

**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

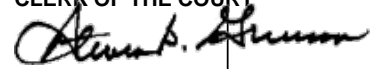
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**RESPONDENTS' APPENDIX  
Volume 17 (Nos. 2844–2937)**

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**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

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

**REPLY TO KIMBERLY JONES' RESPONSE TO FINDINGS OF FACTS AND  
CONCLUSIONS OF LAW AND ORDER REGARDING VISITATION, FIRST ANNUAL  
ACCOUNTING, GUARDIAN'S FEES, CARETAKING FEES, ATTORNEY FEES AND  
COST AND REMOVAL OF THE GUARDIAN**

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

COMES NOW Robyn Friedman, Successor Guardian of the Person and Estate of  
Kathleen June Jones, and Donna Simmons, daughter of the protected person as an interested party,  
by and through Michaelson Law, and file this *Reply to Kimberly Jones' Response to Findings of*

1 *Facts and Conclusions of Law and Order Regarding Visitation, First Annual Accounting,*  
2 *Guardian's Fees, Caretaking Fees, Attorney Fees and Cost and Removal of the Guardian.*

3 **BACKGROUND RELEVANT TO THIS PETITION**

4 **A. Previous Pleadings Incorporated Herein**

5 1. Petitioners hereby incorporate all relevant portions of the pleadings filed herein as though  
6 fully set forth herein, especially all relevant portions of:

- 7 a. Findings of Fact and Conclusions of Law and Order Regarding Visitation, First  
8 Annual Accounting, Guardian's Fees, Caretaking Fees, Attorney's Fees and  
9 Costs and Removal of the Guardian ("FOFCOL") filed on December 6, 2021,  
10 in which this Court removed Kimberly Jones ("Kimberly") as the Guardian of  
11 the Person and Estate of Kathleen June Jones ("Ms. Jones" or "June") and  
12 appointed Robyn Friedman ("Robyn") as the Successor Guardian of the Person  
13 and Estate of Ms. Jones.  
14

15 **B. Background**

16 2. Notice of Entry of Order for the FOFCOL was filed on December 10, 2021.

17 3. On January 13, 2022, the Order Granting Motion to Withdraw as Counsel of Record was  
18 filed allowing Kimberly's former attorney, James Beckstrom, Esq. ("Mr. Beckstrom") to  
19 withdraw.

20 4. On January 26, 2022, Kimberly filed her Response to Findings of Fact and Conclusions  
21 of Law and Order Regarding Visitation, First Annual Accounting, Guardian's Fees, Caretaking  
22 Fees, Attorney's Fees and Costs and Removal of the Guardian.

23 ///

24 ///

## ARGUMENT

5. It is atypical to say the least to have a need to file a reply to a “response” to a Court’s Findings of Fact and Conclusions of Law and Order. Kimberly failed use the tools set out in the Nevada Rules of Civil Procedure to address any alleged disputes she had with this Court’s Order.

6. The Court’s FOFCOL is well-reasoned, well supported in law, and correct in its conclusions, notwithstanding any declarations from Kimberly to the contrary.

7. The Court could, but should not, construe this pleading as a Motion for Reconsideration under EDCR 2.24, a Motion for Amended or Additional Findings under NRCP 52, or a Motion for Relief Under Rule 60. All these fail for various reasons. One of the prime reasons for denial would be timeliness. In *Ibeabuchi v. Chesnoff*, 373 P.3d 924(Table) (Nev. 2011), the Nevada Supreme Court rejected an untimely motion for reconsideration filed by a pro se litigant:

NRCP 60(b) requires that a motion to set aside an order for mistake, inadvertence, newly discovered evidence, or fraud must be made within a reasonable time, and not more than six months after the proceeding or the date when written notice of entry of the judgment or order was served. Under EDCR 2.24, motions seeking reconsideration of an order must be filed no later than ten days after the order's notice of entry is served. Thus, the district court properly denied appellant's motion as untimely under both NRCP 60(b) and EDCR 2.24. *Cook v. Cook*, 112 Nev. 179, 912 P.2d 264 (1996) (providing that the district court has broad discretion in deciding whether to grant or deny an NRCP 60(b) motion); *Union Petrochemical Corp. v. Scott*, 96 Nev. 337, 339, 609 P.2d 323, 324 (1980) (recognizing that a lack of diligence in moving to set aside a judgment is sufficient for denial of the motion).

8. EDCR 2.24 governs Motions for Reconsideration:

(a) No motions once heard and disposed of may be renewed in the same cause, nor may the same matters therein embraced be reheard, unless by leave of the court granted upon motion therefor, after notice of such motion to the adverse parties.  
(b) A party seeking reconsideration of a ruling of the court, other than any order that may be addressed by motion pursuant to NRCP 50(b), 52(b), 59 or 60, must file a motion for such relief within 14 days after service of written notice of the order or judgment unless the time is shortened or enlarged by order. A motion for rehearing or reconsideration must be served, noticed, filed and heard as is any

1 other motion. A motion for reconsideration does not toll the 30 period for filing a  
2 notice of appeal from a final order or judgment.

3 **(c)** If a motion for rehearing is granted, the court may make a final disposition of  
4 the cause without reargument or may reset it for reargument or resubmission or  
5 may make such other orders as are deemed appropriate under the circumstances of  
6 the particular case.

7 9. This Response was filed outside of the time period allowed for a Motion for  
8 Reconsideration, so that even if this Court were to construe this filing as a motion for  
9 reconsideration, it would fail on timeliness alone, notwithstanding its many other issues and  
10 problems. Kimberly does not ask the Court to reconsider its FOFCOL, but merely disagrees with  
11 the FOFCOL. Even if Kimberly's Response were timely, it would fail on the merits.

12 10. NRCP 52 (b) governs a Motion for Amended or Additional Findings:

13 (b) Amended or Additional Findings. On a party's motion filed no later than 28  
14 days after service of written notice of entry of judgment, the court may amend its  
15 findings--or make additional findings--and may amend the judgment accordingly.  
16 The time for filing the motion cannot be extended under Rule 6(b). The motion  
17 may accompany a motion for a new trial under Rule 59.

18 11. The Response was filed outside of the time period allowed for the filing of a Motion for  
19 Amended or Additional Findings. Kimberly also does not request the Court to amend its findings  
20 or make additional findings in her Response. She failed to present any additional or amended  
21 findings that would alter the FOFCOL.

22 12. NRCP 60 allows for filing a motion for Relief from a Judgment or Order

23 **(a) Corrections Based on Clerical Mistakes; Oversights and Omissions.** The  
24 court may correct a clerical mistake or a mistake arising from oversight or  
25 omission whenever one is found in a judgment, order, or other part of the record.  
The court may do so on motion or on its own, with or without notice. But after an  
appeal has been docketed in the appellate court and while it is pending, such a  
mistake may be corrected only with the appellate court's leave.

**(b) Grounds for Relief From a Final Judgment, Order, or Proceeding.** On  
motion and just terms, the court may relieve a party or its legal representative from  
a final judgment, order, or proceeding for the following reasons:

**(1)** mistake, inadvertence, surprise, or excusable neglect;

**(2)** newly discovered evidence that, with reasonable diligence, could not have been  
discovered in time to move for a new trial under Rule 59(b);

1 (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or  
misconduct by an opposing party;

2 (4) the judgment is void;

3 (5) the judgment has been satisfied, released, or discharged; it is based on an earlier  
judgment that has been reversed or vacated; or applying it prospectively is no  
longer equitable; or

4 (6) any other reason that justifies relief.

**(c) Timing and Effect of the Motion.**

5 **(1) Timing.** A motion under Rule 60(b) must be made within a reasonable time-  
and for reasons (1), (2), and (3) no more than 6 months after the date of the  
proceeding or the date of service of written notice of entry of the judgment or  
order, whichever date is later. The time for filing the motion cannot be extended  
under Rule 6(b).

6 **(2) Effect on Finality.** The motion does not affect the judgment's finality or  
suspend its operation.

7 **(d) Other Powers to Grant Relief.** This rule does not limit a court's power to:

8 **(1)** entertain an independent action to relieve a party from a judgment, order, or  
proceeding;

9 **(2)** upon motion filed within 6 months after written notice of entry of a default  
judgment is served, set aside the default judgment against a defendant who was  
not personally served with a summons and complaint and who has not appeared in  
the action, admitted service, signed a waiver of service, or otherwise waived  
service; or

10 **(3)** set aside a judgment for fraud upon the court.

11  
12  
13  
14 13. The pleading could be timely if it is construed by the Court to be a Motion for Relief from  
15 the Order under NRCP 60. It would be the only grounds that the Response would be remotely  
16 procedurally correct. However, the Response should fail even under a 60(b) Motion as it does  
17 not establish any grounds for relief under NRCP 60.

18  
19 14. Moreover, Kimberly fails to request any relief in her response, so even considering it as a  
20 60(b) Motion would likely be beyond the most generous construction.

21 15. *Yochum v. Davis*, 653 P.2d 1215, 1216, 98 Nev. 484, 485 (Nev. 1982) sets forth some  
22 factors that could render such an order timely:

23 (1) a prompt application to remove the judgment;

24 (2) the absence of an intent to delay the proceedings;

25 (3) a lack of knowledge of procedural requirements; and

1 (4) good faith.

2 Kimberly knew of the judgment on December 6, 2021. The Notice of Entry of Order was filed  
3 four days later on December 10, 2021. Kimberly did not promptly apply to remove the judgment  
4 or set forth the reasons why the Court should provide her relief from the judgment in her response.

5 16. Kimberly was represented by counsel when the Notice of Entry of Order was filed and  
6 was still represented by counsel 14 days later when the timeframe for filing a Motion for  
7 Reconsideration expired, notwithstanding that her attorney withdrew afterwards. Her lack of  
8 familiarity with the proper procedures therefore should be held as insufficient for the purposes of  
9 NRCPC 60, as her counsel had the requisite knowledge and competency during the period she  
10 could have timely moved this Court to reconsider or amend or alter its FOFCDL.

11 17. Nothing in the Response sets forth reasonable and sufficient grounds as required by NRCPC  
12 60. Kimberly makes no allegations of mistake, inadvertence, surprise, or excusable neglect. She  
13 references no newly discovered evidence that could not have been obtained prior to the  
14 evidentiary hearing. Kimberly fails to allege fraud, misrepresentation, or misconduct by opposing  
15 parties.  
16

17 18. If Kimberly's intention with this filing is to appeal the Court's Order under NRS 159.375,  
18 then the filing fails to meet the requirements therein.

19 19. NRS 159.375 states:  
20

21 **NRS 159.375 Appeals to appellate court of competent jurisdiction.** In  
22 addition to any order from which an appeal is expressly authorized pursuant to this  
23 chapter, an appeal may be taken to the appellate court of competent jurisdiction  
pursuant to the rules fixed by the Supreme Court pursuant to [Section 4 of Article](#)  
[6](#) of the Nevada Constitution within 30 days after its notice of entry from an order:

- 24 1. Granting or revoking letters of guardianship.
- 25 2. Directing or authorizing the sale or conveyance, or confirming the sale, of  
property of the estate of a protected person.
3. Settling an account.

4. Ordering or authorizing a guardian to act pursuant to [NRS 159.113](#).
  5. Ordering or authorizing the payment of a debt, claim, devise, guardian's fees or attorney's fees.
  6. Determining ownership interests in property.
  7. Granting or denying a petition to enforce the liability of a surety.
  8. Granting or denying a petition for modification or termination of a guardianship.
  9. Granting or denying a petition for removal of a guardian or appointment of a successor guardian.
- (Added to NRS by [2003, 1769](#); A [2013, 1749](#)) — (Substituted in revision for NRS 159.325)

20. Kimberly failed to file with the correct court.

21. Kimberly failed to file within the 30-day deadline.

22. Furthermore, June's counsel filed an appeal. If Kimberly's intentions were to appeal the Court's FOFCOL, she could have joined that appeal. She did not.

23. Instead, Kimberly merely disagrees with the Court's Order and attempts to re-argue the case and justify herself in her misconduct. Her pleading fails as a Motion for Reconsideration for being untimely and as a Motion to Amend the Order as well as being untimely. As a 60(b) motion, she has failed to present anything that could be construed as sufficient grounds to alter the courts findings of fact or conclusions of law in any manner. As an appeal under NRS 159.375, her pleading fails for being untimely and is filed with the wrong court.

24. Guardian has no interest in re-arguing its case in this matter. Guardian rejects and fervently disagrees with Kimberly's allegations and believe most to be outright lies and the rest to be a self-serving and twisted assessment of the facts well after the evidentiary hearing, and well after the FOFCOL was entered.

25. Out of an abundance of caution, and to place Successor Guardian's position in the written record, a reply to some of the statements and allegations of Kimberly is included below.

1 26. The Court heard testimony and reviewed evidence prior to issuing the FOFCOL. The  
2 Court is also aware of the proceedings in this case and the problems that occurred with the care  
3 for June and her estate well before the guardianship was established. Kimberly fails to identify  
4 or propose corrections to any errors that would result in different findings of fact and conclusions  
5 of law. As such, her Response should be denied in its entirety. Furthermore, Kimberly should  
6 bear the financial burden she has caused Successor Guardian to respond to her filing. Kimberly's  
7 misrepresentations, lies and chaos continue, despite her removal, and Successor Guardian  
8 believes that financial responsibility for such is the only way to stop it.

9 27. Guardian wishes to address some of the larger and more preposterous lies and  
10 misrepresentations, so as to provide the Court with clear responses from Guardian.

11 28. On page 1, lines 16-21, Kimberly states:

12 "I offer the court apology as I now understand that they are missing important documents  
13 of account and cost that were not supplied by my attorney. I was not informed of the issues  
14 that the court had with me or of hearings that I was not in attendance. This was brought to  
15 my attention with assistance from Rick black of CEAR. I will continue to be transparent  
with the court forensic investigator and supply any and all documents needed."

16 29. This empty apology is particularly infuriating for the following reasons:

- 17 a. The apology is not accompanied by the documentation Counsel for Guardian,  
18 the Guardianship Compliance Division, and the Court have been requesting  
19 since the deficient first accounting was filed on December 21, 2020. It is also  
20 not accompanied by the receipts and list of contractors allegedly used to repair  
21 the Anaheim home, which is again falling into disrepair less than six months  
22 after the repairs were made. If Kimberly wants to apologize for missing court  
23 hearings, not providing statements and costs, and not being transparent, then  
24 she needs to fix it by providing the required documentation and information.  
25

1 Successor Guardian cannot accept empty promises for future information in  
2 lieu of documented proof.

3 b. Kimberly cannot claim that she was not made aware of issues when she signed  
4 multiple verifications, accountings and other filings. The following is not a  
5 comprehensive list, but shows that she is disingenuous when she states she was  
6 left unaware of what her attorney was doing on her behalf:

7 i. She verified she has “read the same and know[s] the contents  
8 thereof...to the best of my own knowledge...I believe them to be true.”

9 *See Accounting filed on December 21, 2020*

10 ii. She states: “I declare under penalty of perjury...the foregoing contact  
11 within this Opposition is trust and correct” *See Opposition to Verified*  
12 *Petition for Communication, Visits, and Vacation Time with Protected*  
13 *Person filed January 25, 2021.*

14 iii. She “solemnly affirm[s] that the foregoing inventory is a true  
15 statement...I declare under penalty of perjury that the foregoing is trust  
16 and correct.” *See Amended First Accounting filed on June 3, 2021.*

17 iv. She states: “I declare under penalty of perjury under the law of the State  
18 of Nevada that the foregoing is true and correct.” *See Plan of Care for*  
19 *Protected Person Kathleen June Jones filed June 3, 2021.*

20 c. Kimberly also conveniently blames James Beckstrom, Esq. when he is no  
21 longer in the case to defend himself.

22 d. Again, and this cannot be stressed enough, apologizing without supplementing  
23 the record with the information the Court has ordered be provided and been  
24  
25

1 waiting for is disingenuous and indicative of Kimberly's intentions to withhold  
2 the requested information.

