

HOFLAND & TOMSHECK

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Attorney for Defendant, Theodore E. Scheide III

Electronically Filed
Feb 24 2022 02:58 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

**DISTRICT COURT
CLARK COUNTY, NEVADA**

In the Matter of the Estate of:) CASE NO.: P-14-082619-E

) DEPT. NO.: 26

)

THEODORE E. SCHEIDE JR. aka)

) **NOTICE OF APPEAL**

THEODORE ERNEST SCHEIDE JR.,)

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)

)

Deceased.)

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)

NOTICE IS HEREBY GIVEN that Defendant, Theodore E. Scheide III, hereby appeals to the Supreme Court of the State of Nevada the Court's final Order Denying Motion to Strike and Countermotion for Attorneys' Fees and Costs entered on January 21, 2022.

Dated this 21st day of February, 2022

HOFLAND & TOMSHECK

By: /s/ Bradley J. Hofland

Bradley J. Hofland, Esq.

Nevada Bar No. 6343

228 South 4th Street, 1st Floor

Las Vegas Nevada 89101

Attorneys for Defendant

Theodore E. Scheide III

HOFLAND & TOMSHECK – Attorneys at Law
228 South 4th Street, First Floor
Las Vegas NV 89101
PH: (702) 895-6760 ◊ FAX: (702) 731-6910

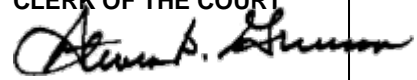
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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Hofland & Tomsheck, that Pursuant to NRCP 5(b) and EDCR 7.26, I certify that on the 21st day of February, 2022, I served the **NOTICE OF APPEAL** on the following parties by E-Service through Odyssey and/or U.S. mail addressed as follows:

HUTCHISON & STEFFEN, LLC
Todd L. Moody, Esq.
Russel J. Geist, Esq.
rgeist@hutchlegal.com
10080 West Alta Drive, Suite 200
Las Vegas, Nevada 89145
Attorney for St. Jude's Children's Research Hospital

By: /s/ Nikki Warren
Employee of Hofland & Tomsheck



HOFLAND & TOMSHECK

Bradley J. Hofland, Esq.
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Telephones: (702) 895-6760

Facsimile: (702) 731-6910

Attorney for Defendant, Theodore E. Scheide III

**DISTRICT COURT
CLARK COUNTY, NEVADA**

In the Matter of the Estate of:) CASE NO.: P-14-082619-E

) DEPT. NO.: 26

)

THEODORE E. SCHEIDE JR. aka)

) **CASE APPEAL STATEMENT**

THEODORE ERNEST SCHEIDE JR.,)

)

)

Deceased.)

)

)

1. Name of appellant filing this case appeal statement:

Defendant Theodore E. Scheide III

2. Judge issuing the decision, judgment, or order appealed from:

The Honorable Gloria J. Sturman; Eighth Judicial District Court, Clark
County.

3. Counsel for Appellant:

Party: Defendant/Appellant, Theodore E. Scheide III

Counsel: Bradley J. Hofland, Esq.
HOFLAND & TOMSHECK
228 South 4th Street, 1st Fl.
Las Vegas, NV 89101

Telephone (702) 895-6760

Facsimile (702) 731-6910

Email bradh@hoflandlaw.com

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

Party: Plaintiff/Respondent, St. Jude Children's Research Hospital

Counsel:	Russel J. Geist, Esq. HUTCHISON & STEFFEN 10080 West Alta Drive Suite 200 Las Vegas, Nevada 89145	Telephone (702) 385-2500 Facsimile (702) 385-2086 Email rgeist@hutchlegal.com
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Mr. Geist is the trial counsel; undersigned counsel does not know if respondent will retain additional or separate appellate counsel.

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 counsel is licensed to practice law in Nevada.

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

All parties were represented by counsel.

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

Retained.

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:

Not applicable.

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

3 October 02, 2014, Ex Parte Petition for Appointment of Special
4 Administrator.

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

8 This is an appeal of the lower court's adverse ruling to strike a fraudulently,
9 and legally improper and impermissible, petition naming St. Jude's Research
10 Hospital as Petitioner and Related Relief.

11 The issues on appeal include:

12 1. Whether the lower court erred in its interpretation and application of
13 controlling statutes;

14 2. Whether the original petition for lost will was legally insufficient and
15 improperly before the lower court;

16 3. Whether the lower court lacked jurisdiction to rule on and admit a lost
17 will;

18 4. Whether the Court erred in denying Defendant's motion to strike and
19 countermotion for attorney's fees and costs;

20 5. Whether the Court erred in failing to make the requisite factual findings
21 in denying Defendant's motion; and

22 6. Whether the Court erred in failing to make additional findings as
23 provided for in NRCP 52.

24 //

25

26 //

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

IN THE MATTER OF THE ESTATE OF THEODORE ERNEST
SCHEIDE, JR.

ST. JUDE CHILDREN'S RESEARCH HOSPITAL

Appellant,

Vs.

THEODORE E. SCHEIDE, III

Respondent,

Supreme Court Case No. 76924

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

Not Applicable.

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

There is a potential for this matter to be resolved at a settlement conference.

Dated this 21st day of February, 2022

HOFLAND & TOMSHECK

By:/s/ Bradley J. Hofland

Bradley J. Hofland, Esq.

Nevada Bar No. 6343

228 South 4th Street, 1st Floor

Las Vegas Nevada 89101

Attorneys for Defendant

Theodore E. Scheide III

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Hofland & Tomsheck, that Pursuant to NRCP 5(b) and EDCR 7.26, I certify that on the 21st day of February, 2022, I served the **CASE APPEAL STATEMENT** on the following parties by E-Service through Odyssey and/or U.S. mail addressed as follows:

HUTCHISON & STEFFEN, LLC

Todd L. Moody, Esq.

Russel J. Geist, Esq.

rgeist@hutchlegal.com

10080 West Alta Drive, Suite 200

Las Vegas, Nevada 89145

Attorney for St. Jude's Children's Research Hospital

By: /s/ Nikki Warren

Employee of Hofland & Tomsheck

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY**CASE NO. P-14-082619-E****In the Matter of:**
Theodore Scheide Jr., Deceased§
§
§
§
§
§Location: **Department 26**
Judicial Officer: **Sturman, Gloria**
Hearing Master: **Yamashita, Wesley**
Filed on: **10/02/2014**
Case Number History:
Cross-Reference Case Number: **P082619**
Supreme Court No.: **76924****CASE INFORMATION****Related Cases**

W-16-010344 (Companion Case)

Case Type: **Probate - Special
Administration**Case Flags: **Appealed to Supreme Court
Filing Fee Balance Due****DATE****CASE ASSIGNMENT****Current Case Assignment**Case Number P-14-082619-E
Court Department 26
Date Assigned 11/25/2019
Judicial Officer Sturman, Gloria
Hearing Master Yamashita, Wesley**PARTY INFORMATION**

		<i>Lead Attorneys</i>
Petitioner	Hoy, Susan	Boyer, Kim <i>Retained</i> 702-255-2000(W)
Decedent	Scheide Jr., Theodore Ernest	
Objector	St. Jude Children's Research Hospital	Moody, Todd L <i>Retained</i> 702-385-2500(W)
Other	Scheide, Theodore, III	Payne, Cary C., ESQ <i>Retained</i> 702-383-9010(W)
	St. Jude Children's Research Hospital	Moody, Todd L <i>Retained</i> 702-385-2500(W)
Special Administrator	Hoy, Susan	Boyer, Kim <i>Retained</i> 702-255-2000(W)

DATE**EVENTS & ORDERS OF THE COURT****INDEX****EVENTS**

10/02/2014



Ex Parte Petition

Filed By: Special Administrator Hoy, Susan

[1] Ex Parte Petition for Appointment of Special Administrator

10/06/2014



Ex Parte Order

Filed By: Special Administrator Hoy, Susan

[2] Ex Parte Order Appointing Special Administrator

CASE SUMMARY
CASE NO. P-14-082619-E

10/13/2014	 Letters of Special Administration Filed By: Special Administrator Hoy, Susan <i>[3] Letters of Special Administration</i>
01/12/2015	 Notice of Entry of Order Filed By: Special Administrator Hoy, Susan <i>[4] Notice of Entry of Order</i>
01/29/2015	 Petition for Appointment of Administrator Filed by: Special Administrator Hoy, Susan <i>[6] Petition for Appointment of Administrator of Intestate Estate Under Full Administration</i>
01/29/2015	 Notice of Hearing for Appointment of Administrator Filed by:: Special Administrator Hoy, Susan <i>[7] Notice of Hearing for Appointment of Administrator with Will Annexed Under Full Administration</i>
01/29/2015	 Certificate of Mailing Filed By: Special Administrator Hoy, Susan <i>[5] Certificate of Mailing</i>
05/06/2015	 Petition for Instruction Filed by: Special Administrator Hoy, Susan <i>[9] Petition for Instructions</i>
05/06/2015	 Notice of Hearing Filed By: Special Administrator Hoy, Susan <i>[10] Notice of Hearing on Petition for Instructions</i>
05/06/2015	 Certificate of Mailing Filed By: Special Administrator Hoy, Susan <i>[8] Certificate of Mailing</i>
05/26/2015	 Order Appointing Administrator(trix) Filed By: Special Administrator Hoy, Susan <i>[11] Order on Petition for Instructions</i>
05/27/2015	 Notice to Creditors Filed By: Special Administrator Hoy, Susan <i>[12] Notice to Creditors</i>
05/27/2015	 Statement of Name and Address of Personal Representative Filed by: Special Administrator Hoy, Susan <i>[13] Statement of Name and Permanent Address of Administrator</i>
05/28/2015	 Letters of Administration Party: Special Administrator Hoy, Susan <i>[14] Letters of Administration</i>
06/11/2015	 Affidavit of Publication Filed By: Attorney Boyer, Kim Party 2: Special Administrator Hoy, Susan <i>[15] Affidavit of Publication</i>

CASE SUMMARY
CASE NO. P-14-082619-E

03/28/2016	 Inventory, Appraisal and/or Record of Value Filed By: Special Administrator Hoy, Susan <i>[16] Inventory, Appraisal and Record of Value</i>
05/18/2016	 First and Final Account/Report Filed By: Special Administrator Hoy, Susan <i>[19] First and Final Account, Report of Administration and Petition for Final Distribution and Approval of Costs and Fees</i>
05/18/2016	 Notice of Hearing on First and Final Accounting Filed by: Special Administrator Hoy, Susan <i>[20] Notice of Hearing on First and Final Report and Accounting and Petition for Final Distribution and Approval of Costs and Fees</i>
05/18/2016	 Certificate of Mailing Filed By: Special Administrator Hoy, Susan <i>[17] Certificate of Mailing</i>
05/18/2016	 Certificate of Mailing Filed By: Decedent Scheide Jr., Theodore Ernest <i>[18] Certificate of Mailing</i>
05/20/2016	 Notice of Appearance Party: Objector St. Jude Children's Research Hospital <i>[21] Notice of Appearance</i>
05/25/2016	 Petition for Probate of Will Filed by: Special Administrator Hoy, Susan <i>[22] Petition for Proof of Will and for Issuance of Letters Testamentary Under Full Administration, Petition to Appoint Personal Representative, and Petition to Distribute and Close Estate</i>
05/25/2016	 Notice of Hearing - Probate of Will and Issuance of Letters Filed by: Special Administrator Hoy, Susan <i>[23] Notice of Hearing on Petition for Proof of Will and for Issuance of Letters Testamentary Under Full Administration, Petition to Appoint Personal Representative, and Petition to Distribute and Close Estate</i>
05/25/2016	 Certificate of Mailing Filed By: Special Administrator Hoy, Susan <i>[24] Certificate of Mailing</i>
05/25/2016	 First and Final Account/Report Filed By: Special Administrator Hoy, Susan <i>[26] Amended First and Final Account, Report of Administration and Petition for Final Distribution and Approval of Costs and Fees</i>
05/25/2016	 Notice of Hearing on First and Final Accounting Filed by: Special Administrator Hoy, Susan <i>[27] Notice of Hearing on Amended First and Final report and Accounting and Petition for Final Distribution and Approval of Costs and Fees</i>
05/25/2016	 Certificate of Mailing Filed By: Special Administrator Hoy, Susan

