSON: I can hear now.  
22 THE COURT: Mr. Michaelson, can you hear me now?  
23 MR. MICHAELSON: Yes, I can hear you now.  
24 THE COURT: Oh, okay. Very good. It sounds like

1 every -- and Mr. Michaelson's present via audio/visual, as  
2 well. Thank you so much. I appreciate you all being here.

3 I want to kind of lead you through today's hearing.  
4 We have a lot of people on the telephone. There's a lot of  
5 documents filed. Procedurally, I see that documents were  
6 filed to remove the guardian and new citation was issued last  
7 night at 11:59. There are two dates, for whatever reason,  
8 that the Clerk's office gave in reference to those. The  
9 Clerk's office gave May 6th for the petition of removal of  
10 guardian and return of protected person's property, but they  
11 set the citation for that May 20th.

12 I am -- that was done in error. I do not think that  
13 May 6th date gives sufficient time under the rules for people  
14 to file oppositions and/or objections, and for there to be  
15 sufficient time for a reply. So I'm going to vacate the  
16 hearing that was given by the Clerk's office for May 6th at  
17 10:00 a.m., and consolidate it with the citation hearing that  
18 was scheduled for May 20th at 9:00 a.m.

19 Again, I'm not going to address the issues that were  
20 raised in that petition because it was filed last night at  
21 11:59 p.m. So we will address that on May 20th at 9:00 a.m.  
22 There are several things on calendar today. I'm prepared to  
23 rule on all of those items. I would ask first from  
24 Ms. Parra-Sandoval, has anything changed since the filing of



1 any of these document, Ms. Parra-Sandoval, that you need to  
2 update the Court on?

3 MS. PARRA-SANDOVAL: So, no, Your Honor. My  
4 pleadings state all my argument -- all my arguments. I'm  
5 sorry. I don't know if you are -- are you asking me to reply  
6 on any of those arg -- on -- on any of those pleadings?

7 THE COURT: No, Counsel. I was just concerned that  
8 if anything has factually changed, or there's been any big  
9 events that have changed for the protected person since much  
10 of these documents have been filed?

11 MS. PARRA-SANDOVAL: No. They're the same.

12 THE COURT: All right. Counsel, I'm going to -- and  
13 I'm going to ask you specifically, I -- again, I'm prepared to  
14 rule based on the pleadings, based on our -- it's difficult  
15 appearance, I understand, and it doesn't lend itself well to  
16 argument. But I'm going to give you that opportunity.  
17 Mr. Michaelson, is there anything you want to add to your  
18 pleadings, or any argument you want to make today?

19 MR. MICHAELSON: I -- I think that the pleadings are  
20 fine. I mean, I -- I was prepared to raise a number of  
21 issues. I think the Court is aware of that, mostly just  
22 the -- I think it's not good in some ways that we keep --  
23 there's no -- been no appeal or anything, and yet we keep  
24 going back and acting like none of this was ever necessary.

1           So if it would help the Court, I was prepared to go  
2 back through some of the situation and what it was like in  
3 those early days and weeks, and why a guardianship was the  
4 best fit, and why it was necessary. A POA can be revoked at  
5 any time, even orally, under Nevada law, and that's something  
6 we talked about. And so it was a very tenuous basis.

7           We were trying our very best to use least  
8 restrictive means, alternative methods, and it, you know, it  
9 was a -- it was an arduous process, as I think the Court has  
10 witnessed every step of the way in this case. It's multi  
11 parties, everyone objecting to everything, going back on  
12 things, back and forth. It's been a -- it's a -- it is a  
13 costly case. It's -- it's tough.

14           THE COURT: Mr. Beckstrom, is there anything you  
15 want to add?

16           MR. BECKSTROM: No, Your Honor. I'm -- I'm prepared  
17 to submit on the pleadings. I'll just note that the  
18 protective order is -- was unnecessary, and the costs in this  
19 case are getting insane. So I'd ask the Court to entertain  
20 the motion for fees based on the fact that there was no  
21 outstanding petition, and the hearing as to what I'm here for  
22 should never have even had to occur.