3 e. Furthermore, Kimberly has attended many of the hearings. She has listened to  
4 advice and received counsel from this Court and cannot claim otherwise.  
5 There can be no other inference drawn than that Kimberly willfully and  
6 repeatedly failed to comply with her duties and obligations as Guardian of a  
7 Protected Person.

8 30. On page 2, lines 1-3, Kimberly states:

9 "Page 6 line 1: I was not infonned that the court ordered parties to submit proposed witness  
10 list exhibit list, etc."

11 31. This is an odd admission. It was almost worth overlooking in its uselessness except that  
12 it shows how neglectful and willfully ignorant Kimberly chose to be. She was represented by  
13 counsel who submitted a Kimberly Jones' Pretrial Memorandum that listed Kimberly's witness  
14 list, exhibit list, etc. on her behalf. Our firm had many issues with Mr. Beckstrom, but it is  
15 unimaginable and beyond believable that Kimberly was completely unaware, despite her current  
16 claims and representations. At best, Kimberly's assertions are unlikely due to the professional  
17 oath Mr. Beckstrom has taken.

18 32. It is now apparent that Kimberly has decided to return to her tactics of rewriting history,  
19 misrepresenting facts, and blaming others to fit her narrative that, but for her incompetent  
20 attorney, she would be fully compliant. This is a lie. If she *would* have supplied all the needed  
21 information then, why has she not supplied it now? She filed her Response on January 26, 2022  
22 with the assertion that her attorney is to blame. In an exhibit to her Reply, she states she was  
23 made aware on January 11, 2022 from Mr. Beckstrom that there were issues with her accounting.  
24 It has been more than one month since her statement that she "now understands that they are  
25

1 missing important documents of accounts and cost that were not supplied by my attorney.” If she  
2 had supplied it to her attorney, she can supply it to this Court now. Thirty days is more than  
3 enough time to submit the missing information to this Court, yet Kimberly has not.

4 33. On page 2, lines 4-7, Kimberly states:

5 “Page 8 Line 27: I agree with Scott that the proposed visitation schedule is inconsistent  
6 with my mom's previous attitude towards visitation communication as it was never  
7 intended to be a restrictive schedule meaning restricting visitation and calls to a two hour  
8 period on Friday.”

9 34. Kimberly states she never intended to restrict visits. This statement is disingenuous given  
10 that, intention or not, she did restrict visitation. And as an educated advocate of the elderly, she  
11 knows that. She also knew that many of June’s family felt extremely uncomfortable around Dean  
12 and expressed that they would not visit while he was around. Rather than work to resolve the  
13 concerns and remove Dean from the situation, Kimberly worked to prevent contact and to isolate  
14 June as shown by testimony and pleadings and documented evidence.

15 35. On page 2, lines 10-12, Kimberly states:

16 “Page 14 line 5: regarding Donna’s desire that I facilitate communication by having my  
17 mom call her. It is absurd to think that an adult child cannot or will not pick up the phone  
18 and called their mother.”

19 36. Kimberly’s overly simplistic characterization of a complex issues is, again, willfully  
20 ignorant and feels as if she still does not comprehend the magnitude of her isolationist efforts  
21 towards her mother. Robyn finds it equally absurd that Kimberly, who admits to placing all of  
22 June’s calls and maintains her social calendar with every other person in her life, cannot  
23 understand why some of June’s children also requested the same courtesy she extended to dog  
24 groomers.

25 37. This statement is not supported by evidence. The evidence has showed that June is unable  
to answer phone calls without assistance and that, in this case, the guardian needs to work to

1 facilitate the contact that family members desire to have with June. Kimberly is continuing to  
2 insist upon the “just call mom” doctrine that has been proven to be inadequate.

3 38. On page 2, lines 13-17, Kimberly states:

4 Page 14 line 15: donald's not feel safe seeing my mom at the house if Dean is there.  
5 See text from July 8 two days after the evidentiary hearing where Donna said she was in  
6 the neighborhood and was gonna stop by and drop some things off for my mom. No  
7 mention of Dean or of being At the house of concern for safety she was simply in the  
8 neighborhood and wanted to drop some clothes off that she had bought for my mom.

9 39. Kimberly is drastically mischaracterizing the usage of the phrase “stop by”. There are no  
10 further details of how long Donna stayed in the home, if Dean was there, her feelings of safety on  
11 July 8<sup>th</sup> (year unknown). Donna did, however, affirm her fears under oath. Kimberly cannot now  
12 claim otherwise. Her opportunity to cross-examine ended when the witness was excused during  
13 the Evidentiary Hearing.

14 40. On page 2, lines 18-22, Kimberly states:

15 Page 14 line 27: donna does not believe the protected persons propose schedule  
16 was created or drafted by her mother. I agree with that statement it was not created by my  
17 mom as it was never intended to be a restrictive schedule specifically not allowing family  
18 members to call or visit at any other time than Friday for two hours.

19 41. Kimberly agrees with Donna that the restrictive schedule was “not created or drafted by  
20 her mother”. Contrary to all other evidence, Ms. Parra-Sandoval repeatedly affirms that June is  
21 verbal and her wishes need to be upheld. This does not consider any other factors, including that  
22 June is easily persuaded by the interviewer. It appears, in this case, that the limitations with the  
23 client directed model actually harm the Protected Person. The Court should consider removal of  
24 LACSN for a more appropriate advocate who can advocate for June’s best interest instead of her  
25 illogical, unduly coached desires (See NRS 159.0455), as well as repeated appeals that do not  
appear to be directed by June or in her best interests. For example, LACSN fought to keep  
Kimberly in place after the court established clear instances of isolation and failure on Kimberly’s

1 part to abide by rules and procedures detailed in NRS 159, which include an annual accounting,  
2 which harmed both June and June's estate. Kimberly has still failed to provide all receipts for  
3 thousands of dollars of June's money she spent, much of which appears to have been spent for  
4 Kimberly's own benefit. Successor Guardian is considering a separate filing to request the  
5 appointment of a guardian ad litem in lieu of LACSN as June's attorney.

6 42. On page 2, lines 23-25, Kimberly states:

7 Page 15 line 13: donna test friends that she would like to stop by your mothers  
8 house at any time which she did on July 8 as shown by the text.

9 43. Again, Kimberly's paragraph is a misinterpretation of Donna's feelings based on a text  
10 message and contrary to the evidence presented to the Court.

11 44. On page 2, lines 26-27, to page 3, lines 1-3, Kimberly states:

12 Page 15 line 20 Kimberly agreed to Robyn's visitation schedule Wednesdays and  
13 every other Saturday. Yes I did agree to it as did my mother and she tried it out for 2 to 3  
14 weeks and then said she didn't want to do it because she was retired and she would prefer  
15 if Robyn just called her if she wanted to come over and go do something.

16 45. The time for Kimberly to testify and/or provide rebuttal witnesses or testimony ended  
17 when the Evidentiary Hearing ended. Furthermore, June never expressed to Robyn that the  
18 visitation schedule Wednesdays and every other Saturday was not working for her. She did not  
19 receive a text message to that effect either. Robyn did not receive any calls from June that were  
20 not placed by Kimberly. Nor did June drive herself over to visit with Robyn. June did not, and  
21 does not, have the ability to independently use her phone. And the fact that this needs to be  
22 pointed out to Kimberly, again, after various pleadings, testimony and her own experiences with  
23 June, is worrisome.

24 46. On page 3, lines 4-7, Kimberly states:  
25

1 Page 16 Line 24: my mother was never expected to manage your own schedule  
2 and execute plans without my assistance. Robyn just wanted a set visitation schedule to  
3 suit her own needs and daily schedule as she has a toddler.”

4 47. This statement is in direct conflict with Kimberly’s previous paragraph in which she states  
5 that “Robyn just called her if she wanted to come over and go do something”. How did Kimberly  
6 believe Robyn would be able to call and arrange plans with her mother when she here states that  
7 June was never expected to manager her schedule and execute plans *without her assistance*? This  
8 means that every time Kimberly stated, ‘just call June’, she knew that her mother was unable, or  
9 even expected, to manage those plans without Kimberly. To break it down even further-  
10 Kimberly knew her mother wanted to see her other children. She knew that her mother could not  
11 manage her schedule and execute plans without her assistance. And yet, Kimberly still denied  
12 her mother help so that her mother could see her other children. This is cruel. This is isolation.  
13 And for this reason, among others, the Court properly appointed Robyn as Successor Guardian.

14 48. On page 3, lines 8-14, Kimberly states:

15 Page 18 line 21: I do believe that my mom wants to communicate and visit with  
16 all of her family members and always has. My mom nor myself never intended to restrict  
17 visitation in communication to a two hour period on Fridays Which is clearly how The  
18 petition entered by my mom's legal aid attorney was interpreted.

19 I was not informed or aware of the accounting hearing on August 9. C email from  
20 my attorney related to accounting documents. I was made aware of the specific accounting  
21 issues three weeks ago.”

22 49. There was no August 9<sup>th</sup> hearing in this matter. However, there was an August 12, 2021,  
23 hearing wherein the accounting was discussed and in which Kimberly was in fact present. See  
24 Court Minutes dated August 12, 2021 attached hereto as Exhibit 1. It can be documented and  
25 firmly established that Kimberly knew of her accounting deficiencies as early as August 12, 2021.

50. Despite the evidence, Kimberly continues with the falsehood that she was unaware of  
accounting deficiencies. Here, Kimberly contradicts her earlier statement that she was made

1 aware of the accounting deficiencies by Randi Black, wherein she now claims her attorney  
2 emailed her on January 11, 2022. Interestingly, she did not include the contents of the emails  
3 from the attorney, just her response to said email. Also, and again, Kimberly has known about  
4 the deficiencies since at least the August 12, 2021 hearing that she attended but now claims she  
5 failed to attend because she was “not informed or aware of the accounting hearing”. There has  
6 been more than adequate time for Kimberly to correct the record and provide proper  
7 documentation and information.

8 51. On page 3, lines 15-18, Kimberly states:

9 Page 27 line 45: I never opposed a request from any family member for  
10 communication and contact with a protective person and testimony from my family  
11 supports that.

12 52. Kimberly use of semantics is troubling. While she may have not said she opposes  
13 communication or visits, her refusal to assist June had the same outcome as if she had verbally  
14 said no. Kimberly made communication difficult. Kimberly made visits difficult. And Kimberly  
15 was aware that many family members did not want to visit as long as Dean was around.  
16 Kimberly’s action show that she failed to support interactions with June’s family.

17 53. On page 3, lines 19-22, Kimberly states:

18 Page 28 line 12: A protective person may receive phone calls and have visitors, I  
19 agree with that and my mom and I have always been open to phone calls and visitors  
20 however as reported in testimony from my family members they did not call or request  
21 visits there for visits and phone calls or never denied.

22 54. On page 4, lines 14-18, Kimberly states:

23 Page 32 line 13: I never believed that I was restricting interaction between  
24 protective person and her relatives based upon my mom’s wishes and therefore I never  
25 filed a petition with the court within 10 days of the restriction pursuant to an RS  
159.332(2). I have always been in support of family members calling and visiting my  
mom and look forward to more of that interaction when we moved from Las Vegas to  
California In April 2021.

1 55. Kimberly continues to cherry pick the details in which she wishes to believe, and to lie  
2 about the rest. She was not supportive in Robyn and Donna's efforts for visitation. And it is true  
3 that some family members testified they did not call or request visits because of Kimberly and  
4 Dean. It is also true that other family members, including Robyn and Donna, requested many  
5 calls and/or visits. For example, the petition filed by both Robyn and Donna entitled the *Petition*  
6 *for Communication, Visits, and Vacation Time with Protected Person* filed on December 30,  
7 2020. Another plea for visitation is the petition filed by both Robyn and Donna entitled *Petition*  
8 *for Visitation with the Protected Person* filed on April 23, 2021. Even if Kimberly's former  
9 attorney failed to forward those petitions to Kimberly as she has now claimed with many other  
10 filings that have been entered into this case, these petitions were discussed at the evidentiary  
11 hearing in which she was present. The titles alone indicate to Kimberly that calls and visits were  
12 requested by family members. The inability to grasp the most basic concepts is why Kimberly is  
13 dangerous to be around June.

14  
15 56. On page 3, lines 23-27, Kimberly states:

16 Page 30 Line 24: The Guardian and protected person propose a visitation schedule  
17 that would allow family members to visit and call the protective person during it to our  
18 window one time a week, this was never the intent as stated earlier my mother was asked  
19 by her attorney if she had to have a visitation schedule what day would you want it.

20 57. This misrepresentation was previously addressed when Kimberly made it the first time in  
21 the document, a rare consistency.

22 58. On page 4, lines 1-4, Kimberly states:

23 Page 31 line 2: of course the guardian and protective person failed to meet the  
24 statutory requirements that would allow the court to restrict communication with the  
25 protective person because I nor my mother never intended to restrict communication to a  
two hour period once a week."

59. On page 4, lines 5-8, Kimberly states:

Page 31 Line 45: I never filed a petition for order restricting communication visitation or interaction between a protected person and relative And that was never the intent or desire of my mother when her attorney asked her if she had to have a visitation schedule what day she wanted it.

60. On page 4, lines 9-13, Kimberly states:

Page 32 line 5: of course the request restrict communication does not contain affidavit or declaration executed by the protected person, of course my mothers attorney failed to present evidence or testimony through independent statements but unrelated parties nor were there witnesses because my mother nor I never intended to have Visitation restricted to a two hour period on Fridays.

61. It is telling that this is the first time this Court is hearing that Kimberly had evidence or testimony that her mother's attorney was erroneously filing petitions that did not reflect June's "intent or desire." Kimberly apparently knew that her mother was being coerced into something by her attorney and never spoke out against LACSN's misinterpretation of her mother's desires. Kimberly has not produced a recording of it that can be played for the Court to prove her assertions. Kimberly did not act to protect June from this alleged abuse by court-appointed counsel for June.

#### ATTORNEY'S FEES AND COSTS

62. Guardian requests that fees for being forced to bring this *Reply to Kimberly Jones' Response to Findings of Facts and Conclusions of Law and Order Regarding Visitation, First Annual Accounting, Guardian's Fees, Caretaking Fees, Attorney Fees and Cost and Removal of the Guardian* be assessed to Kimberly Jones.

63. NRS 18.010 establishes as follows:

##### **NRS 18.010 Award of attorney's fees.**

1. The compensation of an attorney and counselor for his or her services is governed by agreement, express or implied, which is not restrained by law.

2. In addition to the cases where an allowance is authorized by specific statute, the court may make an allowance of attorney's fees to a prevailing party:

(a) When the prevailing party has not recovered more than \$20,000; or

1 (b) Without regard to the recovery sought, when the court finds that the claim,  
2 counterclaim, cross-claim or third-party complaint or defense of the opposing party  
3 was brought or maintained without reasonable ground or to harass the prevailing  
4 party. The court shall liberally construe the provisions of this paragraph in favor of  
5 awarding attorney's fees in all appropriate situations. It is the intent of the  
6 Legislature that the court award attorney's fees pursuant to this paragraph and  
7 impose sanctions pursuant to Rule 11 of the Nevada Rules of Civil Procedure in all  
8 appropriate situations to punish for and deter frivolous or vexatious claims and  
9 defenses because such claims and defenses overburden limited judicial resources,  
10 hinder the timely resolution of meritorious claims and increase the costs of  
11 engaging in business and providing professional services to the public.

12 3. In awarding attorney's fees, the court may pronounce its decision on the  
13 fees at the conclusion of the trial or special proceeding without written motion and  
14 with or without presentation of additional evidence.

15 4. Subsections 2 and 3 do not apply to any action arising out of a written  
16 instrument or agreement which entitles the prevailing party to an award of  
17 reasonable attorney's fees.

18 [1911 CPA § 434; A 1951, 59] — (NRS A 1957, 129; 1967, 1254; 1969,  
19 435, 667; 1971, 165, 802; 1975, 309; 1977, 774; 1985, 327; 1999, 903; 2003,  
20 3478)

21 64. NRS 18.020 establishes as follows:

22 **NRS 18.020 Cases in which costs allowed prevailing party.** Costs must  
23 be allowed of course to the prevailing party against any adverse party against whom  
24 judgment is rendered, in the following cases:

25 1. In an action for the recovery of real property or a possessory right thereto.