CASE SUMMARY

CASE NO. P-14-082619-E

	<i>[25] Certificate of Mailing</i>
05/31/2016	 Last Will and Testament Party: Special Administrator Hoy, Susan <i>[28] Last Will and Testament of Theodore E. Scheide</i>
06/03/2016	 Request Filed by: Other Scheide, Theodore, III <i>[29] Request for Special Notice</i>
07/13/2016	 Notice of Withdrawal Filed by: Special Administrator Hoy, Susan <i>[30] Notice of Withdrawal of Petition for Proof of Will and for Issuance of Letters Testamentary Under Full Administration, Petition to Appoint Personal Representative, and Petition to Distribute and Close Estate</i>
07/13/2016	 Notice of Withdrawal Filed by: Special Administrator Hoy, Susan <i>[31] Notice of Withdrawal of Amended First and Final Account, Report of Administration and Petition for Final Distribution and Approval of Costs and Fees</i>
08/29/2016	 Re-Notice Filed by: Special Administrator Hoy, Susan <i>[32] Re-Notice of Hearing</i>
09/12/2016	 Response Filed by: Special Administrator Hoy, Susan <i>[33] Response to Theodore E. Scheide III's Re-Notice of Hearing on the First and Final Account, Report of Administration and Petition for Final Distribution and Approval of Costs and Fees</i>
09/13/2016	 Petition for Probate of Will Filed by: Objector St. Jude Children's Research Hospital <i>[34] Petition for Probate of Lost Will (NRS 136.240); Revocation of Letters of Administration (NRS 141.050); Issuance of Letters Testamentary (NRS 136.090)</i>
09/13/2016	 Notice of Hearing Filed By: Objector St. Jude Children's Research Hospital <i>[35] Notice of Hearing on Petition for Probate of Lost Will (NRS 136.240); Revocation of Letters of Administration (NRS 141.050); Issuance of Letters Testamentary (NRS 136.090)</i>
09/13/2016	 Objection Filed By: Objector St. Jude Children's Research Hospital <i>[36] Objection to First and Final Account, Report of Administration and Petition for Final Distribution and Approval of Costs and Fees</i>
09/14/2016	 Notice Filed By: Other Scheide, Theodore, III <i>[37] Notice of Exercise of Right to Have Hearing Before Probate Court Judge</i>
10/03/2016	 Order Filed By: Special Administrator Hoy, Susan <i>[38] Order Scheduling Status Check</i>
10/04/2016	 Objection

CASE SUMMARY

CASE NO. P-14-082619-E

Filed By: Other Scheide, Theodore, III

[39] Objection to Petition for Proof of Lost Will (NRS 136.240), Issuance of Letters Testamentary, Etc.; Counterpetition (Response to Objection) to Distribute Intestate Estate

10/26/2016



Reply

Filed by: Objector St. Jude Children's Research Hospital

[40] Reply in Support of Petition for Probate of Lost Will (NRS 136.240); Revocation of Letters of Administration (NRS 141.050); Issuance of Letters Testamentary (NRS 136.090)

01/25/2017



Affidavit of Service

Filed By: Special Administrator Hoy, Susan

[41] Affidavit of Service

02/02/2017



Order

Filed By: Objector St. Jude Children's Research Hospital

[42] Order Granting Petition for Probate of Lost Will (NRS 136.240); Revocation of Letters of Administration (NRS 141.050) Issuance of Letters Testamentary (NRS 136.090)

02/02/2017



Notice of Entry of Order

Filed By: Objector St. Jude Children's Research Hospital

[43] Notice of Entry of Order

02/13/2017



Motion to Reconsider

Filed By: Decedent Scheide Jr., Theodore Ernest

[44] Notice of Motion and Motion to Reconsider/Clarify, Esq.

02/24/2017



Order Setting Civil Non-Jury Trial

[45] Order Setting Civil Non-Jury Trial

03/04/2017



Opposition to Motion

Filed By: Objector St. Jude Children's Research Hospital

[46] Opposition to Motion to Reconsider/Clarify, Etc.

03/14/2017



Reply to Opposition

Filed by: Decedent Scheide Jr., Theodore Ernest

[47] Reply to Opposition to Motion to Reconsider

03/16/2017



Motion

Filed By: Objector St. Jude Children's Research Hospital

[48] St. Jude Children's Research Hospital's Motion to Extend Discovery and Continue Trial Date on Order Shortening Time (First Request)

03/16/2017



Receipt of Copy

Filed by: Objector St. Jude Children's Research Hospital

[49] Receipt of Copy

03/16/2017



Receipt of Copy

Filed by: Objector St. Jude Children's Research Hospital

[50] Receipt of Copy

03/27/2017



Recorders Transcript of Hearing

[51] Recorder's Transcript of Proceeding: Motion to Reconsider: Notice of Motion and Motion to Reconsider/Clarify, Etc. Motion: St. Jude Children's Research Hospital's Motion to Extend Discovery and Continue Trial Date on Order Shortening Time (First Request) Wednesday, March 22, 2017

CASE SUMMARY

CASE NO. P-14-082619-E

04/13/2017	 Notice of Taking Deposition Filed By: Objector St. Jude Children's Research Hospital <i>[52] Notice of Taking Deposition</i>
04/17/2017	 Order Filed By: Other Scheide, Theodore, III <i>[53] Order</i>
04/18/2017	 Notice of Entry Filed By: Other Scheide, Theodore, III <i>[54] Notice of Entry</i>
04/20/2017	 Affidavit of Service Filed By: Special Administrator Hoy, Susan <i>[55] Affidavit of Service</i>
04/21/2017	 Motion Filed By: Other Scheide, Theodore, III <i>[56] Notice of Motion and Motion for Judgment on the Pleadings (NRCP 12(c))</i>
04/25/2017	 Motion for Partial Summary Judgment Filed By: Objector St. Jude Children's Research Hospital <i>[57] St. Jude Children's Research Hospital's Motion for Partial Summary Judgment on Non-Revocation of Will Prior to the Decedent's Guardianship and on Decedent's Testamentary Capacity After the Establishment of a Guardianship</i>
05/02/2017	 Order Filed By: Objector St. Jude Children's Research Hospital <i>[58] Order Regarding St. Jude Children's Research Hospital's Motion to Extend Discovery and Continue Trial Date on Order Shortening Time (First Request)</i>
05/03/2017	 Notice of Entry of Order Filed By: Objector St. Jude Children's Research Hospital <i>[59] Notice of Entry of Order</i>
05/08/2017	 Opposition Filed By: Objector St. Jude Children's Research Hospital <i>[60] St. Jude Children's Research Hospital's Opposition to Motion for Judgment on the Pleadings (NRCP 12(c))</i>
05/12/2017	 Opposition to Motion For Summary Judgment Filed By: Other Scheide, Theodore, III <i>[61] Respondent's Opposition to Motion for Partial Summary Judgment</i>
05/22/2017	 Reply to Opposition Filed by: Other Scheide, Theodore, III <i>[62] Reply to St. Jude's Opposition to Motion for Judgment on the Pleadings (NRCP 12(c)), Etc.</i>
05/23/2017	 Reply Filed by: Objector St. Jude Children's Research Hospital <i>[63] St. Jude Children's Research Hospital's Reply in Support of Motion for Partial Summary Judgment on Non-Revocation of Will Prior to the Decedent's Guardianship and on Decedent's Testamentary Capacity After the Establishment of a Guardianship</i>

CASE SUMMARY

CASE NO. P-14-082619-E

05/30/2017	 Supplemental Filed by: Other Scheide, Theodore, III <i>[64] Supplemental Courtesy Copy</i>
06/01/2017	 Supplement Filed by: Other Scheide, Theodore, III <i>[65] Respondent s Supplement Regarding Kristin Tyler s Testimony, Etc.</i>
06/02/2017	 Reply Filed by: Objector St. Jude Childresn's Reseach Hospital <i>[66] St. Jude Children's Research Hospital's Reply to Respondent's Supplement Regarding Kristin Tyler's Testimony, Etc.</i>
06/06/2017	 Demand for Jury Trial Filed By: Other Scheide, Theodore, III <i>[67] Demand for Jury Trial</i>
06/08/2017	 Order Denying Filed By: Special Administrator Hoy, Susan <i>[68] Order Denying Demand for Jury Trial</i>
06/08/2017	 Opposition Filed By: Objector St. Jude Childresn's Reseach Hospital <i>[69] St. Jude Children's Research Hospital's Opposition to Demand for Jury Trial</i>
06/12/2017	 Acceptance of Service Filed By: Objector St. Jude Childresn's Reseach Hospital <i>[70] Acceptance of Service</i>
06/12/2017	 Trial Memorandum Filed by: Other Scheide, Theodore, III <i>[71] Respondent's Trial Brief</i>
06/13/2017	 Brief Filed By: Objector St. Jude Childresn's Reseach Hospital <i>[72] St. Jude Children's Research Hospital's Trial Brief</i>
06/13/2017	 Affidavit of Service Filed By: Objector St. Jude Childresn's Reseach Hospital <i>[73] Affidavit of Service</i>
06/14/2017	 Petition Filed by: Special Administrator Hoy, Susan <i>[74] Petition for Instructions</i>
06/14/2017	 Affidavit of Service Filed By: Objector St. Jude Childresn's Reseach Hospital <i>[75] Affidavit of Service</i>
06/14/2017	 Affidavit of Service Filed By: Objector St. Jude Childresn's Reseach Hospital <i>[76] Affidavit of Service</i>















CASE SUMMARY

CASE NO. P-14-082619-E

06/26/2017	 Order Filed By: Special Administrator Hoy, Susan <i>[77] Order Sealing Trial Exhibits</i>
01/18/2018	 Accounting Filed By: Special Administrator Hoy, Susan <i>[78] Petition for Approval of Accounting and Report of Administration; Petition for Approval of Fees and Costs</i>
01/19/2018	 Notice Filed By: Special Administrator Hoy, Susan <i>[79] Notice of Hearing on Petition for Approval of Accounting and Report of Administration; Petition for Fees and Costs</i>
01/23/2018	 Certificate of Mailing Filed By: Special Administrator Hoy, Susan <i>[80] Certificate of Mailing</i>
02/12/2018	 Order Settling First and Final Account Filed By: Special Administrator Hoy, Susan <i>[81] Order Approving Accounting and Report of Administration; Order Approving Fees and Costs</i>
08/06/2018	 Order <i>[82] Decision and Order</i>
08/08/2018	 Notice of Entry Filed By: Other Scheide, Theodore, III <i>[83] Notice of Entry</i>
09/06/2018	 Notice of Appeal Filed By: Objector St. Jude Childresn's Reseach Hospital <i>[84] Notice of Appeal</i>
09/09/2018	 Notice of Filing Cost Bond Filed By: Objector St. Jude Childresn's Reseach Hospital <i>[85] Notice of Filing Cost Bond</i>
09/09/2018	 Case Appeal Statement Filed By: Objector St. Jude Childresn's Reseach Hospital <i>[86] Petitioner's Case Appeal Statement</i>
09/11/2018	 Recorders Transcript of Hearing Party: Objector St. Jude Childresn's Reseach Hospital <i>[87] Recorder's Transcript of Proceeding, Non-Jury Trial - Day 2, Friday, June 16, 2017</i>
09/11/2018	 Recorders Transcript of Hearing Party: Objector St. Jude Childresn's Reseach Hospital <i>[88] Recorder's Transcript of Proceedings, Non-Jury Trial - Day 1, Thursday, June 15, 2017</i>
09/14/2018	 Petition for Final Distribution Filed by: Other Scheide, Theodore, III <i>[89] Petition for Distribution</i>