23           THE COURT: Mr. Evans, anything you want to add  
24 today?

1           MR. EVANS: Only with respect to the Michaelson firm  
2 fee petition. Your Honor, the firm is asking for over  
3 32,000 -- right around \$32,000 in attorney's fees incurred  
4 before the ex parte petition for appointment of temporary  
5 guardian was even filed or served, Your Honor, the next day.  
6 So -- and I -- I understand from this Court's prior ruling  
7 that, you know, nobody is required under 159-344, and I don't  
8 know how you can have notice of an attempt to seek fees when  
9 you incur all these fees over -- at least half of the fees  
10 they're asking for today were incurred before they even filed  
11 for guardianship. It's inequitable, and it doesn't fall in  
12 line with our statutes.

13           And then with respect to the Solomon Dwiggins Freer  
14 fee petition, we're just asking for fees incurred, and we gave  
15 notice on January 15. And we are asking for our expenses,  
16 Your Honor, of our costs in filing, and then I just reference  
17 the Court's November 25th, 2019, order, which states that the  
18 Court approved payment of the guardian's attorney's fees and  
19 costs, subject to Court, you know, review and confirmation.

20           And then we are also asking to withdraw today from  
21 representation of Kimberly Jones going forward, but she does  
22 have co-counsel, and counsel in this case that can competently  
23 represent her going forward.

24           THE COURT: Mr. Sylvester?

1           MR. SYLVESTER: Yes, Your Honor. Very briefly. And  
2 we -- we, as you know, joined Mr. Beckstrom's motion for a  
3 protective order; I, on behalf of my clients, Robin Freedman  
4 and Donna Simmons. I just wanted to add a couple of points,  
5 because I think it's going to become germane as it relates to  
6 the upcoming petition, and that is, we're asking for a -- a --  
7 guidance from this court or other clarification that my  
8 clients are not parties for the purposes of discovery.

9           Certainly, as it relates to the pending motion for  
10 protective order, and forecasting -- or foreshadowing in  
11 advance what I think is going to be another attempt to conduct  
12 discovery. Just very briefly, as it relates to the protective  
13 order, Your Honor, the -- the evidentiary hearing that was set  
14 was for two primary purposes.

15           One was to -- the issue with respect to the custody  
16 and visitation of the -- of the dogs. That matter was  
17 resolved in advance of the hearing. And the second ostensible  
18 basis for the evidentiary hearing was awaiting the results  
19 from the financial forensic specialist investigation. That  
20 wasn't completed before the scheduled evidentiary hearing of  
21 February 20th, but we now know it has been issued.

22           And -- and to that point, if you look at the  
23 recommendations, which you will in connection with the  
24 upcoming motion, none of the recommendations -- in fact,

1 the -- the report itself is devoid of any reference to the  
2 conduct of my clients, either pre or post order appointing a  
3 guardian. And it focuses on, if you review it, the ownership  
4 issue that's to be resolved, and to make sure that the  
5 protected person's going to benefit from the difference in  
6 the -- a fair market value in the sale price. Those issues  
7 are squarely in the A case, for which discovery is open and  
8 ripe, but it -- not in this case.

9 And so all -- for all of the reasons set -- set  
10 forth in Mr. Beckstrom's motion, and in our joinder, and in  
11 our reply, coupled with the recommendations from the  
12 investigator, we -- we would ask that the Court not only  
13 protect from the prior discovery, but prohibit future  
14 discovery of my clients with respect to those issues.

15 THE COURT: Mr. Piccolo, Ms. Deeter, Mr. Kehoe, did  
16 all three of you want to speak, or is that -- just one of you?  
17 Let's start with Ms. Deeter --

18 MR. KEHOE: Laura's going to give the most --

19 MS. DEETER: Your Honor, I'll take --

20 MR. KEHOE: -- speaking, Your Honor. However, I  
21 just wanted to point out that we don't have Sonya (ph) Jones  
22 on the telephone. I -- she has entered a notice of intent to  
23 appear at all of the prior continued versions of this hearing,  
24 and I thought the intent was to have her report on her report

1 today. So for whatever Your Honor wants to do with that.

2 THE COURT: All right. Well, in reference to that,  
3 I have her written report, which is detailed and very  
4 specific. I don't need her to, I guess, summarize that report  
5 that you all have had access to, and I have access to today.  
6 Certainly, in the future, if her presence is warranted,  
7 we'll -- we'll make sure that she appears. But I -- I don't  
8 need her today on the telephone. Ms. Deeter?