1. In an action to recover the possession of personal property, where the value  
of the property amounts to more than \$2,500. The value must be determined by the  
jury, court or master by whom the action is tried.

3. In an action for the recovery of money or damages, where the plaintiff seeks  
to recover more than \$2,500.

4. In a special proceeding, except a special proceeding conducted pursuant  
to NRS 306.040.

65. Under NRS 18.010(2)(a), Guardian's recovery of attorney's fees as the prevailing party is  
available and should be ordered if Guardian recovers less than \$20,000.00 for the guardianship  
estate.

66. Under NRS 18.010(2)(b), the Court should order Kimberly Jones to pay Guardian's  
attorney's fees without regard to the recovery sought, given that Kimberly has filed an untimely  
pleading without merit and thereby forced Guardian to reply.

1 67. That Kimberly Jones should be ordered to pay fees and costs is especially true given that  
2 NRS 18.010 is written such that the Court is required to liberally construe it in favor of awarding  
3 attorney's fees in this, an appropriate situation for the same. NRS 18.010 explains further that the  
4 Legislature intends the Court to award attorney's fees pursuant to NRS 18.010(2)(b) in this  
5 appropriate situation to punish for and deter frivolous or vexatious claims and defenses because  
6 such claims and defenses overburden limited judicial resources, hinder the timely resolution and  
7 meritorious claims and increase the costs of engaging in business and providing professional  
8 services to the public. The time for Kimberly to present the averments in the Response ended when  
9 the Evidentiary Hearing ended, and when the time-frames established in the EDCR, NRCP and  
10 Nevada Statutes ended. Kimberly's Response is an untimely, inaccurate, unfounded use of this  
11 Court's time and resources—it is frivolous and vexatious.

12 68. Under NRS 18.020, upon becoming the prevailing party, Guardian's costs should also be  
13 allowed in this action.

14 69. Guardian will provide an affidavit of fees with a *Brunzell* analysis when appropriate and/or  
15 directed to do so.

#### 16 **PRAYER FOR RELIEF**

17 WHEREFORE, based upon the foregoing, Successor Guardian Robyn requests that the  
18 Court DENY *Kimberly Jones' Response to Findings of Facts and Conclusions of Law and Order*  
19 *Regarding Visitation, First Annual Accounting, Guardian's Fees, Caretaking Fees, Attorney*  
20 *Fees and Cost and Removal of the Guardian* and ORDER:

21 1. That Kimberly Jones take nothing by way of her *Response to Findings of Fact and*  
22 *Conclusions of Law and Order Regarding Visitation, First Annual Accounting, Guardian's Fees,*  
23 *Caretaking Fees, Attorneys Fees and Cost and Removal of the Guardian.*  
24  
25

2. That Kimberly Jones' *Response to Findings of Fact and Conclusions of Law and Order Regarding Visitation, First Annual Accounting, Guardian's Fees, Caretaking Fees, Attorneys Fees and Cost and Removal of the Guardian* be stricken from the record.

3. That Kimberly Jones be ordered to pay Successor Guardian's attorney's fees and costs for having to bring this *Reply to Kimberly Jones' Response to Findings of Facts and Conclusions of Law and Order Regarding Visitation, First Annual Accounting, Guardian's Fees, Caretaking Fees, Attorney Fees and Cost and Removal of the Guardian*.

4. That this Court order such other and further relief as it deems appropriate.

Dated this 3<sup>rd</sup> day of March, 2022.

MICHAELSON LAW

By: /s/ John Michaelson  
John P. Michaelson, Esq.  
Nevada Bar No. 7822  
1746 W. Horizon Ridge Parkway  
Henderson, NV 89012

**CERTIFICATE OF SERVICE**

Pursuant to NEFCR 9, that on March 3, 2022, the undersigned hereby certifies a copy of the foregoing *Reply to Kimberly Jones' Response to Findings of Facts and Conclusions of Law and Order Regarding Visitation, First Annual Accounting, Guardian's Fees, Caretaking Fees, Attorney Fees and Cost and Removal of the Guardian* was electronically served on the following individuals and/or entities at the following addresses.

In addition, pursuant to Nevada Rule of Civil Procedure 5(b), the undersigned hereby certifies that on March 3, 2022, a copy of the *Reply to Kimberly Jones' Response to Findings of Facts and Conclusions of Law and Order Regarding Visitation, First Annual Accounting, Guardian's Fees, Caretaking Fees, Attorney Fees and Cost and Removal of the Guardian* was mailed by regular US first class mail, postage prepaid, in a sealed envelope in Henderson, Nevada, to the following individuals and/or entities at the following addresses:

<p>Maria L. Parra-Sandoval, Esq. Legal Aid Center of Southern Nevada <a href="mailto:mparra@lacs.org">mparra@lacs.org</a> <i>Attorney for Kathleen June Jones</i></p> <p>Rosie Najera <a href="mailto:rnajera@lacs.org">rnajera@lacs.org</a> <i>Assistant to Attorney for Kathleen June Jones</i></p>	<p>Robyn Friedman <a href="mailto:ygsfun@hotmail.com">ygsfun@hotmail.com</a> <i>Guardian</i></p>
<p>Jeffrey R. Sylvester, Esq. <a href="mailto:jeff@sylvesterpolednak.com">jeff@sylvesterpolednak.com</a></p> <p>Kelly L. Easton <a href="mailto:kellye@sylvesterpolednak.com">kellye@sylvesterpolednak.com</a> <i>Co-Counsel for Guardian, Robyn Friedman, and Interested Party, Donna Simmons</i></p>	<p>Kate McCloskey <a href="mailto:NVGCO@nvcourts.nv.gov">NVGCO@nvcourts.nv.gov</a></p> <p>LaChasity Carroll <a href="mailto:lcarrol@nvcourts.nv.gov">lcarrol@nvcourts.nv.gov</a></p> <p>Sonja Jones <a href="mailto:sjones@nvcourts.nv.gov">sjones@nvcourts.nv.gov</a></p>

/ / /

1 Elizabeth Brickfield 2 DAWSON & LORDAHL PLLC 3 <a href="mailto:ebrickfield@dlnevadalaw.com">ebrickfield@dlnevadalaw.com</a>	Kimberly Jones <a href="mailto:flyonthewall2you@gmail.com">flyonthewall2you@gmail.com</a>
4 Melissa R. Douglas 5 <a href="mailto:mdouglas@dlnevadalaw.com">mdouglas@dlnevadalaw.com</a> 6 7 <i>Guardian Ad Litem for Kathleen June Jones</i>	
8 Monica L. Gillins 9 <a href="mailto:mlg@johnsonlegal.com">mlg@johnsonlegal.com</a> 10 11 David C. Johnson 12 <a href="mailto:dcj@johnsonlegal.com">dcj@johnsonlegal.com</a>	Scott Simmons <a href="mailto:scott@technocoatings.com">scott@technocoatings.com</a>
13 Cameron Simmons 14 <a href="mailto:Cameronnscott@yahoo.com">Cameronnscott@yahoo.com</a>	Perry Friedman <a href="mailto:friedman@cs.stanford.edu">friedman@cs.stanford.edu</a>
15 Donna Simmons 16 <a href="mailto:donnamsimmons@hotmail.com">donnamsimmons@hotmail.com</a>	Ty Kehoe <a href="mailto:TyKehoeLaw@gmail.com">TyKehoeLaw@gmail.com</a>
17 Kathleen June Jones 18 1315 Enchanted River Drive 19 Henderson, NV 89012 20 Protected Person	Kimberly Jones 1054 S. Verde Street Anaheim, CA 92805
21 Teri Butler 22 586 N. Magdalena Street 23 Dewey, AZ 86327	Courtney Simmons 765 Kimbark Avenue San Bernardino, CA 92407
24 Jen Adamo 25 14 Edgewater Drive Magnolia, DE 19962	Jon Criss 804 Harkness Lane, Unit 3 Redondo Beach, CA 90278
Ryan O'Neal 112 Malvern Avenue, Apt. E Fullerton, CA 92832	Tiffany O'Neal 177 N. Singing Wood Street, Unit 13 Orange, CA 92869

MICHAELSON LAW

/s/ Heather Ranck

Employee of Michaelson Law

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/s/ Robyn Friedman  
ROBYN FRIEDMAN

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## EXHIBIT 1

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Guardianship of Adult****COURT MINUTES****August 12, 2021**

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

**August 12, 2021      09:00 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      John P. Michaelson, Attorney, Present**

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

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

**Kimberly Jones, Guardian of Person and Estate, Other, Present      James A. Beckstrom, Attorney, Present**

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

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

**Elizabeth Brickfield, Guardian Ad Litem, Present      Pro Se**

**JOURNAL ENTRIES**

HEARING: AMENDED FIRST ACCOUNTING...HEARING: PETITION FOR PAYMENT OF GUARDIAN'S FEE AND ATTORNEY FEES AND COSTS FILED MARCH 12, 2021...OBJECTION: ROBYN FRIEDMAN AND DONNA SIMMONS' OBJECTION TO GUARDIAN'S ACCOUNTING AND FIRST AMENDED ACCOUNTING...STATUS CHECK...OBJECTION: KIMBERLY JONES' OBJECTION TO ROBYN FRIEDMAN AND DONNA SIMMONS' OBJECTION TO GUARDIAN'S ACCOUNTING AND FIRST AMENDED ACCOUNTING.

In accordance with Administrative Order 20-01, and in order to prevent the spread of COVID-19 infection in the community, this Hearing was held via video conference through BlueJeans.

Court Clerks: Tanya Stengel, Karen Christensen (kc)

## Also appearing:

Perry Friedman, husband of Robyn

Jack Butler, Protected Person's son

Attorney Ty Kehoe, Nevada Bar #6011

Court reviewed all of the pleadings on file, and noted it had read through and reviewed all filings. Court inquired if anyone who had not filed a responsive pleading would like to make an objection.

Ms. Parra-Sandoval stated her client did not object, however Ms. Parra-Sandoval wanted to make a comment. She made statements regarding the settlement funds received yesterday, Guardian's request for \$90,000, and the absence of an independent assessment. Ms. Parra-Sandoval requested an independent assessment be conducted if additional costs are sought. Ms. Brickfield agreed with Ms. Parra-Sandoval's request for independent assessment.

**Printed Date: 8/24/2021****Page 1 of 3**

Minutes Date:

August 12, 2021

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

Mr. Beckstrom stated a compliance issues from a prior order on the issue of the settlement agreement, sealed, per Court order. Court noted it would hear the matter after all other issues were heard and prior to excusing Attorney Kehoe and Mr. Powell.

Mr. Beckstrom stated no objection to an individual assessment, and made statements regarding an evaluation conducted last week in Orange County.

Mr. Michaelson stated objections to Guardian's request for fees. Mr. Michaelson also made statements regarding missing and erroneous items in the accounting, and asked that a full accounting be provided in a timely manner. Mr. Beckstrom stated accounting and budget were two separate items, and made arguments. Additional arguments made by Mr. Michaelson and Mr. Beckstrom.

Mr. Kehoe stated some of the statements made by counsel were improper, however he didn't object to being excused for the status check portion of the settlement.

Following additional arguments, Mr. Kehoe and Mr. Powell were excused from the hearing.

Mr. Beckstrom summarized a hearing held last week in civil court and stated the settlement funds were received. Mr. Beckstrom itemized deductions made to the settlement. Discussion regarding appliances, and an unexplained amount of \$300. Following discussion regarding estimated cost of appliances, and potential attorney fees to contest the deductions, counsel and parties determined it wasn't worth the litigation to fight the minimal deductions. Court requested a stipulation to that effect.

Ms. Brickfield made statements as to the condition of the Anaheim property when the prior tenants left the home. Mr. Beckstrom advised the prior tenant was Protected Person's son. Discussion.

COURT ORDERED:

Court shall issue a WRITTEN DECISION.

Mr. Beckstrom shall draft a Stipulation and Order as to deductions from the settlement funds.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

Aug 19, 2021 1:30PM Hearing  
RJC Courtroom 10A Marquis, Linda

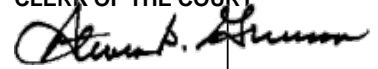
Aug 19, 2021 1:30PM Hearing  
RJC Courtroom 10A Marquis, Linda

Aug 19, 2021 1:30PM Objection  
RJC Courtroom 10A Marquis, Linda

Aug 19, 2021 1:30PM Hearing  
RJC Courtroom 10A Marquis, Linda

Aug 19, 2021 1:30PM All Pending Motions  
RJC Courtroom 10A Marquis, Linda

Sep 15, 2021 5:00AM Decision  
Chambers Marquis, Linda



**RPLY**

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

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

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

**REPLY TO KIMBERLY JONES' RESPONSE TO PETITION TO COMPEL  
KIMBERLY JONES TO PROVIDE ANY AND ALL INFORMATION AND  
DOCUMENTATION RELATED TO THE PROTECTED PERSON TO THE  
SUCCESSOR GUARDIAN**

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

COMES NOW Robyn Friedman, Successor Guardian of the Person and Estate of  
Kathleen June Jones, and Donna Simmons, daughter of the protected person as an interested party,  
by and through Michaelson Law, and file this *Reply to Kimberly Jones' Response to Petition to*

1 *Compel Kimberly Jones to Provide Any and All Information and Documentation Related to the*  
2 *Protected Person to the Successor Guardian.*

3 **BACKGROUND RELEVANT TO THIS PETITION**

4 **A. Previous Pleadings Incorporated Herein**

5 1. Petitioners hereby incorporate all relevant portions of the pleadings filed herein as though  
6 fully set forth herein, especially all relevant portions of:

- 7 a. Findings of Fact and Conclusions of Law and Order Regarding Visitation, First  
8 Annual Accounting, Guardian's Fees, Caretaking Fees, Attorney's Fees and  
9 Costs and Removal of the Guardian ("FOFCOL") filed on December 6, 2021,  
10 in which this Court removed Kimberly Jones ("Kimberly") as the Guardian of  
11 the Person and Estate of Kathleen June Jones ("Ms. Jones" or "June") and  
12 appointed Robyn Friedman ("Robyn") as the Successor Guardian of the Person  
13 and Estate of Ms. Jones.  
14  
15 b. Order Appointing Successor Guardian filed on December 7, 2021.  
16 c. Order to Appoint Investigator filed with this Court on December 7, 2021.  
17 d. Petition to Compel Kimberly Jones to Provide Any and All Information and  
18 Documentation Related to the Protected Person to the Successor Guardian  
19 ("Petition to Compel") filed on December 15, 2021  
20 e. Order From December 20, 2021 Hearing filed on December 21, 2021.  
21 f. Petition for an Order to Enforce and/or for an Order to Show Cause Regarding  
22 Contempt; Petition for Attorneys Fees ("Petition to Enforce") filed on January  
23 11, 2022.

24 ///  
25

1 **B. Background**

2 2. On December 15, 2021, Robyn filed the Petition to Compel.

3 3. On December 20, 2021, the Court ordered Kimberly to cooperate with the transition to  
4 the Successor Guardian.

5 4. On January 11, 2022, Robyn filed the Petition to Enforce after Kimberly failed, and is  
6 failing, to comply with this Court's *Order from December 20, 2021 Hearing* filed on December  
7 21, 2021.

8 5. On January 13, 2022, the Court issued an Order Granting Motion to Withdraw as Counsel  
9 of Record allowing Kimberly's former attorney, James Beckstrom, Esq. ("Mr. Beckstrom") to  
10 withdraw.

11 6. On January 26, 2022, Kimberly filed a Response to the Petition to Compel.

12 7. Court appointed counsel's silence on so many things including Kimberly's failure to  
13 cooperate or comply in the smooth transition of the guardianship of her mother is deafening.  
14

15 **REPLY TO RESPONSE**

16 8. Kimberly's Response to the Petition to Compel was unorthodox, to say the least, and the  
17 Court should completely disregard the filing and give it no weight in this matter. Petitioner  
18 generally rejects the allegations and statements made by Kimberly in her response. Kimberly has  
19 not filed a Response or Opposition to the Petition to Enforce. As part of their response, Petitioners  
20 will address some of Kimberly's claims and assertions in particularity to rebut the allegations and  
21 clarify the record for the Court.