CASE SUMMARY

CASE NO. P-14-082619-E

09/14/2018	 Notice of Hearing Filed By: Other Scheide, Theodore, III <i>[90] Notice of Hearing</i>
09/26/2018	 Objection Filed By: Objector St. Jude Childresn's Reseach Hospital <i>[91] Objection to Petition for Distribution and Counter-Petition for Stay Order Pending Appeal</i>
09/26/2018	 Notice Filed By: Objector St. Jude Childresn's Reseach Hospital <i>[92] Notice of Exercise of Right Pursuant to Eder 2.08</i>
10/10/2018	 Order <i>[93] Order Scheduling Status Check</i>
10/19/2018	 Reply Filed by: Other Scheide, Theodore, III <i>[94] Reply to Opposition to Petition for Distribution and Opposition to Countermotion for Stay, Etc.</i>
01/03/2019	 Order Filed By: Other Scheide, Theodore, III <i>[95] Order</i>
01/04/2019	 Notice of Entry <i>[96] Notice of Entry</i>
01/15/2019	 Notice of Posting Bond Filed By: Objector St. Jude Childresn's Reseach Hospital <i>[97] Notice of Posting Supersedeas Bond</i>
02/15/2019	 Notice of Attorney Lien Filed By: Other Scheide, Theodore, III <i>[98] Notice of Attorney's Lien Pursuant to NRS 18.015, Etc.</i>
03/06/2019	 Estimate of Transcript <i>[99] Hearing dates September 30, 2016; October 5, 2018 (February 9, 2018 Approved/Granted list - No hearing)</i>
03/19/2019	 Final Billing of Transcript <i>[100] Hearing dates September 30, 2016; October 5, 2018 (February 9, 2018 Approved/Granted list - No hearing)</i>
03/19/2019	 Receipt of Copy <i>[101] Hearing dates September 30, 2016; October 5, 2018 (February 9, 2018 Approved/Granted list - No hearing)</i>
03/19/2019	 Certificate <i>[102] Certification of Transcripts Notification of Completion for Hearing dates September 30, 2016; October 5, 2018 (February 9, 2018 Approved/Granted list - No hearing)</i>
03/19/2019	 Transcript of Proceedings <i>[103] Hearing date October 5, 2018</i>










CASE SUMMARY

CASE NO. P-14-082619-E

03/19/2019	 Reporters Transcript <i>[104] Hearing date September 30, 2016</i>
04/05/2019	 Recorders Transcript of Hearing Party: Objector St. Jude Childresn's Reseach Hospital <i>[105] Recorder's Transcript of Pending Motion Hearing, Wednesday, October 12, 2016</i>
04/05/2019	 Recorders Transcript of Hearing Party: Objector St. Jude Childresn's Reseach Hospital <i>[106] Recorder's Transcript of Petition to Probate a Lost Will, Wednesday, November 2, 2016</i>
04/05/2019	 Recorders Transcript of Hearing Party: Objector St. Jude Childresn's Reseach Hospital <i>[107] Recorder's Transcript of Status Conference, Wednesday, February 1, 2017</i>
04/05/2019	 Recorders Transcript of Hearing Party: Objector St. Jude Childresn's Reseach Hospital <i>[108] Recorder's Transcript of Status Conference, Thursday, May 4, 2017</i>
04/05/2019	 Recorders Transcript of Hearing Party: Objector St. Jude Childresn's Reseach Hospital <i>[109] Recorder's Transcript of Motion for Summary Judgment, Wednesday, May 31, 2017</i>
04/05/2019	 Recorders Transcript of Hearing Party: Objector St. Jude Childresn's Reseach Hospital <i>[110] Recorder's Transcript of Objection to Petition for Distribution, Thursday, November 1, 2018</i>
11/25/2019	Case Reassigned to Department 26 <i>Reassigned to Judge Gloria Sturman</i>
02/17/2021	 Order <i>[111] Order Setting Further Proceedings After Appeal</i>
03/02/2021	 NV Supreme Court Clerks Certificate/Judgment -Remanded <i>[112] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Reversed and Remand; Rehearing Denied</i>
03/12/2021	 Notice of Hearing <i>[113] Instructions for Bluejeans Videoconference</i>
03/16/2021	 Motion to Strike Filed By: Other Scheide, Theodore, III <i>[114] Notice of Motion and Motion to Strike the Fraudently Submitted Petition Naming St. Jude's Research Hospital as Petitioner and Related Relief</i>
03/16/2021	 Clerk's Notice of Hearing <i>[115] Notice of Hearing</i>
03/16/2021	 Notice of Motion Filed By: Other Scheide, Theodore, III <i>[116] Notice of Motion and Errata to [Exhibits A - D] to Motion to Strike the Fraudently Submitted Petition Naming St. Jude's Research Hospital as Petitioner and Related Relief</i>








CASE SUMMARY

CASE NO. P-14-082619-E

03/22/2021	 Clerk's Notice of Hearing <i>[117] Notice of Hearing</i>
03/26/2021	 Opposition Filed By: Objector St. Jude Childresn's Reseach Hospital <i>[118] Opposition to Motion to Strike and Countermotion for Attorneys' Fees and Costs</i>
04/02/2021	 Reply to Opposition Filed by: Other Scheide, Theodore, III <i>[119] Reply to Opposition to Motion to Strike the Fraudulently Submitted Petition Naming St. Jude Research Hospital as Petitioner and Related Relief and Opposition to Countermotion for Attorney's Fees and Costs</i>
04/07/2021	 Notice of Hearing <i>[120] Instructions for Bluejeans Videoconference</i>
01/11/2022	 Order <i>[121] Order Denying Motion to Strike and Countermotion for Attorneys' Fees and Costs</i>
01/21/2022	 Notice of Entry of Order Filed By: Objector St. Jude Childresn's Reseach Hospital <i>[122] Notice of Entry of Order</i>
02/21/2022	 Notice of Appearance Party: Other Scheide, Theodore, III <i>[123] Notice of Appearance</i>
02/21/2022	 Notice of Appeal Filed By: Other Scheide, Theodore, III <i>[124] Notice of Appeal</i>
02/21/2022	 Case Appeal Statement Filed By: Other Scheide, Theodore, III <i>[125] Case Appeal Statement</i>
<u>HEARINGS</u>	
02/13/2015	Petition - HM (9:30 AM) (Hearing Master: Yamashita, Wesley) Events: 01/29/2015 Petition for Appointment of Administrator <i>Notice of Hearing for Appointment of Administrator with Will Annexed Under Full Administration</i>
05/22/2015	 Petition - HM (9:30 AM) (Hearing Master: Yamashita, Wesley) <i>Petition for Instructions</i>
06/10/2016	CANCELED Petition - HM (9:30 AM) <i>Vacated - per Attorney or Pro Per</i> <i>Petition on First and Final Report and Accounting and Petition for Final Distribution and Approval of Costs and Fees</i>
06/10/2016	Petition - HM (9:30 AM) (Hearing Master: Yamashita, Wesley) <i>Petition for Proof of Will and for Issuance of Letters Testamentary Under Full Administration, Petition to Appoint Personal Representative, and Petition to Distribute and Close Estate</i>
06/10/2016	Petition - HM (9:30 AM) (Hearing Master: Yamashita, Wesley) <i>Amended First and Final Report and Accounting and Petition for Final Distribution and</i>

CASE SUMMARY


CASE NO. P-14-082619-E

	<i>Approval of Costs and Fees</i>
09/16/2016	Petition - HM (9:30 AM) (Hearing Master: Yamashita, Wesley) <i>First and Final Account, Report of Administration and Petition for Final Distribution and Approval of Costs and Fees.</i>
09/30/2016	 Petition - HM (9:30 AM) (Hearing Master: Yamashita, Wesley) <i>Petition for Probate of Lost Will (NRS 136.240); Revocation of Letters of Administration (NRS 141.050); Issuance of Letters Testamentary (NRS 136.090)</i>
10/12/2016	 Status Check (9:30 AM) (Judicial Officer: Sturman, Gloria) <i>Petition for Probate of Lost Will (NRS 136.240); Revocation of Letters of Administration (NRS 141.050); Issuance of Letters Testamentary (NRS 136.090)</i>
10/12/2016	CANCELED Objection - HM (9:30 AM) (Judicial Officer: Sturman, Gloria) <i>Vacated - per Law Clerk</i> <i>Objection to Petition for Proof of Lost Will (NRS 136.240), Issuance of Letters Testamentary, Etc.; Counterpetition (Response to Objection) to Distribute Intestate Estate</i>
11/02/2016	 Hearing (9:30 AM) (Judicial Officer: Sturman, Gloria) <i>Hearing: Petition for Probate of Lost Will (NRS136.240); Revocation of Letters of Administration (NRS141.050); Issuance of Letters Testamentary (NRS136.090)</i>
02/01/2017	 Status Check (9:30 AM) (Judicial Officer: Sturman, Gloria)
03/16/2017	CANCELED Evidentiary Hearing (10:00 AM) (Judicial Officer: Sturman, Gloria) <i>Vacated - per Judge</i>
03/22/2017	Motion to Reconsider (9:30 AM) (Judicial Officer: Sturman, Gloria) <i>Notice of Motion and Motion to Reconsider/Clarify, Etc.</i>
03/22/2017	Motion (9:30 AM) (Judicial Officer: Sturman, Gloria) <i>St. Jude Children's Research Hospital's Motion to Extend Discovery and Continue Trial Date on Order Shortening Time (First Request)</i>
03/22/2017	 All Pending Motions (9:30 AM) (Judicial Officer: Sturman, Gloria)
05/04/2017	 Calendar Call (9:00 AM) (Judicial Officer: Sturman, Gloria)
05/10/2017	CANCELED Status Check (9:30 AM) (Judicial Officer: Sturman, Gloria) <i>Vacated</i> <i>Status Check</i>
05/30/2017	CANCELED Non-Jury Trial (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Vacated</i>
05/31/2017	Motion (9:30 AM) (Judicial Officer: Sturman, Gloria) 05/31/2017, 11/03/2017 <i>Notice of Motion and Motion for Judgment on the Pleadings (NRCP 12(c))</i>
05/31/2017	Motion (9:30 AM) (Judicial Officer: Sturman, Gloria) 05/31/2017, 11/03/2017 <i>St. Jude Children's Research Hospital's Motion for Partial Summary Judgment on Non-Revocation of Will Prior to the Decedent's Guardianship and on Decedent's Testamentary Capacity After the Establishment of a Guardianship</i>
05/31/2017	 All Pending Motions (9:30 AM) (Judicial Officer: Sturman, Gloria)