9 MS. DEETER: Thank you, Your Honor. I don't  
10 disagree with Mr. Sylvester as to the party issue, and that  
11 the Court likely needs to weigh in and clarify that. Our  
12 position has been, as to the temporary guardians, that as  
13 temporary guardians, that does make them a party to this  
14 action. Certainly, they're requesting relief today. They're  
15 requesting that fees be awarded to them, and they haven't been  
16 discharged or had an order of final discharge as temporary  
17 guardians.

18 And so I believe that does make them a party to this  
19 issue, and they can't try to seek relief from the Court, and  
20 then also evade any potential discovery, then arguing that  
21 they're not actually a party to this case. And I do believe  
22 that's ripe for the Court to rule on.

23 As far as the protection order issues, this was  
24 addressed in the pleadings, but very briefly summarizing,

1 it's -- really, there's two prongs. There's technical issues  
2 as far as compliance, no affidavit of counsel, no meet and  
3 confer. There were no efforts to really resolve this before  
4 the motion was filed, and that's -- those are detailed in the  
5 pleadings.

6           The other issue has been raised as to what the issue  
7 for -- of the evidentiary hearing was. Certainly, one of  
8 those issues was the dogs, which did end up being resolved.  
9 But the initial evidentiary hearing was set back on October  
10 15th, and the Court had reiterated many times that, yes, it  
11 was partially due to the investigator's report. But that was  
12 long before the dog issues were ever raised.

13           When the Court appointed Kimberly on the 15th, as  
14 well, the Court also discussed sua sponte removal according to  
15 SB 20, and continued the investigation. So no, there wouldn't  
16 really be a reason to file an appeal, because the Court has  
17 already discussed sua sponte removing her based on the  
18 investigation.

19           Then in December, the -- that was when the dog issue  
20 was raised, the Court noted that there was already an  
21 evidentiary hearing, so the issues were combined. And in  
22 January, the Court advised that discovery's open. So I  
23 believe that there are credible issues, and certainly even  
24 confusion between all the parties as to what the issues were.

1           And I also think, you know, as far as good faith,  
2 bad faith, and the basis for awarding fees, we weren't the  
3 only parties that propounded discovery. Our discovery was  
4 issued on January 18th, but Kimberly also issued subpoenas on  
5 January 22nd. So as far as -- that's now being stated that  
6 that was due to the order appointing Kimberly, and her  
7 obligation to investigate the transaction on the Craft (ph)  
8 house. But this is also a week following the hearing where  
9 the Court says, no, discovery is open; discover away.

10           So I believe that there's no basis depending --  
11 whatever way. You can order fees and sanctions to  
12 (indiscernible) conduct, but I think under the scope of the  
13 rules, under 37, the Court has discretion as to fees. And I  
14 don't believe that -- that there's a reasonable basis to award  
15 fees shortly after a hearing where the Court says, do  
16 discovery, and then the parties, multiple sides, do discovery.

17           THE COURT: Mr. Piccolo?

18           MR. PICCOLO: Yes, Your Honor.

19           THE COURT: Is there -- is there anything that you  
20 would like to add?

21           MR. PICCOLO: No. Thank you for asking, though.

22           THE COURT: All right. And, Mr. Kehoe, was that all  
23 that you wanted to say, or would you like to add anything?

24           MR. KEHOE: That's fine, Your Honor. I'll let it go



1 with that.

2 THE COURT: All right. Have I missed anyone that  
3 would like to weigh in?

4 MR. MICHAELSON: Your Honor, I -- a couple of people  
5 commented on our fees, and I wondered if I could say a couple  
6 items to that if it's helpful.

7 THE COURT: Go ahead.

8 MR. MICHAELSON: You know, oftentimes, I'm trying to  
9 seek clarification in different cases on, for example,  
10 temporary guardianship, and I am often told by Legal Aid and  
11 other people that I -- I need a legislative remedy that I --  
12 if I want something different than the statute says, I've got  
13 to go out and get it legislatively. And in this case, Legal  
14 Aid and some of the other parties are trying to bootstrap  
15 things onto the statute that are not there.