22 9. Kimberly has continued to fail to fully comply with the Court's Order from the December  
23 20, 2021 hearing even over two months after she was ordered to cooperate with the Successor  
24 Guardian and provide necessary records, documents, and answers to questions related to the care  
25

1 of June. This Order followed the filing of the Petition to Compel and orders Kimberly to comply  
2 with the requests made by Successor Guardian in the Petition to Compel.

3 10. The Order required Kimberly to provide the following information:

- 4 a. All of June's identifications including passport;
- 5 b. List of June's doctors including addresses, phone numbers, identification of  
6 what each doctor is for, and the issues that the doctor is currently treating June  
7 for;
- 8 c. List of upcoming doctor appointments;
- 9 d. List of June's medications including what the medications are for;
- 10 e. The actual medications themselves, i.e., bottles, etc.;
- 11 f. Contact information for any caregivers currently providing care to June;
- 12 g. Schedule for any caregivers along with how much each caregiver is paid and  
13 how those payments are made;
- 14 h. Copy of June's medical records;
- 15 i. Any end-of-life instructions and personal paperwork;
- 16 j. All of June's insurance and government benefits information;
- 17 k. Keys and garage fobs to the Anaheim property;
- 18 l. List of all utilities including account numbers and balances;
- 19 m. Copy of the homeowner's insurance policy on the Anaheim property along  
20 with the most recent statements;
- 21 n. Statements for June's financial accounts including all bank accounts and credit  
22 cards;  
23  
24  
25

- o. A list of June's friends that she stays in contact with including contact information;
- p. List of all the foods that June likes and doesn't like to eat;
- q. List of all medical and personal hygiene supplies June uses and the brands/types;
- r. List of June's clothing sizes;
- s. List of June's favorite TV shows;
- t. List of activities and traditions June currently enjoys and participates in;
- u. List of any entertainment June enjoys or other groups she's a part of;
- v. List of the doctors June saw in Nevada, including contact info;
- w. List of June's upcoming social appointments;
- x. Any upcoming travel that had been planned for June;
- y. June's passwords to online accounts including financial accounts, utilities accounts, and doctor portal accounts;
- z. Safety deposit box information and keys; and
- aa. Copy of June's Last Will and Testament.

11. Kimberly has failed to fully comply with the following line items on pages 2 through 4 of that Order, even more than 2 months after the Court issued its Order:

- a. Medical Records;
- b. Bank Account access, and cancelled checks;
- c. Mortgage account information, as Guardian still cannot access online accounts;
- d. Costco Citi Card access;

- e. Access to safety deposit box;
- f. Records on home insurance, if any;
- g. Returning June's Hearing Aids;
- h. Medical records;
- i. Will and testamentary docs;
- j. Cell phone and records, including PIN to June's voicemail;
- k. Vet records for pets;
- l. Email addresses and passwords for online access for financial accounts;
- m. All keys to house;
- n. All records on the home remodel, including receipts, contracts, warranties, etc.
- o. Full financial records, including tax returns filed with Kimberly was guardian, rental income and 1099 information, care providers in order to give them 1099s, debts owed by June, records as to stimulus payments, if any, records as to tax refunds, if any.

12. Many of these are highly important. Successor Guardian lacks control over the Bank of America account where June's social security is deposited each month. Successor Guardian cannot access the mortgage account even after she has presented the mortgage company with letters of guardianship. Successor Guardian never received any medical information regarding June's GI doctor even though June has significant GI problems and has had these problems for more than six years. All in all, these missing items are important to the successful care and support of June and June's estate.

1 13. Rather than comply with the Order of the Court, Kimberly has filed her Response to  
2 Petition not Compel attempting to justify herself to the Court and excuse her actions.

3 14. On page 1, lines 16-18, Kimberly states:

4 “Page 3 line 21 – My mom does not have severe memory impairment. She was diagnosed  
5 with late onset Alzheimer’s in 2019 however she is alert and oriented and able to verbalize  
6 needs/wants and participate in her daily activities which has been well document by her  
7 attorney Mari Sandoval Perez and medical professionals.”

8 15. Kimberly is disingenuous in her assessment of Ms. Jones’ condition. Kimberly does not  
9 have a medical license. Nor does court-appointed counsel, Ms. Parra-Sandoval. Dr. Gregory P.  
10 Brown M.D. does have extensive medical credentials and stated that Ms. Jones “had specific  
11 major deficits in the area of orientation in terms of time and place” and “it is my opinion to a  
12 reasonable degree of psychiatric probability that Ms. Jones lacks testamentary capacity,  
13 contractual capacity, and the ability to manager her estate independently. She would be entirely  
14 unable to care for herself without the aid of others...”. See Confidential Medical Documents filed  
15 on January 4, 2022. Kimberly’s and court-appointed counsel’s misrepresentations as to the true  
16 extent of June’s mental impairment have unnecessarily complicated this matter and contributed  
17 to the loss to June’s estate of the Kraft house during the period Kimberly was POA for June.  
18 Kimberly’s persistent lies and misconduct have also cost June the enjoyment of the majority of  
19 her large and loving family. Kimberly, not to mention court-appointed counsel for June, have  
20 consistently and baselessly alleged that June is capable of handling her own communication and  
21 calendaring of events with her family and loved ones, without assistance. This is patently false  
22 and counter to all the medical evidence in this case, not to mention many of Kimberly’s own  
23 pleadings.

24 16. On page 1, lines 19-22, Kimberly states:  
25

1 “Page 3 item B: Robyn asked for me to care for mom job Monday and I agreed to do it  
2 and that I was also being tasked with getting the paperwork and medicines together for  
3 Robyn so that she could take over moms care I did that while taking care of mom at the  
same time but Robyn is so overzealous in wanting detailed information that most would  
not be expected to have.”

4 17. Kimberly’s incoherent statement is misleading and absurd. Robyn has had June in her  
5 care for over two months. Kimberly has had over two months that she has not been taking care of  
6 June to provide the court-ordered documents, items and information, but she still has not  
7 complied. Furthermore, Kimberly, states that Robyn is being “overzealous” by asking for items  
8 such as a list of medication, her PIN numbers to June’s accounts (or information on accounts such  
9 as utilities that should be in June’s name but are under Kim’s name), and an explanation of why  
10 June had a heart monitor attached to her body, etc. The items that were asked from Kimberly  
11 should not have been too taxing or burdensome given that she “ha[s] a master in Gerontology and  
12 work daily with other adults with [her] company Elder Action Center”. *See* Response to Petition  
13 to Restrict Visitation, Communication and Interaction with a Protective Person Kathleen June  
14 Jones. Record keeping is vital to the ongoing care needed and required of a guardian, especially  
15 one as educated and experienced as Kimberly claims to be. The questions asked, items requested,  
16 and information needed are nothing more than the appropriate detailed information one would be  
17 expected to have when properly caring for an elderly person, especially when the elderly person  
18 is a beloved mother and especially when the caregiver is a court-appointed guardian with a  
19 masters degree in gerontology.  
20

21 18. On page 1, line 23, Kimberly states:

22 “Page 4 & 5 communication: I responded in a timely manner. It was emailed to Robin as  
23 my Attorney as well as hers was on vacation.”

24 19. Kimberly’s generous self-assessment of “timely manner” is misleading. As detailed in  
25 the Petition to Compel and proved by Exhibit 2 and 3 of the same, Kimberly’s responses were

1 late, contained anemic details and ignored other pressing questions and concerns that have been  
2 voiced to her through her counsel, later to Kimberly directly and in all the hearings before the  
3 Court. Kimberly has continued to show the same ongoing pattern of neglect of her duties and a  
4 refusal to take her responsibilities to June seriously. One example of this is Kimberly's decision  
5 to establish or change over June's utilities and/or other accounts from being in June's name,  
6 subject to a guardianship, to being under Kimberly's name directly. Kimberly's assistance in  
7 identifying these accounts and login credentials or other information would be extremely helpful,  
8 and in some instances is the only way at present to obtain needed access. Kimberly's refusal to  
9 comply with the proper and necessary requests of Successor Guardian endangered the life and  
10 safety of June, as well as impaired her estate.

11 20. On page 1, lines 24-25, Kimberly states:

12 "Page 5 & 6 medication: She was provided the medication as well as the bottles which  
13 clearly indicate dosing directions. I took extra time to fill the pill bottles for her so they  
14 should have them already to go for three weeks in addition to providing the doctors phone  
15 number and the pharmacy she uses."

16 21. Kimberly's "extra time" she spent sorting pills incorrectly into pill dividers that did not  
17 match the instructions on the provided pill bottles would have been better spent on helping Robyn  
18 understand what each pill was for, why June was taking it and which doctor prescribed it.  
19 Petitioners reaffirm the claims made in the Petition to Compel. Moreover, this action harmed  
20 June by delaying her treatment and medication while this matter is sorted out and June's doctor  
21 directed Guardian Robyn not to give her the medications that Kimberly had incorrectly allocated  
22 in the pill dividers.

23 22. On page 1, lines 26-28 and page 2, lines 1-2, Kimberly states:

24 "Page 6 line 21: Missed 1 night medication, Robyn trusted me so much so that she asked  
25 me if I could stay and continue caring for my mom for four days until she was able to  
travel from her home in Las Vegas to California then as soon as she gets there she makes

1 claims about medication and would rather my mom go without her medication then ask  
2 the doctor to prescribe new medications and pick them up.”

3 23. Kimberly’s belief that Robyn trusts her is misplaced. Robyn does not trust Kimberly, as  
4 shown by the fact that Robyn called the Dr. Rodriguez’s office to confirm Kimberly’s directions  
5 on the medication. And to set the record straight- Robyn did not want her mother to go without  
6 any medications. Robyn was following medical advice from the care team manager to not give  
7 June medicine that Kimberly haphazardly left with scant information and incorrect instructions.  
8 She did go pick up new medications prescribed by the doctor and has followed the detailed,  
9 correct information she received by the pharmacy. Based upon her actions in this regard, it is  
10 likely that Kimberly had previously erred in giving the medications and improperly cared for  
11 June.

12 24. On page 2, line 3, Kimberly states:

13 “Page 6 line 24: print email sent to Robyn and Donna.”

14 25. Kimberly is unclear as to her specific concerns with this therefore we have no response.  
15 Guardian determined after consulting physicians that Kimberly had improperly continued the use  
16 of the heart monitor on June for longer than the scheduled timeframe.

17 26. On page 2, lines 4-8, Kimberly states:

18 “Page 7 heart monitor: I was aware of the heart monitor but I did not include it in the  
19 medication list however she was given the phone number to the cardiologist. I did hear  
20 Robyn asking my mom what was on her chest and I immediately went in the room and  
21 told her what it was, not to get it wet and that she had a follow up appointment scheduled.  
22 In addition Robyn was given the cardiologist phone number. The heart monitor was not  
23 an immediate or emergency medical issue, it was to monitor a prior issue that she has had  
24 for several years related to syncope and they were you explained it to her when you when  
25 she brought it up which was explain to Robyn at the time. In addition I provided an email  
to Robyn stating the same thing.”

24 27. Kimberly admits to knowing about the heart monitor and then intentionally omitting any  
25 information regarding the same. Kimberly did not immediately go into the room and tell her not

1 to get it wet. Furthermore, it is difficult to believe that when the doctor installed hardware on  
2 June's body when Kimberly was likely present, the only information given to Kimberly from the  
3 doctor was to "not get it wet". It is Robyn's understanding that the device should have been  
4 removed prior to the January 5<sup>th</sup> appointment that Kimberly refers to and daily logs should have  
5 been kept. Kimberly did not explain this to Robyn. Why did she, and does she continue,  
6 withholding information regarding medical information? Kimberly's actions harmed June and  
7 created unnecessary havoc in June's life. This makes it more difficult for the current guardian.  
8 All these factors should be considered by the court, and by June's attorney, when fees are sought  
9 against Kimberly.

10 28. On page 2, lines 9-11, Kimberly states:

11 "Page 7 line 28: Information Robyn claims she was not given related medical needs is  
12 simply not true. Her doctor does not use a portal system. She was given the cardiologist  
13 phone number and address, she was given the follow up date and time, she was given the  
14 instructions on how it is used, she was told it was in place as a follow up to her episode of  
syncope and not to get it wet. Robyn was given the information verbally as well as by  
email and it was not acceptable to her."

15 29. Kimberly lies, withholds information until it benefits her to use or until she is forced to  
16 give up said information. Her story constantly changes to fit her current narrative. In the previous  
17 statement made by Kimberly (see #18 and #19 immediately preceding this statement), she stated,  
18 "I was aware of the heart monitor but I did not include it in the medication list..." and now states  
19 that "Information Robyn claims she was not given related medical needs is simply not true." Only  
20 after Robyn saw the device on her mother's chest and contacted Kimberly about it did Kimberly  
21 "volunteer" to give her threadbare information regarding the device. Kimberly would rather play  
22 games with June's life and is willing to harm June in order to make things more difficult for the  
23 Successor Guardian. Such behavior demonstrates a clear contempt for the entire guardianship  
24  
25

1 system and a general disregard for the proper rules and procedures set in place to protect Protected  
2 Persons such as June.

3 30. On page 2, lines 13-14, Kimberly states:

4 “Page 8 line 20: Robyn was given the walker my mom has used for the past 9 months, it's  
5 a walker that converts into a wheelchair. Her mobility has increased significantly and the  
walker in perfect working condition.”

6 31. Perhaps Kimberly is referring to Page 8, lines 1-4 #29. When Kimberly took over as  
7 guardian, June had a functioning wheelchair which had been purchased by Robyn. Kimberly has  
8 not answered the simple question- “Where is the functioning wheelchair June had when you were  
9 put in as guardian?” The walker that converts into a seat with wheels is not at issue. And by  
10 Kimberly continuing to dodge the question by providing information she feels is sufficient is  
11 unacceptable. Wheelchairs are an expensive item to replace. A walker that converts into a seat  
12 with wheels is not as comfortable, nor as functional as a real wheelchair over different terrains.  
13 Guardian is still waiting on an answer to where the original wheelchair is located and why it was  
14 not given to June when she relocated. It may yet be another item that was sold by Kimberly and  
15 Dean, like so many others.  
16

17 32. On page 2, lines 16-19, Kimberly states:

18 “\*\*\*\*Page 8 #30 Keys: There has always been only one key to the house. On December  
19 9th a lock was put on the door that connects the garage to the spare room that I used as a  
20 home office and another lock on my bedroom door. At Robyn's request, prior to her  
21 arrival, I cleared out my office and put my work and personal files in the garage and ask  
that the garage and my bedroom be kept private. I put a lock on my bedroom door and the  
door that connects the garage to the spare room. I felt that asking for the space to remain  
private was reasonable.”

22 33. The garage is a public area, which also contained some of June's personal property. By  
23 locking the door to the garage, Kimberly kept June and her visitors and other caregivers from the  
24 use and enjoyment of a substantial part of the home *and* from the use and enjoyment of her own  
25

1 property. Kimberly intentionally caused Successor Guardian to incur expenses related to a  
2 locksmith when she knew exactly where the key to the garage was and who locked the door.  
3 Kimberly openly admits to not providing keys to the Successor Guardian and merely attempts to  
4 justify why she locked various areas of June's house. This continues the pattern of unreasonable  
5 rationalizations that Kimberly continues to engage in rather than just admit simple truths that  
6 cause her discomfort because they present her in a bad light.