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. P-14-082619-E

06/06/2017	 Minute Order (7:00 AM) (Judicial Officer: Sturman, Gloria)
06/15/2017	 Non-Jury Trial (9:00 AM) (Judicial Officer: Sturman, Gloria)
06/16/2017	 Non-Jury Trial (9:00 AM) (Judicial Officer: Sturman, Gloria)
08/15/2017	Decision (3:00 AM) (Judicial Officer: Sturman, Gloria)
09/29/2017	Decision (3:00 AM) (Judicial Officer: Sturman, Gloria) <i>Continued from 08/15/17</i>
11/03/2017	Decision (3:00 AM) (Judicial Officer: Sturman, Gloria) <i>Continued from 08/15/17</i>
12/08/2017	Decision (3:00 AM) (Judicial Officer: Sturman, Gloria) <i>Continued from 08/15/17</i>
01/25/2018	Decision (3:00 AM) (Judicial Officer: Sturman, Gloria) <i>Continued from 08/15/17</i>
02/09/2018	 Petition - HM (9:30 AM) (Hearing Master: Yamashita, Wesley) <i>Petition for Approval of Accounting and Report of Administration; Petition for Approval of Fees and Costs</i>
04/13/2018	Decision (3:00 AM) (Judicial Officer: Sturman, Gloria) <i>From 06/16/17 Bench Trial</i>
05/25/2018	Decision (3:00 AM) (Judicial Officer: Sturman, Gloria) <i>Probate Remand</i>
06/29/2018	Decision (3:00 AM) (Judicial Officer: Sturman, Gloria) <i>From 06/16/17 Bench Trial</i>
08/10/2018	Decision (3:00 AM) (Judicial Officer: Sturman, Gloria)
09/21/2018	CANCELED Decision (3:00 AM) (Judicial Officer: Sturman, Gloria) <i>Vacated</i>
10/05/2018	 Petition - HM (9:30 AM) (Hearing Master: Yamashita, Wesley) <i>Petition for Distribution</i>
11/01/2018	 Status Check (9:30 AM) (Judicial Officer: Sturman, Gloria) <i>Status Check Re: Petition for Distribution</i>
03/18/2021	 Status Check (9:30 AM) (Judicial Officer: Sturman, Gloria) <i>Status Check: Further Proceedings Re: Appeal Decision</i>
04/14/2021	 Motion to Strike (10:30 AM) (Judicial Officer: Sturman, Gloria) <i>Notice of Motion and Motion to Strike the Fraudulently Submitted Petition Naming St. Jude's Research Hospital as Petitioner and Related Relief</i>
04/14/2021	CANCELED Status Check (10:30 AM) (Judicial Officer: Sturman, Gloria) <i>Vacated - Set in Error</i>

DATE

FINANCIAL INFORMATION

| Attorney Payne, Cary C., ESQ

CASE SUMMARY**CASE NO. P-14-082619-E**

Total Charges	5.00
Total Payments and Credits	5.00
Balance Due as of 2/23/2022	0.00

Other Scheide, Theodore, III

Total Charges	24.00
Total Payments and Credits	24.00
Balance Due as of 2/23/2022	0.00

Objector St. Jude Childresn's Reseach Hospital

Total Charges	722.80
Total Payments and Credits	722.80
Balance Due as of 2/23/2022	0.00

Special Administrator Hoy, Susan

Total Charges	608.00
Total Payments and Credits	608.00
Balance Due as of 2/23/2022	0.00

Objector St. Jude Childresn's Reseach Hospital

Registry and Trust Account-Probate Balance as of 2/23/2022	500.00
--	---------------

**EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA
FAMILY COURT COVER SHEET**

CASE NO. _____ (To be assigned by the Clerk's Office)

Do you or any other party in this case (including any minor child) have any other current case(s) or past case(s) in the Family Court or Juvenile Court in Clark County?

☐ YES ☒ NO

If yes, complete the other side of this form

PARTY INFORMATION (Please Print)

Plaintiff/Petitioner		Defendant/Respondent/Co-Petitioner/Ward/Decedent	
Last Name: Hoy		Last Name: Scheide Jr.	
First Name: Susan	Middle Name: M.	First Name: Theodore	Middle Name: Ernest
Home Address: 6625 S. Valley View, #216		Home Address:	
City, State, Zip: Las Vegas, Nevada 89118		City, State, Zip:	
Mailing Address: SAME		Mailing Address: SAME	
City, State, Zip: --		City, State, Zip: --	
Phone #: (702) 629-2017	Date of Birth: 9/22/70	Phone #:	Date of Birth: 8/27/27
Attorney Information		Attorney Information	
Name: KIM BOYER, CELA	Bar No. 5587	Name: KIM BOYER, CELA	Bar No. 5587
Address: 10785 W. TWAIN AVE., STE. 200		Address: 10785 W. TWAIN AVE., STE. 200	
City, State, Zip: LAS VEGAS, NV 89135		City, State, Zip: LAS VEGAS, NV 89135	
Phone #: (702) 255-2000		Phone #: (702) 255-2000	

(Check one box only for the type of case being filed with this cover sheet)

DOMESTIC	MISC. DOMESTIC RELATIONS PETITIONS	GUARDIANSHIP	PROBATE
Marriage Dissolution <input type="checkbox"/> Annulment <input type="checkbox"/> Divorce - No minor child(ren) <input type="checkbox"/> Divorce - With minor child(ren) <input type="checkbox"/> Foreign Decree <input type="checkbox"/> Joint Petition - No minor child(ren) <input type="checkbox"/> Joint Petition - With minor child(ren) <input type="checkbox"/> Separate Maintenance	<input type="checkbox"/> Adoption - Minor <input type="checkbox"/> Adoption - Adult <input type="checkbox"/> Mental Health <input type="checkbox"/> Name Change <input type="checkbox"/> Paternity <input type="checkbox"/> Permission to Marry <input type="checkbox"/> Temporary Protective Order (TPO) <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Child Support/Custody <input type="checkbox"/> Other (identify) _____	Guardianship of an Adult <input type="checkbox"/> Person <input type="checkbox"/> Estate <input type="checkbox"/> Person and Estate Guardianship of a Minor <input type="checkbox"/> Person <input type="checkbox"/> Estate <input type="checkbox"/> Person and Estate <input type="checkbox"/> Guardianship Trust	<input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input checked="" type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside Estates <input type="checkbox"/> Trust/Conservatorships <input type="checkbox"/> Individual Trustee <input type="checkbox"/> Corporate Trustee <input type="checkbox"/> Other Probate
MISC. JUVENILE PETITIONS	DA CHILD SUPPORT PETITIONS		
<input type="checkbox"/> Emancipation	<input type="checkbox"/> DA - UIFSA <input type="checkbox"/> DA - Child Support In State		

List children involved in this case (If more than 3 children, please enter the information on the reverse side)

Last Name	First Name	Middle Name	Date of Birth	Relationship
1.				

Jo Smith, PARALEGAL
Printed Name of Preparer

Jo Smith
Signature of Preparer

10-2-2014
Date

Supply the following information about any other proceeding (check all that apply):

☐ Divorce ☐ Temporary Protective Orders (TPO) ☐ Custody/Child Support

☐ UIFSA/URESA ☐ Paternity ☐ Juvenile Court ☐ Other

Please Print

List full name of all adult parties involved			Case number of other proceeding(s)	Approximate date of last order in other proceeding(s)
Last Name	First Name	Middle Name		
1.				
2.				
3.				
4.				

If children were involved (other than those listed on front page), please provide:

Last Name	First Name	Middle Name	Date of Birth	Relationship
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				

Children involved in this case (continuation from front page)

Last Name	First Name	Middle Name	Date of Birth	Relationship
4.				
5.				
6.				
7.				
8.				

**THIS INFORMATION IS REQUIRED BY
NRS 3.025, NRS 3.223, NRS 3.227, NRS 3.275,
NRS 125.130, NRS 125.230,
And will be kept in a confidential manner by the Clerk's Office.**

Heather S. Hume

CLERK OF THE COURT

ORDR

Todd L. Moody (5430)
Russel J. Geist (9030)
HUTCHISON & STEFFEN, PLLC
Peccole Professional Park
10080 West Alta Drive, Suite 200
Las Vegas, Nevada 89145
(702) 385-2500
(702) 385-2086
tmoody@hutchlegal.com
rgeist@hutchlegal.com

*Attorneys for St. Jude Children's
Research Hospital*

**DISTRICT COURT
CLARK COUNTY, NEVADA**

In the Matter of the Estate of

THEODORE E. SCHEIDE JR. aka
THEODORE ERNEST SCHEIDE JR.,

Deceased.

Case No. P-14-082619-E
Department 26

Date of Hearing: April 14, 2021
Time of Hearing: 10:30am

**ORDER DENYING MOTION TO STRIKE AND
COUNTERMOTION FOR ATTORNEYS' FEES AND COSTS**

Date of hearing: July 30, 2021

Time of hearing: 9:30 a.m.

Theodore E. Scheide III's *Motion to Strike the Fraudulently Submitted Petition Naming St. Jude's [sic] Research Hospital as Petitioner and Related Relief* (the "Motion to Strike") came on regularly for hearing April 14, 2021. Joseph J. Powell, Esq., of the law firm of Hutchison & Steffen, LLC appeared on behalf of St. Jude Children's Research Hospital ("St. Jude") and Cary Colt Payne, Esq., of the law office of Cary Colt Payne, Chtd. appeared on behalf of Theodore E. Scheide III ("Chip"). The Court having reviewed the Motion to Strike, St. Jude's Opposition, and all papers filed herein, and having heard the arguments of counsel, now finds and orders as follows:

FINDINGS OF FACT

This Court issued its Decision and Order on August 6, 2018, denying St. Jude's petition admit Theodore E. Scheide, Jr.'s ("Decedent") October 2, 2012 will as a lost will. St. Jude appealed, and the

1 Nevada Supreme Court issued its decision and order on December 31, 2020, in which it reversed and
2 remanded “with instructions for the district court to probate the lost will.” Upon probate of the will
3 pursuant to the December 31, 2020 order of the Nevada Supreme Court, Chip is determined to be a
4 disinherited heir with no further interest in the Decedent’s Estate, and St. Jude is the sole heir of the
5 Decedent’s Estate.

6 Chip filed a Motion for Rehearing before the Nevada Supreme Court on January 15, 2021, which
7 was denied on February 4, 2021 and the Nevada Supreme Court issued a remittitur on March 16, 2021.

8 Thereafter, Chip filed his Motion to Strike requesting the following relief from this Court:

- 9 1. Remedying the fraud the American Lebanese Syrian Associated Charities
10 (“Lebanese Charities”) committed upon this Court and striking the Petition for
11 Probate of Lost Will (NRS 136.240); Revocation of Letters of Administration
12 (NRS 141.050); Issuance of Letters Testamentary (NRS 136.090) (“Petition”) that was filed on 09/13/2016;
- 13 2. Striking and vacating all judgments, orders, and filings related to and/or
14 stemming from the filing of the above referenced fraudulent Petition;
- 15 3. Finding St. Jude’s Research Hospital (“St. Jude”) has neither registered and is
16 not qualified to do business in this State as defined by Nevada Law and as a
17 result cannot commence or maintain any action or proceeding in any court of
18 this State as a matter of law (NRS 82.523, §82.5234);
- 19 4. Finding Lebanese Charities lacks standing, is not a real party in interest, and
20 cannot assert third party rights, in this matter; and
- 21 5. Addressing any additional relief this Court deems necessary and appropriate.

22 Motion to Strike at 2:4-18.

23 St. Jude opposed Chip’s Motion to Strike asserting that, notwithstanding the requirement in NRS
24 80.010(1) for a foreign corporation, whether for profit or nonprofit, to register with the Nevada Secretary
25 of State “[b]efore commencing or doing any business in this State,” NRS 80.015(1) provides a long, non-
26 exhaustive list of activities that “do not “constitute doing business in this State,” including, “(a)
27 Maintaining, defending or settling any proceeding” for the purpose of determining whether registration is
required.

28 This Court explicitly finds that St. Jude, as a foreign nonprofit corporation, is not “doing business
29 in Nevada for its activities in Nevada involving “[m]aintaining, defending or settling any proceeding”
30 with respect to the Decedent’s Estate and therefore does not have to register with the Secretary of State.
31 St. Jude is permitted under Nevada law to maintain, defend or settle any proceeding including the Estate
32 of Theodore E. Scheide Jr. without registering with the Secretary of State. NRS 80.015(1)(a).

1 St. Jude represented in its Opposition to the Motion to Strike that American Lebanese Syrian
2 Associated Charities (“ALSAC”) “was founded by Danny Thomas in 1957 to be the fundraising and
3 awareness organization for St. Jude Children’s Research Hospital, and its sole mission is to raise the funds
4 and awareness necessary to operate and maintain the hospital. ALSAC is responsible for raising 80% of
5 the funds necessary to operate St. Jude.” From <https://www.stjude.org/about-st-jude/faq/whats-alsac.html>.