16 All the statute says is that when you enter a case,  
17 kind of like when we all go on a conference call, you have to  
18 announce your presence. You have to say, I intend to seek  
19 fees from the guardianship estate if there is one created.  
20 There's nothing in the statute that precludes going back prior  
21 to that when you're attempting to meet and confer, you're  
22 attempting to use least restrictive means. I didn't find a  
23 Nevada case on this, but in California, they've actually  
24 addressed this in their statute. They talk about -- their --

1 their guardianship statute goes -- they call it  
2 conservatorship goes into pre petition fees.

3 But in one case, it says, unlike the circumstances  
4 which -- this is Brown versus Brown 45 Cal. App. 4th 117. It  
5 says, unlike the circumstances which give rise to the need for  
6 establishment of a decedent's estate, establishing the  
7 circumstances which support imposition of a conservatorship  
8 may involve a great deal of pre petition effort by a  
9 perspective conservator and his or her counsel. Thus the  
10 utility of permitting the conservator and his or her counsel  
11 to recover fees incurred before the appointment of a  
12 conservator is self evident.

13 So other courts have looked at that. I mean, I  
14 would daresay that most of the Courts in Nevada have awarded  
15 fees. It's not like the fee just begins the very day the --  
16 the first pleading is there. So it -- there -- there is a  
17 work up, there's an effort to look at other means. And so  
18 I -- I think our fees are in line with what other firms,  
19 Solomon Dwiggin's fees, for that same time frame.

20 MS. PARRA-SANDOVAL: Your Honor, I would like to  
21 reply to that. Since I don't have that case in front of me,  
22 Brown v. Brown, I can't differentiate it. I -- I don't  
23 have -- I didn't have a chance to look at that, so I don't  
24 think that should be considered, at this time.

1 THE COURT: All right. Thank you, all. And I'm  
2 going to ask for the -- each of the prevailing parties on --  
3 on these motions to prepare orders, to get those to me in -- a  
4 lot -- electronic form, to our electronic drop box in a  
5 modifiable form so that I can include additional findings, and  
6 I can include the exact amount of fees. As to the motion for  
7 a protective order, it's granted in part. At this junction,  
8 and I know that this is procedurally a difficult and  
9 confusing, complicated guardianship, but not a complicated  
10 case.

11 The Court set an evidentiary hearing date, as I do  
12 in many cases, as a placeholder so that there is a date on, so  
13 that we have an evidentiary hearing and a date to prepare for  
14 in anticipation of a report. However, if a report comes  
15 and -- and shows us no real issues, perhaps the evidentiary  
16 hearing doesn't need to go forward. And so the protective  
17 order is granted in part, as there is no issue pending, once  
18 the pet issue was resolved, I -- adopting the procedural facts  
19 as outlined in the petition, and in reply.

20 As to the fees and costs, those are also granted in  
21 part, and I explained how I would like the order submitted to  
22 me. And I will address each of the issues raised in the  
23 objections in that order in detail. I expect for these  
24 attorney's fees issues to live on; in our Nevada court

1 systems, because I think that they are a bit complicated,  
2 based on the statute. In addition, the payment of the  
3 guardians' fees and costs and the petition to withdraw; the  
4 petition to withdraw is granted.

5 As to the fees and costs, it's granted in part.  
6 Again, I'll need the additional documents. I know that we  
7 have a date coming up. Counsel has asked me to address who  
8 are parties and are who are not parties. Although this -- for  
9 the benefit of everyone going forward, although this was not  
10 on calendar, I will weigh in. The guardianship statute talks  
11 about interested parties, and those parties are -- have  
12 statutory definitions.

13 For example, it includes all parties with all family  
14 members within two degrees of consanguinity. But it can also  
15 include other people, and they are defined as interested  
16 parties. But they may not be defined as parties to the  
17 litigation for purposes of discovery. I think there's a  
18 distinction. I understand Ms. Deeter's concern that a  
19 temporary guardian who has not been discharged of their duties  
20 might still be considered parties to the litigation.

21 However, at whatever time they are discharged from  
22 their duties, are they no longer parties? Is it just like a  
23 civil case where a party settles or dismisses their claim?  
24 They are no longer parties. We certainly wouldn't say that

1 we're going to treat every interested party that receives  
2 service of our initial petition; a sibling, or a parent, or a  
3 child who never objects in writing, and never makes an  
4 appearance in writing in a case, we wouldn't treat them as a  
5 party for purposes of discovery. So I think there is a  
6 distinction between the two.