7 34. On page 2, lines 24-28, Kimberly states:

8 "Page 9 Dean Loggans and Recording Device in Garage: Page 9 line #34: Robyn asked  
9 that my home office be cleared out and available. I accommodated her request and let her  
10 know that I had moved the contents of my home office into the garage and asked if that  
11 area remain private due to having work and personal files. Robyn was being unreasonable  
and unwilling to make a smooth transition. Instead of asking me to move my things from  
the garage she hired a locksmith. Furthermore, **there is no lease agreement.**"

12 35. Kimberly was guardian at the time she also became a renter at the Anaheim house. Her  
13 handling of June's finances have been a focal point of this guardianship proceeding. The fact that  
14 Kimberly did not take the simple step of preparing and executing a lease agreement, as guardian,  
15 in an arrangement that benefitted her personally, is more evidence that Kimberly's removal was  
16 proper. A lease agreement could have made Kimberly's rights and obligations, including her  
17 payment obligation, very clear and transparent. Kimberly admits that she took over substantial  
18 sections of the home for her personal and business use and benefit. Since Kimberly was allegedly  
19 caring for June full time, Kimberly's claim to have a "home office" and "work" files is perplexing.  
20 It further calls into question how much of the thousands of dollars of expenditures at Costco and  
21 Wal-Mart, and a monthly subscription to Quickbooks, all paid from June's accounts were to  
22 support business conducted by Kimberly for her own benefit and profit.

24 36. Furthermore, Kimberly was never authorized to restrict common areas from June, or  
25 June's guardian.

1 37. On page 3, lines 1-6, Kimberly states:

2 “Page 9 line #35: Dean and I got to the house and went to bed early the prior evening.  
3 Petitioners picture on page 10 clearly shows the door leading from the garage to the house  
4 opened. It is impossible that Dean locked himself in the garage or was "hiding" because  
5 the door was locked from the inside. The locksmith could not have opened the door so  
6 essentially Robyn paid a locksmith to open a door that Dean opened. It was early in the  
7 morning, Dean walked out the bedroom door and into the garage to get in his car to go to  
8 work. When he opened the garage door he was shocked to see a locksmith as Robyn  
9 standing there. Again, Robyn chose to create a dramatic and expensive situation when she  
10 could have simply asked that I move my personal/work files and belongings. The picture  
11 on page 10 of the petition clearly shows the door is opened. Robyn is lying.”

12 38. Kimberly has repeatedly asserted to this Court that Dean does not live at the Anaheim  
13 house. Here she states they went to bed early. Dean apparently also has a residence in Norco,  
14 California. Dean also apparently was storing goods at the Anaheim house. Dean could have just  
15 opened the door at any time to save the time and expense of having a locksmith do it. The  
16 locksmith communicated to the Successor Guardian that this was one of the most difficult locks  
17 he has ever had to open, so it seems that this was not a conventional lock at all. Kimberly, even  
18 in her statements, ends up once again demonstrating that she is misrepresenting facts and creating  
19 farcical theories to justify her and Dean’s actions. Samantha was staying at the Anaheim house  
20 at the time and never saw Dean while she was there.

21 39. It is disingenuous to claim that Robyn “creates a dramatic and expensive situation” when  
22 this whole situation escalated due to Kimberly’s lies and reliance on semantics. She repeatedly  
23 told Robyn she did not have a key to the garage. Based on the statements that Kimberly does not  
24 have a key to the garage, Robyn hired the locksmith. Kimberly stating Robyn is lying is nothing  
25 more than a way to deflect the fact that she herself has repeatedly and consistently lied.

26 40. On page 3, lines 7-9, Kimberly states (emphasis added):

27 “Page 9 line 37: The idea that Dean had been locked in the garage for an unknown amount  
28 of time is absolutely ridiculous and should show the degree to which Robyn will go to

1           make up stories that sound completely irrational to discredit me. **I did not have a key to**  
2           **the garage because I had given it to Dean the day prior."**

3           41. Kimberly **had access to the key the whole time** and created the situation that caused  
4           Robyn to pay over \$2,000 to gain access to June's garage. Kimberly contradicts herself  
5           repeatedly and demonstrates that she has an inability to tell the truth and only wants to create  
6           irrational justifications. She told Robyn that she did not have the key but was merely playing  
7           games as she knew Dean had the key to the garage and she knew that Dean was in the garage at  
8           the time.

9           42. Moreover, Kimberly gave the key to June's home to a known felon. This is dangerous  
10          and unacceptable.

11         43. On page 3, lines 10-19, Kimberly states:

12           "Page 10 line 38: Line 18: If I was recording it, I would have waited to put it in a closed  
13           cabinet and closed and locked the garage door where she couldn't get into it.

14           When Dean left the bedroom he had his phone in his with the recorder on incase Robyn  
15           confronted him in the hallway as he went into the garage. He didn't see her when he  
16           walked in the garage so he sat his cell phone down on the cabinet when he was picking  
17           up some papers and went to the front of the garage to open the garage door. Dean opened  
18           the garage door to find Robyn and the locksmith standing there. Robyn came running over  
19           and started all this commotion and he forgot to go back and pick up his phone. He got in  
20           his car and drove off. Again the picture provided on page 10 proves it to true as you can  
21           see the bedroom door opened. Clearly he was not locked in the garage or "hiding" in the  
22           garage overnight.

23           Robyn is so zealous over skewing stories and that Dean and I have had to resort to walking  
24           around the house with our cell phone videos on. Certainly, he did not leave his cell phone  
25           to record her because the garage was locked."

26         44. Kimberly's suggestions as to how she might have done a better job criminally recording  
27         someone in the state of California without their consent are irrelevant. Also, her protestations  
28         that she did not attempt to record conversations without consent are disingenuous for many  
29         reasons including that she and Dean have continuously recorded conversations with many people  
30         despite being directed many times to stop. Dean was not seen in the house at all the night before

1 by Samantha Simmons-Ihrig, Donna's daughter, who was staying there at Donna's request.  
2 Samantha is terribly afraid of Dean and would not have stayed there knowing he was inside. She  
3 was shocked and dismayed to find he was lurking feet away in the garage all night. Dean could  
4 have avoided the entire situation by opening the garage door, rather than waiting for the locksmith  
5 to open it. Perhaps he had confidence the lock was unbreakable.

6 45. Furthermore, Robyn found the phone recording in a "closed cabinet", exactly as Kimberly  
7 claimed she would.

8 46. Dean did not open the garage door. The locksmith opened the garage door, commenting  
9 that it was one of the hardest locks he has removed, and found Dean standing in the garage. Like  
10 she has consistently done, Kimberly is twisting the facts to fit her narrative.

11 47. Kimberly's admitting to her and Dean walking around the house with their cell phone  
12 videos recording furthers the need to have a protection order in place barring Kimberly, and Dean,  
13 from recording the Protected Person.

14 48. On page 2, lines 20-21, Kimberly states:

15 "Page 8 #31: Cell phone: she does not have a per se cell phone she has an Apple Watch  
16 which has a built-in cell phone which was provided to Robyn."

17 49. Is Kimberly lying now or did she lie under oath the many times she stated June has a  
18 phone and anyone can call her phone?

19 50. On page 2, lines 21-23, Kimberly states:

20 "Page 8 #32 Debit card: My mom does not have a debit card. The debit card that was  
21 provided to Robyn on January 10th was in my name."

22 51. Kimberly's statement corroborates what the Successor Guardian has found which is that  
23 Kimberly has comingled her assets with June's and/or has put June's accounts under her name.  
24 Petitioners have found, and believe the Guardianship Compliance Office investigation will also  
25

1 uncover, more evidence of Kimberly misusing June's funds. There were also additional things  
2 required to take control of the various accounts, including passwords, PINs, and log-ins.  
3 Kimberly's refusal to provide such information created unnecessary work and difficulties for the  
4 Guardian.

5 52. On page 3, lines 20-24, Kimberly states:

6 "Page 12 #39: Crates in garage. Robyn was made aware that I had moved my home office  
7 into the garage to accommodate her request for use of the spare bedroom upon her arrival.  
8 On December 11<sup>th</sup> Donna and Robyn were at the house, Donna was in the garage and he  
9 car was parked in the driveway while Robyn was in the house. Donna went into the living  
10 room and to Robyn said, "What should I do will all the stuff in the boxes?". Robyn said,  
11 "Take what we need and throw the rest away". When Donna and Robyn left, I went in the  
12 garage and saw that the zip ties I had on my personal boxes had been cut off and what was  
13 in the boxes was gone."

14 53. Kimberly once again misrepresents to create a false narratives out of thin air. Robyn did  
15 not open any zip-tied crates, nor did she take anything of Kimberly's. Guardian has determined  
16 that some personal possessions of June are missing and, based upon information and belief, were  
17 sold by Kimberly and/or Dean.

18 54. On page 3, lines 25-28, to page 4, lines 1-8, Kimberly states:

19 "Page 12 #3 Dean and I went to the house to get his phone and then had plans to go to  
20 diner. I put my key in the front door and Robyn had changed the locks. I knocked on the  
21 door, Robyn answered and we entered the house. I entered first, Robyn was standing in  
22 the doorway, Dean walked behind me into the house into the hallway. Dean never touched  
23 Robyn, he never forced his way into the house. There was plenty of space between myself  
24 and the doorway for Dean to walk in behind me and that is what he did. During all of this  
25 Robyn is on speakerphone with her attorney Mr. Michelson. Dean went to the garage  
During all of this Robyn is on speakerphone with her attorney Mr. Michelson. Dean went  
to the garage to get his phone and it was not sitting on the shelf where he left it. I asked  
Robyn for the phone she refused to give it to me. Robyn called the police, they arrived  
and encouraged Robyn to give the phone back which she did. Dean and I left and went to  
diner.

If Dean had pushed Robyn as she claimed, the outcome would be much different than the  
police convincing Robyn to give Dean's cell phone back so we could go to diner. Another  
example of Robyn skewing the events to discredit me at any cost. The better way to handle  
it would have been to email me or let my attorney know that she change the lock and  
where she would leave the key.

1 Robyn was notified by email that we did not have video security in the home nor did we  
2 own any weapons.”

3 55. Robyn, after counseling with her attorney, called the police, in part, because Dean was  
4 standing in the front yard pacing back and forth as if he was going to get physical with Robyn.

5 56. Kimberly is also leaving out the fact that June was also present and scared of what was  
6 happening. Robyn was forced to flee the home, with her elderly mother leaving everything she  
7 would need for the night, because she was worried that Dean was becoming aggressive and feared  
8 it would turn physical. Robyn repeatedly stated Dean was not to come in the house. Kimberly  
9 forced her way in in such a way as to ensure Dean could come in the door at the same time Robyn  
10 was directing him not to come in. He did come in against the directive of the Successor Guardian  
11 and Kimberly had in fact pushed Guardian so as to allow Dean entrance into the property.

12 57. Kimberly trying to portray herself and Dean as the victims of Robyn is incorrect.

13 58. On page 4, lines 9-15, Kimberly states:

14 “Page 13 line 44: Robyn received answers to the lengthy list of questions by email. Robyn  
15 is unreasonable in her request for detailed information about what about what TV shows  
16 she likes to watch and what are her favorite foods when you're talking about somebody  
17 who is 100% verbal and can answer those questions anytime. She was given the pertinent  
18 information including medication upcoming appointments med prescriptions pharmacy  
19 doctors and contact information. Anything important it was nothing that was left out do  
20 your knowledge intentionally or otherwise. Robyn could have talk to the doctors discussed  
21 medication and what they were for there was no reason to think that I would give my mom  
22 something unsafe, I have been caring for my mom and giving her medication for the last  
23 3 years. Robyn could've contacted her primary physician and asked him to put in all new  
24 medication at the pharmacy and go pick it up if she did not trust that I would **give** my mom  
25 the right medication. However Robyn had no concerns asking me to continue to care for  
my mom for an additional 4 days until she could travel to California.”

22 59. As has been repeatedly established in this guardianship, June’s responses are often limited  
23 to “yes” or “no” without any detail. She is not responsive about what TV programs she likes or  
24 what foods are best for her in any meaningful way. Since Kimberly has been June’s primary  
25 caregiver for many months, Kimberly is in an ideal situation to easily and kindly articulate June’s

1 preferences for many things, such as TV programs, friends, foods, etc. But Kimberly refuses to  
2 provide these responses.

3 60. Kimberly admits earlier in this same response document to have initially left out  
4 information regarding the heart monitor attached to June. Her credibility is suspect. Robyn was  
5 suddenly put in as guardian. Her asking Kimberly to remain in the home, with their mother, was  
6 not because of her trust in Kimberly, or in Kimberly's ability. Kimberly seems to take this as an  
7 admission that everything she did as guardian was acceptable, and Robyn trusts her, which in no  
8 way represents Robyn's confidence in Kimberly. Kimberly does not seem to take into account  
9 the hundreds of pages of pleadings wherein Robyn details all the ways she believes Kimberly to  
10 be a liar and bad person. Kimberly is, as she does with most information, picking and choosing  
11 the facts she desires to write the narrative she wants to be true.

12 61. On page 4, lines 16-23, Kimberly states:

13 "Summary: I would never do anything to harm my mom either physically or emotionally.  
14 I have provided the information that was asked of me. I answered the list of questions that  
15 were presented to me and emailed them to my mom's attorney Maria Sandoval Perez as  
16 well as my prior attorney James Beckstrom, both were out of town for the holidays. Robyn  
17 contacted me and let me know that she did not receive the answers to her questions and I  
18 emailed it to her directly. Robyn was given contact information to care providers and other  
19 pertinent information. This would be totally reasonable for anybody else however Robyn  
20 deliberately makes every single interaction problematic to the point that what was once a  
21 normal household became immediately disrupted with Robyn's arrival. Changing of the  
22 locks, taking a cell phone and when she was asked for it would not give it back until the  
23 police encouraged her to do so."

24 62. Contrary to the representations Kimberly makes her in her paragraph, Kimberly harmed  
25 June in many ways during her tenure as guardian. Isolating June from her family harmed June.  
Selling June's possessions depleted what used to be familiar surroundings and harmed June.  
Recording June without her permission harms June. Living with a dangerous felon, and then  
lying about it, harmed June. Co-mingling June's funds in accounts harms June. Establishing

1 utilities or other accounts in Kimberly's personal name and not June's harms June. Kimberly  
2 using her mother's money to buy car parts and car washes, when June does not have a car, harmed  
3 June.

#### 4 **ATTORNEY'S FEES AND COSTS**

5 63. Guardian requests that fees for being forced to bring the *Petition to Compel Kimberly Jones*  
6 *to Provide Any and All Information and Documentation Related to the Protected Person to the*  
7 *Successor Guardian* and this this *Reply to Kimberly Jones' Response to Petition to Compel*  
8 *Kimberly Jones to Provide Any and All Information and Documentation Related to the Protected*  
9 *Person to the Successor Guardian* be assessed to Kimberly Jones.  
10

11 64. Kimberly Jones believed and still believes she can engage in misconduct and be passive  
12 aggressive with no cost to her, despite orders of this Court. This Court should order Kimberly  
13 Jones to pay Guardian's attorney's fees and costs for having bring this *Petition to Compel Kimberly*  
14 *Jones to Provide Any and All Information and Documentation Related to the Protected Person to the*  
15 *Successor Guardian* and this this *Reply to Kimberly Jones' Response to Petition to Compel*  
16 *Kimberly Jones to Provide Any and All Information and Documentation Related to the Protected*  
17 *Person to the Successor Guardian* before the Court for failure to comply the this Court's *Order*  
18 *from December 21, 2021 Hearing*.  
19

20 65. NRS 18.010 establishes as follows:

##### 21 **NRS 18.010 Award of attorney's fees.**

- 22 1. The compensation of an attorney and counselor for his or her services is  
governed by agreement, express or implied, which is not restrained by law.
- 23 2. In addition to the cases where an allowance is authorized by specific statute,  
the court may make an allowance of attorney's fees to a prevailing party:
  - 24 (a) When the prevailing party has not recovered more than \$20,000; or
  - 25 (b) Without regard to the recovery sought, when the court finds that the claim,  
counterclaim, cross-claim or third-party complaint or defense of the opposing party  
was brought or maintained without reasonable ground or to harass the prevailing

1 party. The court shall liberally construe the provisions of this paragraph in favor of  
2 awarding attorney's fees in all appropriate situations. It is the intent of the  
3 Legislature that the court award attorney's fees pursuant to this paragraph and  
4 impose sanctions pursuant to Rule 11 of the Nevada Rules of Civil Procedure in all  
appropriate situations to punish for and deter frivolous or vexatious claims and  
defenses because such claims and defenses overburden limited judicial resources,  
hinder the timely resolution of meritorious claims and increase the costs of  
engaging in business and providing professional services to the public.