6 St. Jude also presented a copy of St. Jude’s June 22, 2016, Board Resolution signed by Martha
7 Perine Beard, Chairman, on behalf of St. Jude Children’s Research Hospital, Inc. in which St. Jude
8 specifically:

9
10 RESOLVED, THAT ALSAC, under the supervision and direction of the President and
11 Chief Executive Officer, acting alone or by and through ALSAC’s Chief Administrative
12 Officer, Chief Financial Officer, or Chief Legal Officer/General Counsel, or other
13 individual or individuals duly appointed and designated from time to time, are authorized
14 to perform such of the following actions as may be required to receive, handle and
administer all devises, bequests and gifts of property of every kind and nature given,
devised, and bequeathed to in aiding and assisting such institution in furtherance of its
mission.

15 The Board of St. Jude specifically authorized the Chief Legal Officer/General Counsel “or duly authorized
16 designee(s)” of ALSAC to “execute all receipts, waivers, consents, acknowledgments, deeds, disclaimers,
17 title conveyances, release, and other documents or instruments that may be required and requested by
18 executors, administrators and personal representative of estates, by donors or trustees of trusts under which
19 [St. Jude] is a named beneficiary and which is related to or required to effectuate any such gift to [St.
20 Jude].” Id. The Board Resolution specifies the Chief Legal Officer/General Counsel of ALSAC as Sara
21 L. Hall, to whom Fred E. Jones, Jr. of ALSAC reports in the legal department. Fred E. Jones, Jr. signed
22 the Petition for Probate of Lost Will (NRS 136.240); Revocation of Letters of Administration (NRS
141.050); Issuance of Letters Testamentary (NRS 136.090) filed on September 13, 2016.

23 St. Jude, through its Board-designated appointees of ALSAC, filed its Petition to secure its interest
24 in the Decedent’s Estate. All pleadings were filed and the action before this Court was maintained on
25 behalf of St. Jude in accordance with the Board’s Resolution. Therefore, St. Jude is a proper party, who
26 has appeared in this matter through its Board-designated appointees of ALSAC, and is party in interest to
27 which the benefits of the Estate flow through the Decedent’s will to be probated under the Nevada

1 Supreme Court's Order. How St. Jude deals with ALSAC with respect to the administration of its gift is
2 not a question for this Court to address, and not a concern that Chip has any standing to raise.

3 Finally, Chip's claims of "fraud" and "lack of standing" are untimely. Chip did not raise his claims
4 of "fraud" and "lack of standing" against St. Jude at the time the Petition was filed. Instead, Chip was
5 silent on such claims on the grounds now raised in the Motion to Strike.¹ Not only did Chip effectively
6 waive such arguments, but the equitable doctrine of laches applies to Chip's claims permitting this Court
7 to deny his Motion as prejudicial against St. Jude now, more than 4 years after the Petition was filed, and
8 after all of the appeals have concluded, against Chip. *See Besnilian v. Wilkinson*, 117 Nev. 519, 522, 25
9 P.3d 187, 189 (2001) ("Laches, an equitable doctrine, may be invoked when delay by one party prejudices
10 the other party such that granting relief to the delaying party would be inequitable. However, to invoke
11 laches, the party must show that the delay caused actual prejudice.")

12 Granting Chip's Motion now after the Nevada Supreme Court has issued its order in favor of St.
13 Jude, at the conclusion of this matter when all that is left is to distribute the Estate according to the Nevada
14 Supreme Court's order, is highly prejudicial to St. Jude. Therefore, Chip's claims that St. Jude's Petition
15 must be stricken because the claims of "fraud" and "lack of standing" are time-barred and must be
16 denied accordingly.

17 This Court finds that, upon probate of the will pursuant to the December 31, 2020 order of the
18 Nevada Supreme Court, Chip is a disinherited heir with no further interest in the Decedent's Estate or
19 standing in this matter, and St. Jude is the sole heir of the Decedent's Estate.

20 Chip, as the current personal representative, is required to turn over all funds of the Estate to St.
21 Jude or its designated representative and prepare and file a final account pursuant to NRS 150.110. The
22 accounting of the Estate funds may consist of original account statements from January 3, 2019 to present.
23 As of the last accounting filed with the Court by Personal Representative Susan Hoy on January 18, 2018,
24 consisted of:

25 ¹ Chip's objection to the Petition, which was filed on October 4, 2016, raised a vague "lack of standing"
26 argument against St. Jude's Petition on the grounds that St. Jude was barred from bringing the newly
27 discovered will based on the probate court's initial determination that, because no will had yet been found,
letters of administration were issued to administer the then intestate estate. However, Chip did not raise
such arguments in his initial Objection as he did in the this current Motion.

(1) Charles Schwab Acct. #x-3684 \$2,508,274.66
(2) Durham Jones & Pinegar Trust Acct. \$113,799.87
Less Personal Representative Commission (\$53,591.49)
Less Attys' Fees and Costs Approved (\$39,220.75)
Total **\$2,529,262.29**

ORDER

IT IS HEREBY ORDERED that the Motion to Strike is DENIED in its entirety.

IT IS FURTHER ORDERED that following the December 31, 2020 Opinion of the Nevada Supreme Court, the Will is admitted to probate for the purposes of declaring St. Jude Children's Research Hospital to be the sole beneficiary of the Estate of Theodore E. Scheide, Jr. and that Theodore E. Scheide, Jr. is a disinherited heir

IT IS FURTHER ORDERED that St. Jude is the sole devisee and legatee of the Estate, and Theodore E. Scheide III has no further interest in the Estate of Theodore E. Scheide, Jr.

IT IS FURTHER ORDERED that, within 10 business days from the date of entry of this Order, Theodore E. Scheide III shall turn over to St. Jude or its counsel of record all funds received on behalf of the Estate of Theodore E. Scheide, Jr., which has been in the "full control" of Theodore E. Scheide III as "representative of the estate of Theodore Scheide" since the Court's January 3, 2019 order.

IT IS FURTHER ORDERED that Theodore E. Scheide III shall provide an accounting of the Estate funds, which may consist of original account statements from January 3, 2019 to present. As of the last accounting filed with the Court by Personal Representative Susan Hoy on January 18, 2018, consisted of:

(1) Charles Schwab Acct. #x-3684 \$2,508,274.66
(2) Durham Jones & Pinegar Trust Acct. \$113,799.87
Less Personal Representative Commission (\$53,591.49)
Less Attys' Fees and Costs Approved (\$39,220.75)
Total **\$2,529,262.29**

1 IT IS FURTHER ORDERED that upon delivery of the Estate funds to St. Jude or counsel and
2 filing and approval of the accounting, the Estate shall be closed.

3 DATED this _____ day of _____, 2022.

4 Dated this 11th day of January, 2022

5 
DISTRICT COURT JUDGE

6 Submitted by:
7 HUTCHISON & STEFFEN, PLLC

D48 8DE 1892 E708
Gloria Sturman
District Court Judge

8 /s/ Russel J. Geist
9 Todd L. Moody, Esq. (5430)
10 Russel J. Geist, Esq. (9030)
11 10080 West Alta Drive, Suite 200
12 Las Vegas, Nevada 89145

*Attorneys for St. Jude Children's
Research Hospital*

13 Approved as to Form and Content:
14 CARY COLT PAYNE, CHTD.

15 REFUSED TO SIGN
16 Cary Colt Payne, Esq. (4357)
17 700 South Eighth Street
18 Las Vegas, NV 89101

Attorney for Theodore E. Scheide III

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 In the Matter of:

CASE NO: P-14-082619-E

7 Theodore Scheide Jr., Deceased

DEPT. NO. Department 26

8
9 **AUTOMATED CERTIFICATE OF SERVICE**

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

13 Service Date: 1/11/2022

14 "Cary Colt Payne, Esq." .

carycoltpaynechtd@yahoo.com

15 "Kim Boyer, Esq." .

kimboyer@elderlawnv.com

16 "Kristen M. Tyler, Esq." .

ktyler@gtg.legal

17 Amber Anderson .

aanderson@hutchlegal.com

18 Russel J.Geist .

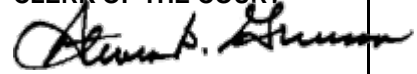
rgeist@hutchlegal.com

19 Carrie Parker

c.parker.ccpayne@gmail.com

20 Chip Scheide

dromidary@camelsareus.org



1 **NEOJ**
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2 Russel J. Geist (9030)
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3 Peccole Professional Park
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5 (702) 385-2086
rgeist@hutchlegal.com

6 *Attorneys for St. Jude Children's*
7 *Research Hospital*

8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

10
11 In the Matter of the Estate of

Case No.: P-14-082619-E

12 THEODORE E. SCHEIDE JR. aka
THEODORE ERNEST SCHEIDE JR.,

Dept No.: 26

13 Deceased.

14 **NOTICE OF ENTRY OF ORDER**

15 NOTICE IS HEREBY GIVEN that on January 11, 2022 an *Order Denying Motion to Strike*
16 *and Countermotion for Attorneys' Fees and Costs* was entered in the above-entitled action, a copy
17 of which is attached hereto.

18 Dated this 21st day of January, 2022.

19
20 HUTCHISON & STEFFEN, PLLC

21 */s/ Russel J. Geist*

22 Russel J. Geist (9030)
10080 W. Alta Dr., Ste 200
23 Las Vegas, NV 89145
(702) 385-2500
24 (702) 385-2086 Fax

rgeist@hutchlegal.com

25 *Attorneys for St. Jude Children's*
26 *Research Hospital*
27
28

HUTCHISON & STEFFEN

A PROFESSIONAL FIRM
PECCOLE PROFESSIONAL PARK
10080 WEST ALTA DRIVE, SUITE 200
LAS VEGAS, NV 89145

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of HUTCHISON & STEFFEN, PLLC and that on this 21st day of January, 2022, I caused the above and foregoing document entitled **NOTICE OF ENTRY OF ORDER** to be served as follows:

- ☐ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada; and/or
- ☐ pursuant to EDCR 7.26, to be sent **via facsimile**; and/or
- ☒ pursuant to EDCR 8.05(a) and 8.05(f), to be electronically served through the Eighth Judicial District Court's electronic filing system, with the date and time of the electronic service substituted for the date and place of deposit in the mail; and/or
- ☐ to be hand-delivered;

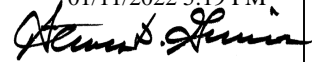
to the attorney(s) or parties listed below at the address and/or facsimile number indicated below:

Via E-Service
 Kim Boyer, Esq.
 Durham Jones & Pinegar
 10785 W. Twain Ave., Ste. 200
 Las Vegas, NV 89135
Attorney for the Estate

Via E-Service
 Cary Colt Payne, Esq.
 700 S. 8th Street
 Las Vegas, NV 89101
Attorney for Theodore "Chip" E. Scheide, III

/s/ Allie Whelan

An Employee of Hutchison & Steffen, PLLC


CLERK OF THE COURT

ORDR

Todd L. Moody (5430)
Russel J. Geist (9030)
HUTCHISON & STEFFEN, PLLC
Peccole Professional Park
10080 West Alta Drive, Suite 200
Las Vegas, Nevada 89145
(702) 385-2500
(702) 385-2086
tmoody@hutchlegal.com
rgeist@hutchlegal.com

*Attorneys for St. Jude Children's
Research Hospital*

**DISTRICT COURT
CLARK COUNTY, NEVADA**

In the Matter of the Estate of

THEODORE E. SCHEIDE JR. aka
THEODORE ERNEST SCHEIDE JR.,

Deceased.

Case No. P-14-082619-E
Department 26

Date of Hearing: April 14, 2021
Time of Hearing: 10:30am

**ORDER DENYING MOTION TO STRIKE AND
COUNTERMOTION FOR ATTORNEYS' FEES AND COSTS**

Date of hearing: July 30, 2021

Time of hearing: 9:30 a.m.