7           However, that being said, I am not sure that there  
8 is a bright line, and I don't think that this issue has been  
9 raised and dealt with by our supreme court or our court of  
10 appeals. I'd be interested to see what other states do, and I  
11 can't give you -- as -- as much as I'd like to help you with  
12 this, I can't give you a definite answer, because I think that  
13 additional briefing has to be done about who's a party for  
14 purposes of discovery. I think that it's certainly not all  
15 interested parties that require service.

16           But exactly who it is and when they're no longer a  
17 party, I -- I think that needs a -- a definition from me that  
18 I can't give you today because that's not on calendar. But  
19 I -- I do need to give that to you quickly. And so if anybody  
20 wants additional time to brief that, and you want me to rule  
21 on that before May 20th, I'm happy to do that. Should I set a  
22 date for that now? Ms. Deeter?

23           MS. DEETER: Yes, Your Honor. I think that may be  
24 helpful, and I apologize. I lost internet connection through

1 part of that, so --

2 THE COURT: Oh, I'm sorry. I --

3 MS. DEETER: So -- no, you're fine. But yes. If --

4 I guess set a deadline for briefing, and then we can deal with

5 it from there.

6 THE COURT: Mr. Michaelson, do you -- and

7 Mr. Beckstrom, do you agree that this is an issue that

8 requires the Court to identify who's an actual party for

9 purposes of discovery?

10 MR. BECKSTROM: Your Honor, this is Mr. Beckstrom.

11 I agree that -- that it should be decided by the Court.

12 However, I think it's a little premature because, you know, a

13 petition for removal was filed late last night. I would like

14 to address it in the objection in there. I think that'd be

15 the -- the easiest way to do it, because there shouldn't be

16 any discovery until Your Honor decides any discovery would be

17 necessary for that pending petition, because the Court's

18 already ruled that there is no pending matter as of this

19 point.

20 THE COURT: Mr. Michaelson?

21 MR. MICHAELSON: I agree.

22 THE COURT: Ms. Parra-Sandoval?

23 MS. PARRA-SANDOVAL: I agree, Your Honor. It -- I

24 think Mr. Beckstrom can address that in the objection.

1 THE COURT: All right. And, Ms. Parra-Sandoval,  
2 even if you -- I would like you to file something in response,  
3 an actual document in response to the petition that was filed  
4 late last night so that -- and include in your response your  
5 position on whom is a party for purposes of discovery. And  
6 the same for Mr. Kehoe, Mr. Piccolo, Ms. Deeter. Address that  
7 in your reply or response to their objections, because I -- I  
8 read some of the petition this morning, but not all of it.  
9 I -- I don't recall whether or not you addressed that fully in  
10 the petition.

11 MR. SYLVESTER: Your Honor, this is Jeff Sylvester.  
12 May I be heard for just a moment on that issue?

13 THE COURT: I'm sorry, Mr. Sylvester. Can you state  
14 that again? I --

15 MR. SYLVESTER: Yes. Can I be heard -- may I be  
16 heard very briefly on the briefing issue as it relates to  
17 whether --

18 THE COURT: Yes, go ahead.

19 MR. SYLVESTER: -- somebody is or is not a party.

20 THE COURT: Please go ahead.

21 MR. SYLVESTER: I -- I -- I think more to the point,  
22 and perhaps to Mr. Beckstrom's point, is that the definition  
23 of whom a party is is going to be defined or informed by the  
24 relief being sought. And so unless and until you know what

1 the target is, if you will, of the contested matter, or what  
2 the scope of that contested matter is, you can't make that  
3 determination. Which is why discovery's inappropriate in the  
4 context of the absence of a contested matter.

5           So unless and until we know, and I've seen the  
6 petition for the removal, that doesn't relate to pre-  
7 guardianship activity, or conduct of the parties, and it  
8 shouldn't. It's whether or not the present guardian has the  
9 capacity to continue to serve. So until we know what the  
10 scope of that proceeding is, I don't think you can fairly  
11 define who parties to that are for purposes of discovery.