5 3. In awarding attorney's fees, the court may pronounce its decision on the  
6 fees at the conclusion of the trial or special proceeding without written motion and  
with or without presentation of additional evidence.

7 4. Subsections 2 and 3 do not apply to any action arising out of a written  
instrument or agreement which entitles the prevailing party to an award of  
reasonable attorney's fees.

8 [1911 CPA § 434; A 1951, 59] — (NRS A 1957, 129; 1967, 1254; 1969,  
9 435, 667; 1971, 165, 802; 1975, 309; 1977, 774; 1985, 327; 1999, 903; 2003,  
3478)

10 66. NRS 18.020 establishes as follows:

11 **NRS 18.020 Cases in which costs allowed prevailing party.** Costs must  
12 be allowed of course to the prevailing party against any adverse party against whom  
judgment is rendered, in the following cases:

13 1. In an action for the recovery of real property or a possessory right thereto.

14 2. In an action to recover the possession of personal property, where the value  
of the property amounts to more than \$2,500. The value must be determined by the  
jury, court or master by whom the action is tried.

15 3. In an action for the recovery of money or damages, where the plaintiff seeks  
to recover more than \$2,500.

16 4. In a special proceeding, except a special proceeding conducted pursuant  
17 to NRS 306.040.

18 67. Under NRS 18.010(2)(a), Guardian's recovery of attorney's fees as the prevailing party is  
19 available and should be ordered if Guardian recovers less than \$20,000.00 for the guardianship  
20 estate.

21 68. Under NRS 18.010(2)(b), the Court should order Kimberly Jones to pay Guardian's  
22 attorney's fees without regard to the recovery sought, given that this Court previously ordered  
23 Kimberly to provide the information sought in the Petition to Compel and Kimberly failed to do  
24 so.  
25

1 69. Kimberly Jones should be ordered to pay fees and costs is especially true given that NRS  
2 18.010 is written such that the Court is required to liberally construe it in favor of awarding  
3 attorney's fees in this, an appropriate situation for the same. NRS 18.010 explains further that the  
4 Legislature intends the Court to award attorney's fees pursuant to NRS 18.010(2)(b) in this  
5 appropriate situation to punish for and deter frivolous or vexatious claims and defenses because  
6 such claims and defenses overburden limited judicial resources, hinder the timely resolution and  
7 meritorious claims and increase the costs of engaging in business and providing professional  
8 services to the public.

9 70. Under NRS 18.020, upon becoming the prevailing party, Guardian's costs should also be  
10 allowed in this action.

11 71. Guardian will provide an affidavit of fees with a *Brunzell* analysis when appropriate and/or  
12 directed to do so.

13  
14 **PRAYER FOR RELIEF**

15 WHEREFORE, based upon the foregoing, Successor Guardian Robyn requests:

16  
17 1. That this Court grant the relief requested in the *Petition to Compel Kimberly Jones to*  
18 *Provide Any and All Information and Documentation Related to the Protected Person to the*  
19 *Successor Guardian*, as well as the additional relief referenced in this Reply pleading.

20 2. That Kimberly Jones be ordered to pay Guardian's attorney's fees and costs for having  
21 to bring the *Petition to Compel Kimberly Jones to Provide Any and All Information and*  
22 *Documentation Related to the Protected Person to the Successor Guardian* and this this *Reply*  
23 *to Kimberly Jones' Response to Petition to Compel Kimberly Jones to Provide Any and All*  
24 *Information and Documentation Related to the Protected Person to the Successor Guardian* for  
25 failure to comply the this Court's *Order from December 21, 2021 Hearing*.

1 3. That this Court order such other and further relief is it deems appropriate.

2 Dated this 3<sup>rd</sup> day of March, 2022.

3  
4 MICHAELSON LAW

5 By: /s/ John Michaelson  
6 John P. Michaelson, Esq.  
7 Nevada Bar No. 7822  
8 1746 W. Horizon Ridge Parkway  
9 Henderson, NV 89012  
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**CERTIFICATE OF SERVICE**

Pursuant to NEFCR 9, that on March 3, 2022, the undersigned hereby certifies a copy of the foregoing *Reply to Kimberly Jones' Response to Petition to Compel Kimberly Jones to Provide Any and All Information and Documentation Related to the Protected Person to the Successor Guardian* was electronically served on the following individuals and/or entities at the following addresses.

In addition, pursuant to Nevada Rule of Civil Procedure 5(b), the undersigned hereby certifies that on March 3, 2022, a copy of the *Reply to Kimberly Jones' Response to Petition to Compel Kimberly Jones to Provide Any and All Information and Documentation Related to the Protected Person to the Successor Guardian* was mailed by regular US first class mail, postage prepaid, in a sealed envelope in Henderson, Nevada, to the following individuals and/or entities at the following addresses:

Maria L. Parra-Sandoval, Esq. Legal Aid Center of Southern Nevada <a href="mailto:mparra@lacs.org">mparra@lacs.org</a> <i>Attorney for Kathleen June Jones</i>	Robyn Friedman <a href="mailto:ygsfun@hotmail.com">ygsfun@hotmail.com</a> <i>Guardian</i>
Rosie Najera <a href="mailto:rnajera@lacs.org">rnajera@lacs.org</a> <i>Assistant to Attorney for Kathleen June Jones</i>	
Jeffrey R. Sylvester, Esq. <a href="mailto:jeff@sylvesterpolednak.com">jeff@sylvesterpolednak.com</a>	Kate McCloskey <a href="mailto:NVGCO@nvcourts.nv.gov">NVGCO@nvcourts.nv.gov</a>
Kelly L. Easton <a href="mailto:kellye@sylvesterpolednak.com">kellye@sylvesterpolednak.com</a> <i>Co-Counsel for Guardian, Robyn Friedman, and Interested Party, Donna Simmons</i>	LaChasity Carroll <a href="mailto:lcarrol@nvcourts.nv.gov">lcarrol@nvcourts.nv.gov</a>  Sonja Jones <a href="mailto:sjones@nvcourts.nv.gov">sjones@nvcourts.nv.gov</a>

/ / /

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6 7 8 9	Monica L. Gillins <a href="mailto:mlg@johnsonlegal.com">mlg@johnsonlegal.com</a>  David C. Johnson <a href="mailto:dcj@johnsonlegal.com">dcj@johnsonlegal.com</a>	Scott Simmons <a href="mailto:scott@technocoatings.com">scott@technocoatings.com</a>
10 11 12	Cameron Simmons <a href="mailto:Cameronnscott@yahoo.com">Cameronnscott@yahoo.com</a>  Donna Simmons <a href="mailto:donnamsimmons@hotmail.com">donnamsimmons@hotmail.com</a>	Perry Friedman <a href="mailto:friedman@cs.stanford.edu">friedman@cs.stanford.edu</a>  Ty Kehoe <a href="mailto:TyKehoeLaw@gmail.com">TyKehoeLaw@gmail.com</a>
13 14 15	Kathleen June Jones 1315 Enchanted River Drive Henderson, NV 89012 Protected Person	Kimberly Jones 1054 S. Verde Street Anaheim, CA 92805
16 17 18 19	Teri Butler 586 N. Magdalena Street Dewey, AZ 86327  Jen Adamo 14 Edgewater Drive Magnolia, DE 19962	Courtney Simmons 765 Kimbark Avenue San Bernardino, CA 92407  Jon Criss 804 Harkness Lane, Unit 3 Redondo Beach, CA 90278
20 21 22	Ryan O'Neal 112 Malvern Avenue, Apt. E Fullerton, CA 92832	Tiffany O'Neal 177 N. Singing Wood Street, Unit 13 Orange, CA 92869

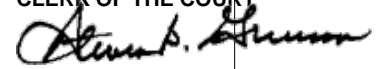
MICHAELSON LAW

/s/ Heather Ranck \_\_\_\_\_  
Employee of Michaelson Law

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1 **NNOP**  
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3 **LEGAL AID CENTER OF**  
**SOUTHERN NEVADA, INC.**  
725 E. Charleston Blvd.  
4 Las Vegas, NV 89104  
Telephone: (702) 386-1533  
5 Facsimile: (702) 386-1533  
[mparra@lacsns.org](mailto:mparra@lacsns.org)  
6 *Attorney for Kathleen June Jones,*  
*Adult Protected Person*

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

10 In the Matter of Guardianship of the Estate of:	<b>Case No. G-19-052263-A</b>
11 KATHLEEN JUNE JONES,	<b>Dept. No. B</b>
12 Adult Protected Person.	

13 **NOTICE OF NON-OPPOSITION**

14  
15 PLEASE TAKE NOTICE that Kathleen June Jones, the adult protected person herein,  
16 by and through her counsel, Elizabeth R. Mikesell, Esq., of Legal Aid Center of Southern  
17 Nevada, Inc., will submit no opposition to the Petition for Advice and Instructions Concerning  
18 Using Funds to Pay for Legal Services in California and Petition to Use Funds to Repair  
19 Anaheim Property, filed on March 3, 2022, and presently set to be heard on March 17, 2022.

20  
21 DATED this 14<sup>th</sup> day of March, 2022.

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

24 /s/ Elizabeth R. Mikesell  
Elizabeth R. Mikesell, Esq.  
25 Nevada Bar No. 8034  
[emikesell@lacsns.org](mailto:emikesell@lacsns.org)  
26 725 E. Charleston Blvd  
Las Vegas, NV 89104  
27 Telephone: (702) 386-1533  
Facsimile: (702) 386-1533  
28 *Attorney for Adult Protected Person*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 14<sup>th</sup> day of March, 2022, I deposited in the United States Mail at Las Vegas, Nevada, a copy of the foregoing document entitled **NOTICE OF NON-OPPOSITION** in a sealed envelope, mailed regular U.S. mail, upon which first class postage was fully prepaid, addressed to the following:

Teri Butler  
586 N Magdalena St.  
Dewey, AZ 86327

Jen Adamo  
14 Edgewater Dr.  
Magnolia, DE 19962

Scott Simmons  
1054 S. Verde Street  
Anaheim, CA 92805

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

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

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

Ampersand Man  
2824 High Sail Court  
Las Vegas, NV 89117

Courtney Simmons  
765 Kimbark Avenue  
San Bernardino, CA 92407

Kimberly Jones  
1054 S. Verde Street  
Anaheim, CA 92805

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

John P. Michaelson  
[john@michaelsonlaw.com](mailto:john@michaelsonlaw.com)  
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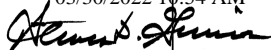
*Attorneys for Robyn Friedman and Donna Simmons*

James Beckstrom, Esq.  
[jbeckstrom@maclaw.com](mailto:jbeckstrom@maclaw.com)  
*Attorneys for Guardian Kimberly Jones*

1 Elizabeth Brickfield, Esq.  
2 [ebrickfield@dlnevadawalaw.com](mailto:ebrickfield@dlnevadawalaw.com)  
3 *Guardian Ad Litem*

4 All other recipients registered for e-Service on the above entitled case  
5  
6

7  
8 /s/ Rosie Najera  
Employee of Legal Aid Center of Southern Nevada, Inc  
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CLERK OF THE COURT

**ORDR**

John P. Michaelson, Esq.  
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Peter R. Pratt, Esq.  
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MICHAELSON LAW  
1746 West Horizon Ridge Parkway  
Henderson, Nevada 89012  
(702) 731-2333  
*Counsel for Robyn Friedman, Guardian,  
and Donna Simmons, Interested Party*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

IN THE MATTER OF THE GUARDIANSHIP )  
OF THE PERSON AND ESTATE OF: )  
Kathleen June Jones, )  
An Adult Protected Person. )

Case Number: G-19-052263-A  
Department: B

**ORDER RE: PETITION FOR ADVICE AND INSTRUCTIONS CONCERNING  
USING FUNDS TO PAY FOR LEGAL SERVICES IN CALIFORNIA  
AND  
PETITION TO USE FUNDS TO REPAIR ANAHEIM PROPERTY**

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

THIS MATTER, having come before the Court on the *Petition for Advice and Instructions Concerning Using Funds to Pay for Legal Services in California and Petition to Use Funds to Repair Anaheim Property*, filed by Guardian, Robyn Friedman, by and through the law firm, Michaelson Law, a Notice of Non-Opposition being filed by counsel for the Protected Person, and

1 an Ex Parte Petition for an Order Shortening Time having been granted by this Court, and this  
2 Matter having been scheduled pursuant to the Order Shortening Time to come before the Court on  
3 March 17, 2022, the Court Finds, Concludes, and Orders as follows:

4 **FINDINGS OF FACT**

5 1. Around Easter of 2021, former guardian, Kimberly Jones, temporarily relocated with the  
6 Protected Person, Kathleen June Jones to a property owned by the Protected Person located at  
7 1054 South Verde Street, Anaheim California, 92805 (“Anaheim Property”) after the litigation  
8 involving June’s home located on Kraft Street, Las Vegas, Nevada (commonly referred to in this  
9 matter as the “Kraft House litigation”) settled and June was forced from her long-time Las Vegas,  
10 Nevada residence.

11 2. On December 6, 2021, this Court ordered that “Robyn Friedman SHALL be appointed as  
12 Successor Guardian of the Person and Estate of Kathleen Jones. An Order Appointing Successor  
13 Guardian shall issue, along with Letters of Guardianship.” *Findings of Fact and Conclusions of*  
14 *Law and Order Regarding Visitation, First Annual Accounting, Guardian’s Fees, Caretaking*  
15 *Fees, Attorney’s Fees and Costs, and Removal of the Guardian, page 44.*

17 3. On December 7, 2021, this Court ordered that “Robyn Friedman is appointed Successor  
18 General Guardian of the Person and Estate of Kathleen June Jones.” *Order Appointing Successor*  
19 *General Guardian of the Person and Estate and for Issuance of Letters of General Guardianship,*  
20 *page 2.*

21 4. On December 8, 2021, counsel for Robyn Friedman (“Guardian” or “Successor Guardian”)  
22 communicated to counsel for former guardian, Kimberly Jones, that Successor Guardian intended  
23 to begin the eviction process immediately unless Kimberly Jones intended to move out of the  
24 Anaheim Property quickly.  
25

1 5. Counsel for Kimberly Jones requested thirty days to vacate the property.

2 6. On December 21, 2021, this Court ordered Kimberly Jones to turn over the "keys and  
3 garage fobs to the Anaheim property" in its *Order from December 20, 2021 Hearing*.

4 7. Wednesday, January 12, 2022 was the thirtieth (30<sup>th</sup>) day after counsel for Kimberly Jones  
5 wrote she needed 30 days to vacate.

6 8. Kimberly Jones did not vacate the Anaheim Property as she had agreed to do on or before  
7 January 12, 2022.

8 9. Kimberly Jones never provided proof of any rental payments for living in the Anaheim  
9 Property.

10 10. Though she was serving as guardian prior to, during, and after the time she moved the  
11 Protected Person to the Anaheim property, and though extensive discussions were held about the  
12 amount of rent and utilities she would pay as an occupant in the Protected Person's Anaheim  
13 property, and though she promised to do so, Kimberly Jones has never provided an executed copy  
14 of any agreement outlining her obligation to pay rent and/or utilities at the Anaheim property.  
15

16 11. Substantial additional deterioration of the Anaheim Property is ongoing.

17 12. June's estate is being actively harmed by Kimberly Jones' continued occupation of the  
18 property.

19 13. The needed repairs will cost approximately \$60,000.

20 14. The Anaheim Property can be rented or sold for fair market value once repaired, thereby  
21 safeguarding June's estate and providing substantial funds for her estate.

22 15. Kimberly Jones never petitioned for nor was any lease ever approved in connection with  
23 Kimberly's occupation of the Anaheim property.  
24  
25

1 16. It is in the Protected Person's best interests to use guardianship funds to secure an attorney  
2 in California to help safeguard the Protected Person's real property in Anaheim, California by  
3 removing Kimberly Jones from the property so that repairs can be accomplished and so that proper  
4 homeowner's insurance can be obtained and so that the property can be rented or sold in the best  
5 interests of the Protected Person.