Theodore E. Scheide III's *Motion to Strike the Fraudulently Submitted Petition Naming St. Jude's [sic] Research Hospital as Petitioner and Related Relief* (the "Motion to Strike") came on regularly for hearing April 14, 2021. Joseph J. Powell, Esq., of the law firm of Hutchison & Steffen, LLC appeared on behalf of St. Jude Children's Research Hospital ("St. Jude") and Cary Colt Payne, Esq., of the law office of Cary Colt Payne, Chtd. appeared on behalf of Theodore E. Scheide III ("Chip"). The Court having reviewed the Motion to Strike, St. Jude's Opposition, and all papers filed herein, and having heard the arguments of counsel, now finds and orders as follows:

FINDINGS OF FACT

This Court issued its Decision and Order on August 6, 2018, denying St. Jude's petition admit Theodore E. Scheide, Jr.'s ("Decedent") October 2, 2012 will as a lost will. St. Jude appealed, and the

1 Nevada Supreme Court issued its decision and order on December 31, 2020, in which it reversed and
2 remanded “with instructions for the district court to probate the lost will.” Upon probate of the will
3 pursuant to the December 31, 2020 order of the Nevada Supreme Court, Chip is determined to be a
4 disinherited heir with no further interest in the Decedent’s Estate, and St. Jude is the sole heir of the
5 Decedent’s Estate.

6 Chip filed a Motion for Rehearing before the Nevada Supreme Court on January 15, 2021, which
7 was denied on February 4, 2021 and the Nevada Supreme Court issued a remittitur on March 16, 2021.

8 Thereafter, Chip filed his Motion to Strike requesting the following relief from this Court:

- 9 1. Remedying the fraud the American Lebanese Syrian Associated Charities
10 (“Lebanese Charities”) committed upon this Court and striking the Petition for
11 Probate of Lost Will (NRS 136.240); Revocation of Letters of Administration
12 (NRS 141.050); Issuance of Letters Testamentary (NRS 136.090) (“Petition”)
13 that was filed on 09/13/2016;
- 14 2. Striking and vacating all judgments, orders, and filings related to and/or
15 stemming from the filing of the above referenced fraudulent Petition;
- 16 3. Finding St. Jude’s Research Hospital (“St. Jude”) has neither registered and is
17 not qualified to do business in this State as defined by Nevada Law and as a
18 result cannot commence or maintain any action or proceeding in any court of
19 this State as a matter of law (NRS 82.523, §82.5234);
- 20 4. Finding Lebanese Charities lacks standing, is not a real party in interest, and
21 cannot assert third party rights, in this matter; and
- 22 5. Addressing any additional relief this Court deems necessary and appropriate.

23 Motion to Strike at 2:4-18.

24 St. Jude opposed Chip’s Motion to Strike asserting that, notwithstanding the requirement in NRS
25 80.010(1) for a foreign corporation, whether for profit or nonprofit, to register with the Nevada Secretary
26 of State “[b]efore commencing or doing any business in this State,” NRS 80.015(1) provides a long, non-
27 exhaustive list of activities that “do not “constitute doing business in this State,” including, “(a)
Maintaining, defending or settling any proceeding” for the purpose of determining whether registration is
required.

This Court explicitly finds that St. Jude, as a foreign nonprofit corporation, is not “doing business
in Nevada for its activities in Nevada involving “[m]aintaining, defending or settling any proceeding”
with respect to the Decedent’s Estate and therefore does not have to register with the Secretary of State.
St. Jude is permitted under Nevada law to maintain, defend or settle any proceeding including the Estate
of Theodore E. Scheide Jr. without registering with the Secretary of State. NRS 80.015(1)(a).

1 St. Jude represented in its Opposition to the Motion to Strike that American Lebanese Syrian
2 Associated Charities (“ALSAC”) “was founded by Danny Thomas in 1957 to be the fundraising and
3 awareness organization for St. Jude Children’s Research Hospital, and its sole mission is to raise the funds
4 and awareness necessary to operate and maintain the hospital. ALSAC is responsible for raising 80% of
5 the funds necessary to operate St. Jude.” From <https://www.stjude.org/about-st-jude/faq/whats-alsac.html>.

6 St. Jude also presented a copy of St. Jude’s June 22, 2016, Board Resolution signed by Martha
7 Perine Beard, Chairman, on behalf of St. Jude Children’s Research Hospital, Inc. in which St. Jude
8 specifically:

9
10 RESOLVED, THAT ALSAC, under the supervision and direction of the President and
11 Chief Executive Officer, acting alone or by and through ALSAC’s Chief Administrative
12 Officer, Chief Financial Officer, or Chief Legal Officer/General Counsel, or other
13 individual or individuals duly appointed and designated from time to time, are authorized
14 to perform such of the following actions as may be required to receive, handle and
administer all devises, bequests and gifts of property of every kind and nature given,
devised, and bequeathed to in aiding and assisting such institution in furtherance of its
mission.

15 The Board of St. Jude specifically authorized the Chief Legal Officer/General Counsel “or duly authorized
16 designee(s)” of ALSAC to “execute all receipts, waivers, consents, acknowledgments, deeds, disclaimers,
17 title conveyances, release, and other documents or instruments that may be required and requested by
18 executors, administrators and personal representative of estates, by donors or trustees of trusts under which
19 [St. Jude] is a named beneficiary and which is related to or required to effectuate any such gift to [St.
20 Jude].” Id. The Board Resolution specifies the Chief Legal Officer/General Counsel of ALSAC as Sara
21 L. Hall, to whom Fred E. Jones, Jr. of ALSAC reports in the legal department. Fred E. Jones, Jr. signed
22 the Petition for Probate of Lost Will (NRS 136.240); Revocation of Letters of Administration (NRS
141.050); Issuance of Letters Testamentary (NRS 136.090) filed on September 13, 2016.

23 St. Jude, through its Board-designated appointees of ALSAC, filed its Petition to secure its interest
24 in the Decedent’s Estate. All pleadings were filed and the action before this Court was maintained on
25 behalf of St. Jude in accordance with the Board’s Resolution. Therefore, St. Jude is a proper party, who
26 has appeared in this matter through its Board-designated appointees of ALSAC, and is party in interest to
27 which the benefits of the Estate flow through the Decedent’s will to be probated under the Nevada

1 Supreme Court's Order. How St. Jude deals with ALSAC with respect to the administration of its gift is
2 not a question for this Court to address, and not a concern that Chip has any standing to raise.

3 Finally, Chip's claims of "fraud" and "lack of standing" are untimely. Chip did not raise his claims
4 of "fraud" and "lack of standing" against St. Jude at the time the Petition was filed. Instead, Chip was
5 silent on such claims on the grounds now raised in the Motion to Strike.¹ Not only did Chip effectively
6 waive such arguments, but the equitable doctrine of laches applies to Chip's claims permitting this Court
7 to deny his Motion as prejudicial against St. Jude now, more than 4 years after the Petition was filed, and
8 after all of the appeals have concluded, against Chip. *See Besnilian v. Wilkinson*, 117 Nev. 519, 522, 25
9 P.3d 187, 189 (2001) ("Laches, an equitable doctrine, may be invoked when delay by one party prejudices
10 the other party such that granting relief to the delaying party would be inequitable. However, to invoke
11 laches, the party must show that the delay caused actual prejudice.")

12 Granting Chip's Motion now after the Nevada Supreme Court has issued its order in favor of St.
13 Jude, at the conclusion of this matter when all that is left is to distribute the Estate according to the Nevada
14 Supreme Court's order, is highly prejudicial to St. Jude. Therefore, Chip's claims that St. Jude's Petition
15 must be stricken because the claims of "fraud" and "lack of standing" are time-barred and must be
16 denied accordingly.

17 This Court finds that, upon probate of the will pursuant to the December 31, 2020 order of the
18 Nevada Supreme Court, Chip is a disinherited heir with no further interest in the Decedent's Estate or
19 standing in this matter, and St. Jude is the sole heir of the Decedent's Estate.

20 Chip, as the current personal representative, is required to turn over all funds of the Estate to St.
21 Jude or its designated representative and prepare and file a final account pursuant to NRS 150.110. The
22 accounting of the Estate funds may consist of original account statements from January 3, 2019 to present.
23 As of the last accounting filed with the Court by Personal Representative Susan Hoy on January 18, 2018,
24 consisted of:

25 ¹ Chip's objection to the Petition, which was filed on October 4, 2016, raised a vague "lack of standing"
26 argument against St. Jude's Petition on the grounds that St. Jude was barred from bringing the newly
27 discovered will based on the probate court's initial determination that, because no will had yet been found,
letters of administration were issued to administer the then intestate estate. However, Chip did not raise
such arguments in his initial Objection as he did in the this current Motion.

(1) Charles Schwab Acct. #x-3684 \$2,508,274.66
(2) Durham Jones & Pinegar Trust Acct. \$113,799.87
Less Personal Representative Commission (\$53,591.49)
Less Attys' Fees and Costs Approved (\$39,220.75)
Total **\$2,529,262.29**

ORDER

IT IS HEREBY ORDERED that the Motion to Strike is DENIED in its entirety.

IT IS FURTHER ORDERED that following the December 31, 2020 Opinion of the Nevada Supreme Court, the Will is admitted to probate for the purposes of declaring St. Jude Children's Research Hospital to be the sole beneficiary of the Estate of Theodore E. Scheide, Jr. and that Theodore E. Scheide, Jr. is a disinherited heir

IT IS FURTHER ORDERED that St. Jude is the sole devisee and legatee of the Estate, and Theodore E. Scheide III has no further interest in the Estate of Theodore E. Scheide, Jr.

IT IS FURTHER ORDERED that, within 10 business days from the date of entry of this Order, Theodore E. Scheide III shall turn over to St. Jude or its counsel of record all funds received on behalf of the Estate of Theodore E. Scheide, Jr., which has been in the "full control" of Theodore E. Scheide III as "representative of the estate of Theodore Scheide" since the Court's January 3, 2019 order.

IT IS FURTHER ORDERED that Theodore E. Scheide III shall provide an accounting of the Estate funds, which may consist of original account statements from January 3, 2019 to present. As of the last accounting filed with the Court by Personal Representative Susan Hoy on January 18, 2018, consisted of:

(1) Charles Schwab Acct. #x-3684 \$2,508,274.66
(2) Durham Jones & Pinegar Trust Acct. \$113,799.87
Less Personal Representative Commission (\$53,591.49)
Less Attys' Fees and Costs Approved (\$39,220.75)
Total **\$2,529,262.29**

1 IT IS FURTHER ORDERED that upon delivery of the Estate funds to St. Jude or counsel and
2 filing and approval of the accounting, the Estate shall be closed.

3 DATED this _____ day of _____, 2022.

4 Dated this 11th day of January, 2022

5 
DISTRICT COURT JUDGE

6 Submitted by:
7 HUTCHISON & STEFFEN, PLLC

D48 8DE 1892 E708
Gloria Sturman
District Court Judge

8 /s/ Russel J. Geist
9 Todd L. Moody, Esq. (5430)
10 Russel J. Geist, Esq. (9030)
11 10080 West Alta Drive, Suite 200
12 Las Vegas, Nevada 89145

*Attorneys for St. Jude Children's
Research Hospital*

13 Approved as to Form and Content:
14 CARY COLT PAYNE, CHTD.

15 REFUSED TO SIGN
16 Cary Colt Payne, Esq. (4357)
17 700 South Eighth Street
18 Las Vegas, NV 89101
19 *Attorney for Theodore E. Scheide III*

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 In the Matter of:

CASE NO: P-14-082619-E

7 Theodore Scheide Jr., Deceased

DEPT. NO. Department 26

8
9 **AUTOMATED CERTIFICATE OF SERVICE**

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

13 Service Date: 1/11/2022

14 "Cary Colt Payne, Esq." .

carycoltpaynechtd@yahoo.com

15 "Kim Boyer, Esq." .

kimboyer@elderlawnv.com

16 "Kristen M. Tyler, Esq." .

ktyler@gtg.legal

17 Amber Anderson .

aanderson@hutchlegal.com

18 Russel J.Geist .

rgeist@hutchlegal.com

19 Carrie Parker

c.parker.ccpayne@gmail.com

20 Chip Scheide

dromidary@camelsareus.org

21
22
23
24
25
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27
28

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate - Special
Administration**

COURT MINUTES

February 13, 2015

P-14-082619-E In the Matter of:
Theodore Scheide Jr., Deceased

February 13, 2015 9:30 AM Petition - HM

HEARD BY: Yamashita, Wesley **COURTROOM:** Courtroom 09

COURT CLERK: Carol Foley

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Prior to the time set for hearing, COMMISSIONER RECOMMENDED, matter taken OFF
CALENDAR.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate - Special
Administration**

COURT MINUTES

May 22, 2015

P-14-082619-E	In the Matter of: Theodore Scheide Jr., Deceased
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May 22, 2015	9:30 AM	Petition - HM	Petition for Instructions
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HEARD BY: Yamashita, Wesley **COURTROOM:** RJC Courtroom 03F

COURT CLERK: Sharon Chun

RECORDER:

REPORTER:

PARTIES

PRESENT: Van Alstyne, Philip C. Attorney

JOURNAL ENTRIES

- PETITION FOR INSTRUCTIONS

COMMISSIONER STATED this matter had been left open to see if anyone came forward to produce a will or indicated they wanted to pursue it, but nothing came forward. Further, it was the opinion of the Personal Representative that the will had been destroyed.