12           THE COURT: Does anyone else want to weigh in on  
13 that issue? Thank you, Mr. Sylvester. So I -- I'll expect to  
14 see additional briefing on that issue of the parties as -- for  
15 purposes of discovery, in those pleadings. We'll see those,  
16 and I'll see you back on May 20th at 9:00 a.m.

17           I am hopeful that I will be able by that time to see  
18 you all in person. However, from discussions internally here  
19 in court administration, I doubt that that will be the case.  
20 And so we -- my office will send again another link for Blue  
21 Jeans appearance in the week before the May 20th appearance.  
22 Thank you, everyone.

23           MR. SYLVESTER: Thank you, Your Honor.

24           MR. MICHAELSON: Your Honor?



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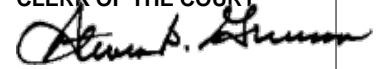
(PROCEEDINGS CONCLUDED AT 11:42:51)

\* \* \* \* \*

ATTEST: I do hereby certify that I have truly and  
correctly transcribed the digital proceedings in the  
above-entitled case to the best of my ability.

/s/ Nita Painter

Nita Painter



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12 *Attorneys for Kimberly Jones*

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

11 In the Matter of the Guardianship of Estate of:

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

13 KATHLEEN JUNE JONES,

14  
15 Protected Person.

16  
17 **PLAINTIFF KIMBERLY JONES' MEMORANDUM OF POINTS AND AUTHORITIES**  
18 **IN SUPPORT OF ATTORNEY FEES AND COSTS**

18 Plaintiff, Kimberly Jones, as Guardian of the Person and Estate of Kathleen June Jones,  
19 through the law firm of Marquis Aurbach Coffing, hereby files a Memorandum of Points and  
20 Authorities in Support of Attorney Fees and Costs Pursuant.

21 Dated this 27th day of April, 2020.

22 MARQUIS AURBACH COFFING

23 By /s/ James A. Beckstrom  
24 Geraldine Tomich, Esq.  
25 Nevada Bar No. 8369  
26 James A. Beckstrom, Esq.  
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28 10001 Park Run Drive  
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**MEMORANDUM OF POINTS OF AUTHORITIES**

**I. STATEMENT OF FACTS**

On April 15, 2020, this Court granted Kimberly Jones, as Guardian of the Person and Estate of Kathleen June Jones's (the "Guardian") Motion for Protective Order ("Motion"). As part of the Motion for Protective Order, the Guardian sought reimbursement of reasonable fees and costs as authorized in NRCP 37(a)(5).

In support of the fees and costs sought, the Guardian submits the Declaration of James A. Beckstrom, Esq. along with supporting documentation justifying the fees and costs sought. *See* Declaration of James A. Beckstrom, Esq., attached as **Exhibit 1**.

The total fees as shown to be reasonable are \$2,585.00 and total costs incurred in filing the Motion for Protective Order was \$3.50. The total sought is therefore \$2,588.50.

**II. CONCLUSION**

Based on the foregoing, the Guardian seeks reimbursement in the amount of \$2,588.50 jointly against Rodney Gerald Yeoman and Ty Kehoe, Esq.

Dated this 27th day of April, 2020.

MARQUIS AURBACH COFFING

By /s/ James A. Beckstrom  
Geraldine Tomich, Esq.  
Nevada Bar No. 8369  
James A. Beckstrom, Esq.  
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*Attorneys for Kimberly Jones, as  
Guardian of the Person and  
Estate of Kathleen June Jones*

# Exhibit 1

**DECLARATION OF JAMES A. BECKSTROM, ESQ. IN SUPPORT OF  
MEMORANDUM AND POINTS OF AUTHORITIES IN SUPPORT OF ATTORNEY  
FEES AND COSTS**

JAMES A. BECKSTROM, ESQ., declares as follows:

1. I am over the age of 18 years and have personal knowledge of the facts stated herein, except for those stated upon information and belief, and as to those, I believe them to be true. I am competent to testify as to the facts stated herein in a court of law and will so testify if called upon.

2. I am duly licensed to practice law in the State of Nevada and am an associate at Marquis Aurbach Coffing ("MAC"), counsel for Guardian Kimberly Jones ("Kimberly").