6 17. The Protected Person's best interests to use guardianship funds to repair the Protected  
7 Person's real property in Anaheim, California.

8 **CONCLUSIONS OF LAW**

9 18. Under NRS 159.127(5), a guardian can use guardianship funds to secure an attorney in  
10 another state to safeguard real property owned by the Protected Person in that state.

11 19. Under NRS 159.093(1)(b), a guardian may pursue legal action on behalf of the Protected  
12 Person.

13 20. Under NRS 159.095(1) requires the guardian to represent the Protected Person in litigation.

14 21. Under NRS 159.169, this Court can give instructions to a guardian regarding hiring an  
15 attorney to help safeguard real property.

16 22. Under NRS 159.169, this Court can give instructions to a guardian regarding repairs to real  
17 property and safeguarding assets of an estate.

18 23. Kimberly Jones never entered into an approved and authorized lease agreement on the  
19 Anaheim Property.  
20

21 24. Kimberly Jones has failed to vacate the property in a timely manner after the end of her  
22 guardianship.

23 25. Kimberly Jones is harming the Protected Person's estate by her continued occupancy of  
24 the Anaheim Property.  
25

1 26. Successor Guardian should use guardianship funds from the blocked guardianship account  
2 to hire an attorney in California to remove Kimberly Jones from the Anaheim Property.

3 27. Successor Guardian should use guardianship funds from the blocked guardianship account  
4 to repair the property in order to prepare to file a petition under NRS 159.127 to sell or lease the  
5 property.

6 **ORDER**

7 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Successor Guardian is  
8 authorized to utilize guardianship funds from the Court Ordered Blocked Account ending 8311 at  
9 Wells Fargo Bank to hire an attorney in California to remove Kimberly Jones from the Anaheim  
10 Property.

11  
12 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that once Kimberly Jones has  
13 been removed or voluntarily vacates the property, Successor Guardian is authorized to exercise  
14 her best judgment and use the Protected Person's available funds up to \$60,000.00 from the Court  
15 Ordered Blocked Account ending 8311 at Wells Fargo Bank to pay for cleaning, repairs, appliance  
16 installation and/or furnishing of the Anaheim Property inasmuch as such use of funds will not  
17 impair the ongoing care and maintenance of the Protected Person, *i.e.* Guardians will make sure  
18 there are sufficient funds to provide for the ongoing care and maintenance of the Protected Person.

19  
20 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Successor Guardian shall  
21 account for all funds used to pay for cleaning, repairs, appliance installation and/or furnishing of  
22 the Anaheim Property in the next required annual Accounting.

23 ///

24 ///

25 ///

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Kimberly Jones shall pay  
2 reasonable attorney's fees and costs to the Protected Person related to Kimberly Jones' removal  
3 from the Anaheim Property, including the bringing of the Petition to which this Order is  
4 responsive.

Dated this 30th day of March, 2022



F3A 6F5 6ED2 4877  
Linda Marquis  
District Court Judge


9 DATED: March 22, 2022

DATED: March 29, 2022

10 MICHAELSON LAW

LEGAL AID CENTER OF  
SOUTHERN NEVADA, INC.

12 /s/ John P. Michaelson, Esq.  
13 John P. Michaelson, Esq.  
14 Nevada Bar No. 7822  
15 Peter R. Pratt, Esq.  
16 Nevada Bar No. 6458  
17 1746 West Horizon Ridge Parkway  
18 Henderson, Nevada 89012  
19 Counsel for Guardian

  
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725 E. Charleston Blvd.  
Las Vegas, Nevada 89104  
Counsel for Protected Person

1 CSERV

2 DISTRICT COURT  
3 CLARK COUNTY, NEVADA  
4

5  
6 In the Matter of the Guardianship CASE NO: G-19-052263-A  
7 of:  
8 Kathleen Jones, Protected  
9 Person(s)  
10

DEPT. NO. Department B

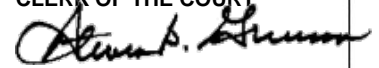
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

Service Date: 3/30/2022

15 Heather Ranck	heather@michaelsonlaw.com
16 Kelly Easton	kellye@sylvesterpolednak.com
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8	Robyn Friedman	vgsfun@hotmail.com
9	Perry Friedman	friedman@cs.stanford.edu
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3 Elizabeth Brickfield, Esq. NSB #6236  
4 9130 West Post Road, Suite 200  
5 Las Vegas, Nevada 89148  
6 Telephone: (702) 476-6440  
7 Facsimile: (702) 476-6442  
8 [Ebrickfield@dlnevadalaw.com](mailto:Ebrickfield@dlnevadalaw.com)  
9 *Guardian ad Litem for Kathleen June Jones*

7 **DISTRICT COURT**

8 **CLARK COUNTY, NEVADA**

10 In the Matter of the Guardianship of:

11 KATHLEEN JUNE JONES

12 Protected Person.

Case No.: G-19-052263-A

Department No.: B

13 **NOTICE OF ENTRY OF ORDER**

14 PLEASE TAKE NOTICE that a *Findings of Fact, Conclusions of Law, and Order Granting*  
15 *Guardian Ad Litem Fees* was entered by this Court on March 18, 2022. A true and correct copy of  
16 the Order is attached hereto.

17 Dated this 31<sup>st</sup> day of March 2022.

20 **DAWSON & LORDAHL PLLC**

21  *NSB 11946*  
22 Elizabeth Brickfield, Esq. NSB #6236  
23 9130 West Post Road, Suite 200  
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28 *Guardian ad litem for Kathleen June Jones*



**CERTIFICATE OF SERVICE**

I hereby certify that on the 31<sup>st</sup> day of March 2022, I caused copies of the foregoing **Notice of Entry of Order** to be served through the Court's electronic filing system or by depositing the same in the United States mail in Las Vegas, Nevada, first class postage prepaid, addressed to the following parties:

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/s/ Deborah L. Pressley  
An Employee of Dawson & Lordahl, PLLC



1 FFCL

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

5 In the Matter of the Guardianship of: ) Case No.: G-19-052263-A  
6 ) Dept. No.: B  
7 Kathleen June Jones, )  
8 Protected Person(s). )  
9 \_\_\_\_\_ )

10 **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**  
11 **GRANTING GUARDIAN AD LITEM FEES**

12 ***Procedural History***

13  
14 In September 2019, two of the daughters of the Protected Person, Robyn  
15 Friedman and Donna Simmons, petitioned the District Court for guardianship  
16 of their mother alleging, in part, that the Proposed Protected Person's Power  
17 of Attorney and their sister, Kimberly Jones, was unwilling or unable to  
18 address serious issues effecting the health and welfare of the Proposed  
19 Protected Person.  
20

21  
22 Initially, Kimberly objected to the need for a guardian for her Mother.  
23 Later, Kimberly opposed Robyn and Donna's petition and filed her own  
24 petition for guardianship. Jerry, the husband of the Protected Person,  
25 objected and filed a counter petition for guardianship. The three competing  
26 petitions alleged: elder abuse; financial misconduct; exploitation; isolation;  
27 kidnapping; and many other things. *See* Robyn and Donna's Petition  
28

1 Guardianship, filed September 19, 2019; Kimberly's Opposition and  
2 Counter-Petition, filed October 2, 2019; Jerry's Opposition and Counter-  
3 Petition, filed October 2, 2019.  
4

5 Ultimately, Robyn and Donna withdrew their Petition and supported  
6 Kimberly. Kimberly was appointed guardian of the person and estate of her  
7 Mother on October 15, 2020.  
8

9 After the appointment of Kimberly, the guardianship proceedings and  
10 related civil proceedings remained actively contentious: over 400 pleadings  
11 have filed, over twenty-five (25) hearings held, and at least three  
12 investigations ordered. Throughout the guardianship proceedings, Robyn  
13 and Donna have complained that the Guardian, Kimberly, has restricted their  
14 ability to communicate and visit their Mother, the Protected Person. After  
15 attempts to resolve the issue were unsuccessful, Robyn and Donna filed a  
16 requests for visitation and communication.  
17  
18  
19

20 This Court appointed Elizabeth Brickfield, Esq., as Guardian Ad Litem  
21 for the Protected Person on February 16, 2021. Guardian Ad Litem Ms.  
22 Brickfield filed a Notice of Intent to Seek Fees and Costs from the  
23 Guardianship Estate on February 22, 2021.  
24

25 The Protected Person filed an Objection to the Guardian Ad Litem's  
26 Notice of Intent to Seek Fees on February 26, 2021, and objected to Ms.  
27 Brickfield's hourly rate, \$400.00. Protected Person argued that the Guardian  
28 Ad Litem is not entitled to an attorney's hourly rate. Protected Person

1 argues, based upon her review of websites, that the Guardian Ad Litem is  
2 entitled to \$22.00 per hour to \$48.00 per hour.

3  
4 The Guardian at the time, Kimberly Jones, filed a Joinder to the Protected  
5 Person's Objection on March 1, 2021.<sup>1</sup>

6 Elizabeth Brickfield, Esq., filed a Petition for Approval of Guardian  
7 Ad Litem's Fees and Costs on October 27, 2021, supported by detailed  
8 billing statement and declarations. Ms. Brickfield requests fees of \$5,710.00  
9 and costs of \$3.50.

10  
11 The Successor Guardian, Robyn Friedman, did not object and supported  
12 the request for fees. The many interested and adverse parties did not object.

13  
14 Protected Person filed her Objection on November 18, 2021.  
15 Protected Person argues the Guardian Ad Litem's hourly rate (\$400.00) is  
16 "grossly outside the norm for Guardian Ad Litem services" and should be  
17 reduced from \$400.00 per hour to the range of \$22.00 - \$48.00 per hour,  
18 based upon information obtained by Protected Person regarding national non-  
19 attorney Guardian Ad Litem hourly rates from Glassdoor.com and  
20 Ziprecruiter.com. See Protected Person's Objection at page 3.

21  
22 Further, Protected Person argues that the Guardian Ad Litem  
23 Brickfield provided "zero benefit" to the Protected Person and lied to the  
24 Court. See Protected Person's Objection at page 4-5.

---

<sup>1</sup> Guardian Kimberly Jones was later removed and a Successor Guardian, Robyn Friedman, appointed by the Court.

1 The Court granted the requested Guardian Ad Litem fees at the December  
2 9, 2021, Hearing and the instant written Order follows. The Protected  
3  
4 Person's Objection misrepresents both Nevada law regarding Guardians Ad  
5 Litem and the circumstances of the instant case.

6 ***Findings of Fact and Conclusions of Law***  
7

8 The District Court has discretion to appoint a Guardian Ad Litem to  
9 represent a Protected Person in a guardianship proceeding at any time, if the  
10 Court believes that the Protected Person will benefit from the appointment  
11 and the services of the Guardian Ad Litem will be beneficial in determining  
12 the best interests of the Protected Person. *See* NRS 159.0455(1).  
13

14 The District Court has further discretion to appoint a non-attorney to serve  
15 as Guardian Ad Litem, *only if* a court-approved volunteer advocate program,  
16 which provides court approved training, for Guardians Ad Litem has been  
17 established in the judicial district. *See* NRS 159.0455(3).  
18

19 There is no volunteer, non-attorney, Guardian Ad Litem, adult  
20 guardianship advocate program in the Eighth Judicial District Court.  
21 Accordingly, this Court may not utilize its discretion to appoint a non-  
22 attorney to serve as a Guardian Ad Litem for a Protected Person in a  
23 guardianship proceeding in this judicial district.  
24

25 Protected Person's statement that Nevada law allows "... any person in  
26 the community to serve as a GAL without the need to have legal experience"  
27  
28

1 is inaccurate and intentionally ignores NRS 159.0455(3) and the language of  
2 Nevada Guardianship Rule 8. *See* Objection at page 2.

3  
4 Protected Person's representation that Nevada law prohibits a GAL from  
5 providing legal services is also inaccurate. Protected Person states, "...  
6 NRS 159.0455(4) provides that a GAL "shall not" provide legal services."  
7  
8 *See* Objection at page 2.

9 NRS 159.0455(4) does not prohibit a Guardian Ad Litem from  
10 providing legal services. The statute prohibits a Guardian Ad Litem from  
11 providing a specific type of legal service to a specific person. A Guardian  
12 Ad Litem is prohibited from offering legal advice to the Protected Person.  
13  
14 *See* NRS 159.0455(4).

15  
16 Protected Person argues that an attorney Guardian Ad Litem should be  
17 paid at the rate of non-attorney Guardian Ad Litem. However, under Nevada  
18 law non-attorney Guardian Ad Litem's do not get paid. Pursuant to NRS  
19 159.0455(4) only a *volunteer* non-attorney Guardian Ad Litem may be  
20 appointed, under specific circumstances that do not exist in this judicial  
21 district.  
22

23  
24 Given the complexity of this matter and the issues presented, an attorney  
25 Guardian Ad Litem was necessary. The potential impact of the  
26 communication and visitation requests and the Adverse Parties' significant  
27 inconsistencies regarding the Protected Person's abilities and desires, a  
28

1 Guardian Ad Litem with considerable legal and professional experience was  
2 necessary in this matter.

3  
4 Guardian Ad Litem Brickfield was appointed by this Court *because of*  
5 her extensive experience, legal abilities, and knowledge. This Court  
6 expected Ms. Brickfield to bring the breadth of her legal experience and  
7 knowledge to her role to benefit the Protected Person. The Court believed  
8 the appointment of Ms. Brickfield as Guardian Ad Litem would benefit the  
9 Protected Person and would be beneficial in determining best interests.  
10

11  
12 Protected Person's contention that the tasks assigned to Guardian Ad  
13 Litem Brickfield were simple and required no legal training is incorrect.

14 The isolation of a Protected Person, through the restriction of  
15 communication and visitation of family members, can have significant  
16 consequences in guardianship matters.<sup>2</sup> The Protected Person's Bill of  
17 Rights grants the Protected Person the right to receive telephone calls,  
18 personal mail, and visitors, unless the Guardian and Court determine it will  
19 cause harm to the Protected Person. *See* NRS 159.328. The method and  
20 manner in which restrictions can or should be put in place requires legal  
21 experience and skill. Therefore, discussions regarding communication and  
22  
23  
24  
25  
26

---

27 <sup>2</sup> A guardian can be removed for restricting communication, visitation, or interaction with a protected  
28 person. *See* NRS 159.332. Generally, communication and visitation can only be restricted through Court  
Order. In specific circumstances, the guardian may restrict communication and visitation, but is required to  
file notice within ten days. The procedure required to request a Court Order to restrict communication is  
governed by NRS 159.331 through NRS 159.338 and provides an independent statutory basis for attorney's  
fees and sanctions.

1 visitation must be conducted balancing the intricate statutory legal  
2 framework that governs potential restrictions.

3  
4 The pleadings filed in regards to visitation and communication  
5 requested the removal of the Guardian, Kimberly Jones. Ultimately, this  
6 Court did remove Kimberly Jones and appointed a Successor Guardian based  
7 upon Ms. Jones' restriction of visitation and communication and her failure  
8 to comply with her statutory duties regarding the Guardianship Estate. The  
9 Court relied, in part, on Guardian Ad Litem Brickfield's Report and  
10 Recommendations in the Order removing the Guardian. The financial  
11 forensic investigation of the Guardianship Estate, which includes Kimberly  
12 Jones' personal finances, is ongoing.

13 Pursuant to NRS 159.0455, NRS 159.344, and Guardianship Rule 8(J) a  
14 Guardian Ad Litem is entitled to reasonable compensation from the  
15 Guardianship Estate.

16 If an attorney is appointed by the Court, she may petition for fees from the  
17 Guardianship Estate in accordance with the procedures outlined in NRS  
18 159.344. See NRS 159.344(10).

19 NRS 159.344 requires the attorney who intends to seek fees to file written  
20 notice of intent to request fees when she first makes an appearance.