Mr. VanAlstyne stated that is correct and confirmed this will is to proceed based upon the basis of an intestate situation.

COMMISSIONER RECOMMENDED, Petition GRANTED. The signed Order was provided to Mr. VanAlstyne.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate - Special
Administration**

COURT MINUTES

June 10, 2016

P-14-082619-E	In the Matter of: Theodore Scheide Jr., Deceased
---------------	---

June 10, 2016	9:30 AM	Petition - HM
---------------	---------	---------------

HEARD BY: Yamashita, Wesley	COURTROOM: RJC Courtroom 03F
-----------------------------	------------------------------

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Prior to the time set for hearing, COMMISSIONER RECOMMENDED, matter taken OFF CALENDAR; subject to renote.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate - Special
Administration**

COURT MINUTES

June 10, 2016

P-14-082619-E	In the Matter of: Theodore Scheide Jr., Deceased
---------------	---

June 10, 2016	9:30 AM	Petition - HM
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HEARD BY: Yamashita, Wesley	COURTROOM: RJC Courtroom 03F
------------------------------------	-------------------------------------

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Prior to the time set for hearing, COMMISSIONER RECOMMENDED, matter taken OFF CALENDAR; subject to renote.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate - Special
Administration**

COURT MINUTES

September 16, 2016

P-14-082619-E	In the Matter of: Theodore Scheide Jr., Deceased
---------------	---

September 16, 2016 9:30 AM Petition - HM

HEARD BY: Yamashita, Wesley **COURTROOM:** RJC Courtroom 03F

COURT CLERK: Sharon Chun

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Prior to the time set for hearing, COMMISSIONER RECOMMENDED, matter taken OFF CALENDAR; subject to renote.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate - Special
Administration**

COURT MINUTES

September 30, 2016

P-14-082619-E	In the Matter of: Theodore Scheide Jr., Deceased
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September 30, 2016	9:30 AM	Petition - HM	Petition for Probate of Lost Will (NRS 136.240); Revocation of Letters of Administration (NRS 141.050); Issuance of Letters Testamentary (NRS 136.090)
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HEARD BY: Yamashita, Wesley

COURTROOM: RJC Courtroom 03F

COURT CLERK: Sharon Chun

RECORDER:

REPORTER:

PARTIES

PRESENT: Geist, Russel J, ESQ Attorney

JOURNAL ENTRIES

- PETITION FOR PROBATE OF LOST WILL (NRS 136.240); REVOCATION OF LETTERS OF ADMINISTRATION (NRS 141.050); ISSUANCE OF LETTERS TESTAMENTARY (NRS 136.090)

Cary Payne, Esq. appeared on behalf of Petitioner Theodore Scheide III.

COMMISSIONER NOTED he had received the Notice of Exercise of Right to Have Hearing Before Probate Court Judge.

Mr. Geist advised he has seen no written objection to the petition. Following colloquy between the Court and both counsel, Mr. Payne advised that he has his written objection ready to file.

PRINT DATE: 02/23/2022

Page 6 of 29

Minutes Date: February 13, 2015

Pursuant to the Request, COMMISSIONER REFERRED this matter to Probate Judge Gloria Sturman, for hearing.

CLERK'S NOTE: The "Referral To District Court Judge" has been distributed to the Dept 26 Judicial Executive Assistant for scheduling and notification to the following counsel: Kim Boyer, Russell Geist, Cary C. Payne.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate - Special
Administration**

COURT MINUTES

October 12, 2016

P-14-082619-E	In the Matter of: Theodore Scheide Jr., Deceased
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October 12, 2016	9:30 AM	Status Check
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HEARD BY: Sturman, Gloria	COURTROOM: RJC Courtroom 03H
---------------------------	------------------------------

COURT CLERK: Melissa Murphy

RECORDER:
Kerry Esparza

REPORTER:

PARTIES

PRESENT:	Geist, Russel J, ESQ	Attorney
	Payne, Cary C., ESQ	Attorney
	Van Alstyne, Philip C.	Attorney

JOURNAL ENTRIES

- Court stated confusion as to what was actually going forward with the case. Mr. Payne summarized a procedural overview of the case and noted everything was before this court. Further noted St. Jude brought a Petition to probate a lost will and an objection was filed. Additionally noted they did not have two witnesses and therefore the court can rule as a matter of law. Mr. Geist noted there were factual issues that need to be established and disagreed the issue could be dismissed as a matter of law. Further noted he needed to file a reply to the objection. COURT ORDERED, Petition set for hearing; Evidentiary hearing RESERVED if testimony and evidence will need to be presented. Court directed counsel to provide courtesy copies of briefing by Friday before the hearing. Mr. Payne inquired whether the administrator would turn over the father's personal property. Mr. Geist disagreed. Court advised the matter can be discussed on November 2nd.

11/02/16 9:30 AM - HEARING: PETITION FOR PROBATE OF LOST WILL (NRS136.240);
REVOCATION OF LETTERS OF ADMINISTRATION (NRS141.050); ISSUANCE OF LETTERS

TESTIMONY (NRS 136.090)

02/06/17-02/07/17 - EVIDENTIARY HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate - Special
Administration**

COURT MINUTES

November 02, 2016

P-14-082619-E In the Matter of:
Theodore Scheide Jr., Deceased

November 02, 2016 9:30 AM Hearing

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Melissa Murphy

RECORDER: Kerry Esparza
Kerry Esparza

REPORTER:

PARTIES

PRESENT: Geist, Russel J, ESQ Attorney
Payne, Cary C., ESQ Attorney
Scheide, Theodore, III Other

JOURNAL ENTRIES

- Mr. Geist summarized a procedural overview of the case and argued in support of Petition to have the will proved. The special administrator found a copy of the October 2012 will; however was not able to find the original. The estate planning attorney (Kristen Tyler) discovered the decedent died intestate. Mr. Payne argued in opposition and noted the will was intentionally destroyed by decedent. St. Jude could not prove the will was in existence at the time of decedent's death. Attorney Tyler only attests that the last time she saw the original will was on the day it was executed. Arguments whether the October 2012 will revoked all prior wills. Following further arguments and representations, COURT stated FINDINGS and ORDERED, Petition to Approve Will GRANTED; Evidentiary hearing RESET to prove whether the will was destroyed during Mr. Scheide's lifetime. COURT FURTHER ORDERED, Counterpetition for distribution DEFERRED; Status Check SET. Mr. Geist to prepare the Order.

02/01/17 9:30 AM - STATUS CHECK: READINESS FOR EVIDENTIARY HEARING

PRINT DATE: 02/23/2022

Page 10 of 29

Minutes Date: February 13, 2015

03/16/17 - 03/17/17 - EVIDENTIARY HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate - Special
Administration**

COURT MINUTES

February 01, 2017

P-14-082619-E	In the Matter of: Theodore Scheide Jr., Deceased
---------------	---

February 01, 2017 9:30 AM Status Check

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Kory Schlitz

RECORDER: Kerry Esparza

REPORTER:

PARTIES

PRESENT:	Boyer, Kim	Attorney
	Geist, Russel J, ESQ	Attorney
	Payne, Cary C., ESQ	Attorney

JOURNAL ENTRIES

- Upon Court's inquiry, Mr. Geist indicated not ready for an Evidentiary Hearing, stating parties are in the process of Discovery, however there is an issue with Kristin Tyler being subpoenaed to testify in a criminal trial. Colloquy regarding trial dates. COURT ORDERED, Evidentiary Hearing VACATED, matter SET for Calendar CALL. Court advised a trial date will be set at calendar call.

5/4/17 9:00 A.M. CALENDAR CALL

JURY TRIAL SET BETWEEN 5/30/17 THRU 6/23/17

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate - Special
Administration**

COURT MINUTES

March 22, 2017

P-14-082619-E	In the Matter of: Theodore Scheide Jr., Deceased
---------------	---

March 22, 2017 9:30 AM All Pending Motions

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Brynn Griffiths

RECORDER:
Kerry Esparza

REPORTER:

PARTIES

PRESENT:	Boyer, Kim	Attorney
	Geist, Russel J, ESQ	Attorney
	Payne, Cary C., ESQ	Attorney

JOURNAL ENTRIES

- MOTION TO RECONSIDER: NOTICE OF MOTION AND MOTION TO RECONSIDER/CLARIFY, ETC...MOTION: ST. JUDE CHILDREN'S RESEARCH HOSPITAL'S MOTION TO EXTEND DISCOVERY AND CONTINUE TRIAL DATE ON ORDER SHORTENING TIME (FIRST REQUEST)

Upon Court's inquiry, Mr. Pane objected to an extension as this issue has been pending for two years. Court noted Ms. Boyer has no position either way as to an extension; Ms. Boyer concurred. Argument by Mr. Geist regarding him not receiving the full medical records. Court inquired as to why an extension is needed. Mr. Geist informed it is Mr. Scheide's position there is more discovery that is needed. COURT ORDERED, Motion to Extend Discovery GRANTED, for 60 days. COURT FURTHER ORDERED, Motion to Continue Trial Date on Order Shortening Time, DENIED. COURT ORDERED, HIPAA release be provided as to the names in the papers. Ms. Boyer has no objection to release the papers. Argument by Mr. Pane as to the language in the order being confusing. Argument by Mr. Geist stating the order is clear and correct. COURT FURTHER ORDERED, Motion

to Reconsider DENIED. Mr. Geist renewed his motion for extending discovery as 60 days will not be enough time. COURT ORDERED, request to extend discovery more than 60 days, DENIED; Status Check SET.

05/10/17 9:30 AM STATUS CHECK

DISTRICT COURT
CLARK COUNTY, NEVADA

Probate - Special Administration

COURT MINUTES

May 04, 2017

P-14-082619-E In the Matter of:
Theodore Scheide Jr., Deceased

May 04, 2017 **9:00 AM** **Calendar Call**

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Denise Duron

RECORDER: Kerry Esparza

REPORTER:

PARTIES

PRESENT: Geist, Russel J, ESQ Attorney
Payne, Cary C., ESQ Attorney

JOURNAL ENTRIES

- Colloquy regarding date availability and the setting of a new trial date. COURT ORDERED, status check VACATED; and FURTHER ORDERED trial date VACATED and RESET.