3. I make this declaration in support of the Kimberly's request for attorneys' fees and costs.

4. From approximately February 2020 to present, MAC's fees allocated to the Motion for Protective Order filed by Kimberly is **\$2,585.00**. The filing of the Motion also resulted in **\$3.50** in costs. *See* Odyssey Filing Cost, on file. Itemized billing entries pertaining to the Motion for Protective Order are enclosed as **Exhibit A** hereto.

5. The total fees and costs sought as a result of the Motion for Protective Order is **\$2,588.50**.

6. From MAC, James A. Beckstrom, Esq. provided work on this case. The hourly rate charged was \$275 per hour. The hourly rates charged by MAC are below the average for comparably experienced attorneys in firms of comparable size, thus, providing further proof of the reasonableness of the amounts charged.

7. Based upon the factors set forth in *Brunzell v. Golden Gate Nat'l Bank*, 85 Nev. 345, 455 P.2d 31, the above attorneys fees are reasonable, and should be awarded to Kimberly.<sup>1</sup> The enumerated *Brunzell* factors are as follows:

---

<sup>1</sup> Kimberly is serving as guardian and the fees and costs will be allocated to the protected person's estate.

**QUALITIES OF THE ADVOCATE**

8. The quality of MAC as an advocate is well known within the Las Vegas legal community.

9. MAC is AV rated by Martindale-Hubbell and is listed in Martindale-Hubbell's registry of Preeminent Lawyers.

10. I am an associate at MAC. I am licensed in Nevada and California and maintain a strong reputation in the legal community. My practice focuses on the areas of business, commercial, real estate litigation, general litigation, medical malpractice defense, and the defense of public entities throughout Nevada. Prior to working at MAC, I was the law clerk for the Honorable Michael P. Villani in the Eighth Judicial District Court, Las Vegas, Nevada.

11. The sum being sought is reasonable in light of the legal experience and the fees generally charged in this community. Specifically, the time allocated to the Motion for Protective Order was reasonable in light of the character of the work at issue, which included drafting, assembling exhibits, reviewing opposition papers, and attending a hearing.

**CHARACTER OF THE WORK DONE**

12. The character of the work as applied to the Motion for Protective Order was of the utmost quality. The Protective Order was necessary to avoid undue burden and expense on the Guardian and ultimately the protected person.

13. None of the work performed by MAC on behalf of Kimberly as applied to the Protective Order was done in a cursory manner. Instead, all work was thoroughly researched, supported by applicable law and evidence, and finalized after multiple drafts and iterations to reach a final product.

14. Moreover, each task performed by counsel was essential and was of the highest character and caliber.

**ACTUAL WORK PERFORMED**

15. The time recorded by MAC is reflected in fee entries maintained by the firm, which are attached hereto. These entries are automated and stored as business records at MAC. The

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16. The billing statements establish that all legal services rendered were reasonable and necessary in litigating the Action. I have reviewed all of the billing statements personally and confirm each charge was reasonable and necessary to effectively represent Kimberly in this Action.

## THE RESULT

17. The result obtained was all that could be done based on the circumstances—the Protective Order was issued.

18. Pursuant to NRS 53.045, I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Dated this 25th day of April 2020.

/s/ James A. Beckstrom  
JAMES A. BECKSTROM, ESQ.

# Exhibit A



Attorney ID	Attorney Name	Accounting Date	Hours	Rate	Amount	Description	Fee ID
316	BECKSTROM, JAMES A.	2/6/2020	3.3	275	907.5	Draft motion for protective order regarding depositions and discovery outstanding; compile exhibits for same.	2297077
316	BECKSTROM, JAMES A.	2/22/2020	0.7	275	192.5	Receive, review, and analyze opposition to motion for protective order.	2300044
316	BECKSTROM, JAMES A.	2/25/2020	2.8	275	770	Draft reply brief in support of motion for protective order, fees, and costs.	2300941
316	BECKSTROM, JAMES A.	4/15/2020	0.7	275	192.5	Prepare for and attend hearing on motion to compel and fees/ costs.	2300951
316	BECKSTROM, JAMES A.	4/16/2020	1.3	275	357.5	Draft order granting motion for protective order and fees.	2300989
316	BECKSTROM, JAMES A.	4/25/2020	0.6	275	165	Draft memorandum of points and authorities in support of fees and costs following motion for protective order; pull billing entries for same.	2130719
Total:			9.4		\$2,585.00		

MAC: Document2 4/26/2020 12:52 PM