21 A Court appointed attorney may file a petition requesting payment of fees  
22 and costs must include the following:  
23  
24  
25  
26  
27  
28

- 1 (a) A detailed statement as to the nature and extent of the services  
2 performed by the attorney;  
3 (b) An itemization of each task performed by the attorney, with  
4 reference to the time spent on each task in an increment to the  
5 nearest one-tenth of an hour and with no minimum billing unit in  
6 excess of one-tenth of an hour;  
7 (c) An indication of whether any time billed, including, without  
8 limitation, any time spent traveling or waiting, benefited any clients  
9 of the attorney other than the protected person and, if so, how many  
10 other clients benefited from such time; and  
11 (d) Any other information considered relevant to a determination of  
12 whether attorney's fees are just, reasonable and necessary.

13  
14 In determining whether attorney's fees are just, reasonable, and  
15 necessary, the District Court may consider all of the approximately twenty-  
16 three (23) enumerated, and sometimes compound, subsections of NRS  
17 159.344(5).

18 As to NRS 159.344(5)(a), written notice of intent to filed and  
19 approved.

20 As to subsection b, the services performed conferred an actual benefit  
21 upon the protected person or attempted to advance the best interests of the  
22 protected person. Guardian Ad Litem Brickfield attempted to advance the  
23 best interests of the Protected Person by attempting to discuss and find  
24 common ground between the Protected Person's family members that would  
25 promote communication and visitation between the Protected Person and her  
26 family without the financial and emotional cost of an evidentiary hearing.  
27 Although Guardian Ad Litem Brickfield was unable to secure a settlement  
28 agreement that would have allowed the Parties to forego an evidentiary

1 hearing, Ms. Brickfield's work did ultimately result in the removal of the  
2 Guardian and allowed the Protected Person to enjoy communication and  
3 visitation with her family.  
4

5 After Evidentiary Hearing and Court Order, based in part upon GAL's  
6 Recommendations, the Protected Person was able to have communication  
7 and visitation with her family members, as guaranteed by the Protected  
8 Person's Bill of Rights and argued by Guardian Ad Litem Brickfield.  
9

10 Subsections c through f, represent the codification of the *Brunzell*  
11 factors and states as follows:  
12

13 (c) The qualities of the attorney, including, without limitation, his or  
14 her ability, training, education, experience, professional standing and skill.  
15

16 (d) The character of the work performed, including, without limitation,  
17 the difficulty, intricacy and importance of the work, the time and skill  
18 required to complete the work, the responsibility imposed and the nature of  
19 the proceedings.  
20

21 (e) The work actually performed by the attorney, including, without  
22 limitation, the skill, time and attention given to the work.  
23

24 (f) The result of the work, including, without limitation, whether the  
25 attorney was successful and any benefits that were derived.  
26

27 As to subsection c, Ms. Brickfield is an excellent advocate. She  
28 possesses great ability, is specially trained, received superior education,

1 possesses a wealth of experience, and maintains the highest professional  
2 standing and skill.

3  
4 She has significant litigation, probate, and guardianship experience. Ms.  
5 Brickfield was a Member in Dickinson Wright's Estate Planning and  
6 Administration Department and is now a Partner with Dawson & Lordahl  
7 PLLC. She practices in guardianship matters, tax law, trusts and estate, and  
8 trust and probate litigation. She has been appointed by the District Court to  
9 serve as a Guardian Ad Litem in several matters. Ms. Brickfield has  
10 presented legal education classes for the State Bar of Nevada, the Southern  
11 Nevada Association of Women Attorneys, Clark County Bar Association,  
12 and private education associations.

13  
14 Ms. Brickfield is a member of the Southern Nevada Council of Estate  
15 Planners, the State Bar of Nevada's Elder Law Section, Taxation Section and  
16 the State Bar of Nevada's Trust and Probate Section. She is the former Chair  
17 of the State Bar of Nevada's Trust and Probate Section and was a member of  
18 the State Bar of Nevada's Board of Governors from 2010 to 2014. Desert  
19 Companion Magazine named her one of Nevada's Top Lawyers and she is an  
20 AV Preeminent rated attorney by Martindale-Hubbell. She is listed as a 2015  
21 through 2019 Mountain State Super Lawyer.

22  
23 Ms. Brickfield received her LL.M. in Taxation from the New York  
24 University School of Law, which U.S. News & World Reports has rated the  
25 best taxation LL.M program in the United States since 1992.

1 As to subsection d, the work performed was detailed and complex,  
2 requiring intricate attention to detail, especially given: the nature of the  
3 controversy; the number of adverse parties; the historic family dynamic; the  
4 unique abilities of the Protected Person; and concurrent civil proceedings.  
5 The matter required the time and the skill of an experienced attorney well  
6 versed in guardianship, probate, and trust litigation.  
7

8  
9 Relative to subsection e, the detailed billing invoices submitted by  
10 Guardian Ad Litem Brickfield to support her request for fees reveal Ms.  
11 Brickfield expended reasonable effort proportional to the magnitude of the  
12 case, and that she devoted the time, skill, and attention of a reasonable and  
13 prudent guardian ad litem in this matter. She further utilized and supervised  
14 the services of her paralegal, Ms. Lamprea, in an efficient and cost-effective  
15 manner, while still achieving a benefit to the Protected Person.  
16

17  
18 As to subsection f, Guardian Ad Litem Brickfield was ultimately  
19 successful, and benefits were derived to the Protected Person. As detailed  
20 further herein, the Protected Person was able to communicate and visit with  
21 her family.  
22  
23  
24  
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1           As to subsection g and its four subsections, \$400 per hour is lower  
2 than or equal to the usual and customary hourly fee charged in by Guardian  
3 Ad Litem's in Clark County guardianship proceedings for each task  
4 performed, regardless of who actually performed the task. The requested fees  
5 represent compensation: at an attorney rate for time spent performing  
6 services that require an attorney; compensation at a paralegal rate for time  
7 spent performing paralegal services; compensation at a fiduciary rate for  
8 time spent performing fiduciary services; and no compensation for time spent  
9 performing secretarial or clerical services.  
10

11  
12  
13           Relative to subsection h, there was no apportionment among multiple  
14 clients of any billed time that benefited multiple clients of the attorney.  
15

16           Subsection i, the services were provided in a reasonable, efficient and  
17 cost-effective manner, including, without limitation, whether there was  
18 appropriate and prudent delegation of services to Guardian Ad Litem  
19 Brickfield's paralegal.  
20

21           Relative to subsection j, the estate of the Protected Person is able to  
22 pay the fees requested considering the five sub-factors. The current value of  
23 the estate is unknown, due to failures of the Former Guardian to, among  
24 other things: file timely annual accountings; to request timely annual  
25 accounting hearings; to maintain receipts of expenditures; and manage the  
26 Guardianship Estate. The general value of the estate is based upon the  
27 Protected Person's regular monthly income and ownership, subject to  
28

1 mortgage, of one residential property. Other assets may be identified through  
2 the ongoing financial forensic investigation. The Estate has no disposable  
3 income and the Protected Person will continue to need care in the future.  
4 The Protected Person currently resides with Successor Guardian, Robyn  
5 Freidman. The Protected Person's living expenses are minimized by the  
6 Guardian.  
7  
8

9 As to subsections k, l, and m, Guardian Ad Litem made substantial  
10 efforts to reduce and minimize any issues presented by attempting to resolve  
11 and facilitate communication between the Parties that would promote  
12 settlement. Guardian Ad Litem Brickfield spoke with all Parties and  
13 examined their requests. Guardian Ad Litem Brickfield made no actions that  
14 unnecessarily expanded issues or delayed or hindered the efficient  
15 administration of the estate. Guardian Ad Litem Brickfield's work advanced  
16 and protected the interests of only the Protected Person.  
17  
18  
19

20 Subsection n, allows the District Court to consider any other factor that  
21 is relevant in determining whether attorney's fees are just, reasonable and  
22 necessary, including, without limitation, any other factor that is relevant in  
23 determining whether the person was acting in good faith and was actually  
24 pursuing the best interests of the Protected Person.  
25  
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**Orders**

THE COURT HEREBY ORDERS that the ~~Guardian Ad Litem's~~ Petition  
for Approval of Fees is GRANTED.

*Linda Marquis*

IT IS SO ORDERED.

7EA D3B 91EC 95C9  
Linda Marquis  
District Court Judge

Linda Marquis  
DISTRICT JUDGE  
FAMILY DIVISION, DEPT. B  
LAS VEGAS, NV 89101

1 CSERV

2 DISTRICT COURT  
3 CLARK COUNTY, NEVADA  
4

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

DEPT. NO. Department B

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

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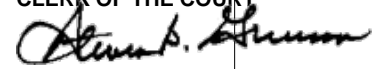
15

16 If indicated below, a copy of the above mentioned filings were also served by mail

17 via United States Postal Service, postage prepaid, to the parties listed below at their last

18 known addresses on 3/21/2022

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9 Telephone: (702) 386-1533

10 Facsimile: (702) 386-1533

11 Attorney for Kathleen June Jones, Adult Protected Person

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

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

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

18 KATHLEEN JUNE JONES,

19 An Adult Protected Person.

20 NOTICE OF APPEAL

21 Notice is hereby given that Kathleen June Jones, Adult Protected Person, by and through  
22 her attorney, Elizabeth Mikesell, Esq. of Legal Aid Center of Southern Nevada, hereby appeals  
23 to the Supreme Court of Nevada the **Findings of Fact, Conclusions of Law, and Order**  
24 **Granting Guardian Ad Litem Fees** entered in this action on March 18, 2022.

25 DATED this 28<sup>th</sup> day of April, 2022.

26 LEGAL AID CENTER OF  
27 SOUTHERN NEVADA, INC.

28 /s/ Elizabeth Mikesell, Esq.

Elizabeth Mikesell, Esq.

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 28<sup>th</sup> day of April, 2022, I deposited in the United States Mail at Las Vegas, Nevada, a copy of the foregoing document entitled **NOTICE OF APPEAL** in a sealed envelope, mailed regular U.S. mail, upon which first class postage was fully prepaid, addressed to the following:

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///

///

1 Courtney Simmons  
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4

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

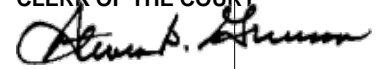
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26 Scott Simmons	<a href="mailto:scott@technocoatings.com">scott@technocoatings.com</a>

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1 All other recipients registered for e-Service on the above entitled case.  
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3 /s/ Jennifer Bocek-Dobijanski  
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5 Employee of Legal Aid Center of Southern Nevada  
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Elizabeth Mikesell, Esq.  
Nevada Bar No. 08034  
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LEGAL AID CENTER OF  
SOUTHERN NEVADA, INC.  
725 E. Charleston Blvd.  
Las Vegas, NV 89104  
Telephone: (702) 386-1533  
Facsimile: (702) 386-1533  
*Attorney for Kathleen June Jones, Adult Protected Person*

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

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

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

KATHLEEN JUNE JONES,  
  
An Adult Protected Person.

**CASE APPEAL STATEMENT**

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

Kathleen June Jones

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

Judge Linda Marquis

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

Kathleen June Jones, Appellant

Elizabeth Mikesell, Esq.

Nevada Bar No. 08034

[emikesell@lacsns.org](mailto:emikesell@lacsns.org)

Legal Aid Center of Southern Nevada

725 E Charleston Blvd.

1 Las Vegas, NV 89104

2 (702) 386-1533

3  
4 **4. Identify each respondent and the name and address of appellate counsel, if**  
5 **known, for each respondent (if the name of a respondent's appellate counsel is unknown,**  
6 **indicate as much and provide the name and address of that respondent's trial counsel):**

7 Robyn Friedman, Respondent\*

8 Donna Simmons, Respondent\*

9 \*Both respondents are represented by the same attorneys:

10 John P. Michaelson, Esq.

11 Nevada Bar No. 7822

12 john@michaelsonlaw.com

13 Michaelson Law

14 1746 W. Horizon Ridge Parkway

15 Henderson, Nevada 89012

16 (702) 731-2333

17  
18 Jeffrey R. Sylvester, Esq.

19 Nevada Bar No. 4396

20 jeff@SylvesterPolednak.com

21 Sylvester & Polednak, Ltd.

22 1731 Village Center Circle

23 Las Vegas, Nevada 89134

24 (702) 952-5200

25  
26 Elizabeth Brickfield, Esq. (Guardian ad litem), Respondent

Elizabeth Brickfield, Esq.  
Nevada Bar No. 6236  
ebrickfield@dlnevadalaw.com  
Dawson & Lordahl PLLC  
9130 West Pecos Road, Suitw 200  
Las Vegas, Nevada 89148  
(702)476-6440

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

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

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

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

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

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

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

N/A

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

September 19, 2019.

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

4           This is an appeal from an order awarding fees from Appellant's estate to a court-  
5 appointed guardian ad litem. The guardian ad litem's appointment stems from a contentious  
6 litigation regarding visitation, communication, and interaction that took place in the district  
7 court. Appellant opposed a guardian ad litem being appointed, and zealously advocated for her  
8 expressed wishes through counsel. The guardian ad litem ultimately made recommendations  
9 that differed from Appellant's expressed wishes. Those recommendations contributed to the  
10 district court removing Appellant's preferred guardian and appointing a successor guardian that  
11 Appellant did not want.

12           Following her appointment, the guardian ad litem filed a notice of intent to be paid from  
13 Appellant's estate, to which Appellant objected. Appellant did not want a guardian ad litem  
14 appointed and was able to express her wishes to the court through her court-appointed counsel.  
15 To make matters worse, the guardian ad litem charged her services at her typical attorney rate,  
16 even though in her capacity as guardian ad litem, she was doing non-attorney work. Although  
17 Appellant objected to the guardian ad litem's appointment and her receiving fees from  
18 Appellant's estate, and the guardian ad litem made recommendations that ran counter to  
19 Appellant's expressed wishes, the district court nonetheless awarded the guardian ad litem her  
20 full amount of fees and costs requested from Appellant's estate. The total award was \$5,710.00  
21 in fees and \$3.50 in costs.

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

25           This case has been the subject of multiple appeals in the Nevada Supreme Court. *See In*  
26 *re: Guardianship of Jones*, case number: 81414; *In re: Guardianship of Jones*, case number  
27  
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1 81799 and 81799-COA (was transferred to the Court of Appeals); *In re Guardianship of Jones*,  
2 case number 83967 (currently pending before the Nevada Supreme Court).

3 There was also a previous writ proceeding. *See Jones vs. Dist. Ct (Friedman)*, case  
4 number 82974.

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

6 The case does not involve child custody or visitation.

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

9 There is no possibility of settlement.

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14 DATED this 28<sup>th</sup> day of April, 2022.

15  
16 **LEGAL AID CENTER OF**  
17 **SOUTHERN NEVADA, INC.**

18 /s/ Elizabeth Mikesell, Esq.

19 Elizabeth Mikesell, Esq.

20 Nevada Bar No. 08034

21 emikesell@lacs.nv.gov

22 725 E. Charleston Blvd

23 Las Vegas, NV 89104

24 Telephone: (702) 386-1533

25 Facsimile: (702) 386-1533

26 *Attorney for Appellant Kathleen June Jones*  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 28<sup>th</sup> day of April, 2022, I deposited in the United States Mail at Las Vegas, Nevada, a copy of the foregoing document entitled **CASE APPEAL STATEMENT** in a sealed envelope, mailed regular U.S. mail, upon which first class postage was fully prepaid, addressed to the following:

Terri Butler  
586 N. Magdalena St.  
Dewey, AZ 86327

Jen Adamo  
14 Edgewater Drive  
Magnolia, DE 19962

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

Ryan O’Neal  
112 Malvern Ave, Apt. E  
Fullerton, CA 92832

Tiffany O’Neal  
177 N. Singing Wood Street, Unit 13  
Orange, CA 92869

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///  
///

Courtney Simmons  
765 Kimbark Avenue  
San Bernardino, CA 92407

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

Kelly Easton	kellye@sylvesterpolednak.com
Ammon Francom	ammon@michaelsonlaw.com
Robyn Friedman	vgsfun@hotmail.com
John Michaelson	john@michaelsonlaw.com
Peter Pratt	peter@michaelsonlaw.com
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Scott Simmons	<a href="mailto:scott@technocoatings.com">scott@technocoatings.com</a>

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3 /s/ Jennifer Bocek-Dobijanski  
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