06/15/17 9:00 AM NON-JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate - Special
Administration**

COURT MINUTES

May 31, 2017

P-14-082619-E	In the Matter of: Theodore Scheide Jr., Deceased
---------------	---

May 31, 2017 9:30 AM All Pending Motions

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Lorna Shell

RECORDER:
Kerry Esparza

REPORTER:

PARTIES

PRESENT:	Boyer, Kim	Attorney
	Geist, Russel J, ESQ	Attorney
	Payne, Cary C., ESQ	Attorney

JOURNAL ENTRIES

- NOTICE OF MOTION AND MOTION FOR JUDGMENT ON THE PLEADINGS (NRCP 12(C)) ..
ST. JUDE CHILDREN'S RESEARCH HOSPITAL'S MOTION FOR PARTIAL SUMMARY
JUDGMENT ON NON-REVOCATION OF WILL PRIOR TO THE DECEDENT'S GUARDIANSHIP
AND ON DECEDENT'S TESTAMENTARY CAPACITY AFTER THE ESTABLISHMENT OF A
GUARDIANSHIP

Mr. Geist argued pursuant to Estate of Irvine v. Doyle the party must prove the lost will was in legal existence at the time of death. Mr. Geist further argued the Supreme Court said the statute must mean a proponent of the lost will was required to prove the testator did not revoke the lost or destroyed will during his lifetime, not that the will was in physical existence at the time of the testator's death. Mr. Geist argued pursuant to NRS 136.040(1) it must be proven that a will was in existence or proven destroyed or provide two credible witnesses. Mr. Geist further argued that there was no clear and convincing evidence standard of proof required under NRS 136.240. Mr. Payne

argued pursuant to NRS 136.240(3) they must prove the testator had not revoked the lost or destroyed will, the proof must be two individuals who physically saw the original will at the time of the decedent's death, and that if the will was fraudulently destroyed it was through some intervening act. Mr Payne further argued the facts in the Irvine case did not match as that case referred to a house fire. Mr. Payne argued during the decedent's guardianship a full inventory was taken and no will was found. Upon inquiry by the Court regarding whether it was his position that because they didn't have the original will at the time of filing of the petition it fails, Mr. Payne stated as a matter of law they must have two credible witnesses and at best they only have one; therefore the court can affirm he died intestate. Following further arguments by counsel, COURT ORDERED, Motion CONTINUED TO CHAMBERS for a decision; Court noted she did not have a complete copy of Kristen Tyler, Esq.'s deposition and requested counsel provide it to the court.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate - Special
Administration**

COURT MINUTES

June 06, 2017

P-14-082619-E	In the Matter of: Theodore Scheide Jr., Deceased
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June 06, 2017	7:00 AM	Minute Order
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HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Lorna Shell

RECORDER: Kerry Esparza

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- This matter came for hearing May 31, 2017 on competing Motions (Petitioner filed a Motion for Summary Judgment while Respondent couched his Motion as seeking relief under NRCP 12 (C)). The Court took the matter under advisement in order to review the entire transcript of attorney Kristen Tyler, and the Howard Hughes Medical Center case (Respondent s Supplement filed May 30, 2017). It was not the Court s intent to accept any additional exhibits or briefing. After the hearing Petitioner provided a complete transcript, however, Respondent Theodore Schiede III provided additional exhibits and argument concerning conflicting testimony . Counsel for Petitioner objected to Respondent s second supplement and requested the material be stricken, or in the alternative that Petitioner be given an opportunity to prepare a substantial reply.

The parties have thus answered the issue under consideration by the Court, i.e. in light of the competing Motions are any questions of material fact remaining, and is either party entitled to judgment as a matter of law. It appears that the witness testimony does not answer all of the questions to be considered in analyzing NRS 136.240.

herefore, the Court will reserve ruling on the pending motions, which may be appropriate for

consideration after presentation of evidence at the evidentiary hearing currently scheduled for June 15, 2017 and June 16, 2017.

CLERK'S NOTE: A copy of this minute order was electronically served to all Wiznet registered parties by the Judicial Executive Assistant./ls 06-06-17

DISTRICT COURT
CLARK COUNTY, NEVADA

Probate - Special Administration

COURT MINUTES

June 15, 2017

P-14-082619-E

In the Matter of:
Theodore Scheide Jr., Deceased

June 15, 2017

9:00 AM

Non-Jury Trial

HEARD BY: Sturman, Gloria

COURTROOM: RJC Courtroom 10D

COURT CLERK: Lorna Shell

RECORDER: Kerry Esparza

REPORTER:

PARTIES

PRESENT:	Boyer, Kim	Attorney
	Geist, Russel J, ESQ	Attorney
	Moody, Todd L	Attorney
	Payne, Cary C., ESQ	Attorney
	Scheide Jr., Theodore Ernest	Decedent

JOURNAL ENTRIES

- Also present was Ian Christopherson assisting Mr. Payne, Marge Arena, Assistant to Mr. Payne, Heather Risa, Paralegal for Mr. Geist, and Jennifer Maffeo-Morrissey from St. Judes.

Opening Statements by Mr. Geist and Mr. Payne.

Ms. Boyer stated Mr. Alstyne had written a letter stating Ms. Boyd couldn't be advised to waive any attorney client privileges. Mr. Geist argued that pursuant to NRS 149.115(2) this was a communication relevant to an issue between parties who claim through the same deceased client and as such there was no privilege. Mr. Payne argued it was a limited waiver. COURT FINDS there was a standing objection and that this testimony falls within a waiver and Ms. Tyler could make the decision.

Testimony and Exhibits presented (see worksheets).

Ms. Tyler ADMONISHED and EXCUSED for lunch with instructions to return at 1:00 PM.

TRIAL RESUMED:

Testimony continued.

Following arguments by counsel regarding medical records included in Exhibit 7(a) and 7(b), COURT ORDERED, Mr. Geist to prepare an order sealing all confidential documents in Exhibit 7(a) and 7(b). Upon request by Mr. Geist to enter Exhibit 6, COURT ORDERED, Exhibit 6 COMES IN with the understanding that Ms. Hoy kept these records in the ordinary course; however due to the confidential nature they would be SEALED. COURT FURTHER ORDERED, Trial CONTINUED.

CONTINUED TO: 06/15/17 10:00 AM

DISTRICT COURT
CLARK COUNTY, NEVADA

Probate - Special Administration

COURT MINUTES

June 16, 2017

P-14-082619-E

In the Matter of:
Theodore Scheide Jr., Deceased

June 16, 2017

9:00 AM

Non-Jury Trial

HEARD BY: Sturman, Gloria

COURTROOM: RJC Courtroom 10D

COURT CLERK: Lorna Shell

RECORDER: Kerry Esparza

REPORTER:

PARTIES

PRESENT:

Geist, Russel J, ESQ

Attorney

Moody, Todd L

Attorney

Payne, Cary C., ESQ

Attorney

Scheide, Theodore, III

Other

JOURNAL ENTRIES

- Also present was Ian Christopherson assisting Mr. Payne, Marge Arena, Assistant to Mr. Payne, Heather Risa, Paralegal for Mr. Geist, and Jennifer Maffeo-Morrissey from St. Judes.

Mr. Geist stated he believed they had met their burden and therefore moved for a directed verdict. Mr. Payne renewed his own motion for directed verdict and further argued they had not complied with the statute, that they did not meet the requirement for adequate notice, that there was no evidence of a lost or accidentally destroyed will, and that they didn't state a claim. Mr. Payne argued they were provided additional time and when the parties came back to court with depositions by K. Tyler and D. DeWitt, neither of the depositions state the will was lost or accidentally destroyed. Mr. Payne argued there was no evidence regarding how the will was lost, they had the bare bones and it doesn't meet the standard set by NRS 136.230, they must lay a foundation, they must rely on affidavits, they must prove allegations before going forward, and they must prove the will was in existence at the time of his death. COURT STATED CONCERNS with the timing and the lack of

notice. Court further stated she wanted to consider all evidence and hear both sides intent before making a decision and therefore DENIED both motions for directed verdict. Court then instructed Mr. Payne to put on his defense. Mr. Payne stated he would not be calling any witnesses. Mr. Payne moved to strike the testimony of Ms. Maffeo-Morrissey as she was not noticed as a discovery witness. Mr. Moody argued she was properly disclosed. COURT ORDERED, Oral Motion to Strike DENIED.

Closing statements by Mr. Geist and Mr. Payne.

COURT ORDERED, Decision CONTINUED FOR CHAMBERS DECISION by August 15, 2017.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate - Special
Administration**

COURT MINUTES

February 09, 2018

P-14-082619-E	In the Matter of: Theodore Scheide Jr., Deceased
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February 09, 2018 9:30 AM Petition - HM

HEARD BY: Yamashita, Wesley **COURTROOM:** RJC Courtroom 11D

COURT CLERK: Sharon Chun

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Matter being on Approved List and there being no objection, COMMISSIONER RECOMMENDED,
Petition APPROVED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate - Special
Administration**

COURT MINUTES

October 05, 2018

P-14-082619-E	In the Matter of: Theodore Scheide Jr., Deceased
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October 05, 2018	9:30 AM	Petition - HM	Petition for Distribution
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HEARD BY: Yamashita, Wesley **COURTROOM:** RJC Courtroom 17A

COURT CLERK: Sharon Chun

RECORDER:

REPORTER:

PARTIES

PRESENT:	Geist, Russel J, ESQ	Attorney
	Payne, Cary C., ESQ	Attorney

JOURNAL ENTRIES

- Petition for Distribution

COMMISSIONER NOTED Mr. Geist had filed the "Notice of Exercise of Right Pursuant to EDCR 2.08" and RECOMMENDED THIS REFERRED TO PROBATE JUDGE STURMAN. Counsels were advised that they will receive a calendar date from the Department 26 Judicial Executive Assistant.

CLERK'S NOTE: This date the "Referral To District Court Judge" was distributed to Department 26 for scheduling and notification to counsels.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate - Special
Administration**

COURT MINUTES

November 01, 2018

P-14-082619-E	In the Matter of: Theodore Scheide Jr., Deceased
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November 01, 2018 9:30 AM Status Check

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Lorna Shell

RECORDER: Kerry Esparza

REPORTER:

PARTIES

PRESENT:	Geist, Russel J, ESQ	Attorney
	Payne, Cary C., ESQ	Attorney

JOURNAL ENTRIES

- Mr. Payne requested distribution commence.

Mr. Geist argued the case should be stayed pending the appeal, that there was no judgment against his client, that St. Jude was not on the hook to pay Mr. Scheide, and that the funds were in the estate.

Court stated it was found that Mr. Payne's clients were the beneficiaries by operation of law and further inquired that since the funds were invested in the market and now that Mr. Payne's clients were beneficiaries, how could they be sure over the next period of time that the market wouldn't drop and the value decrease. Mr. Geist argued if a distribution was made there was no guarantee the money wouldn't be decreased and further suggested Ms. Hoy move the funds into an interest bearing account to preserve the principle. Mr. Geist argued under case law they were to maintain status quo.

Mr. Payne argued St. Judes should be required to post a bond and noted they had no skin in the game; therefore they were holding up the distribution.

Court stated they were incurring needless fees while litigating this case.

Mr. Payne argued pursuant to NRS 20.037 if an appeal bond was required, it must equal the judgment.

Mr. Geist argued subsection 4 of that Statute stated it was at the Court's discretion.

COURT ORDERED Ms. Hoy and Ms. Boyer to be out of the case; Mr. Scheide to have control of the funds; St. Jude to post a \$250,000 BOND; Distribution STAYED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate - Special
Administration**

COURT MINUTES

March 18, 2021

P-14-082619-E	In the Matter of: Theodore Scheide Jr., Deceased
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March 18, 2021 9:30 AM Status Check

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Sharyne Suehiro

RECORDER: Kerry Esparza

REPORTER:

PARTIES

PRESENT:	Geist, Russel J, ESQ	Attorney
	Payne, Cary C., ESQ	Attorney

JOURNAL ENTRIES

- Colloquy regarding if this matter should be heard before the Commissioner.

COURT STATED, Master Calendar is to be advised this matter is to be heard in Dept. 26 upon remand from the Supreme Court.

4/14/2021 10:30 AM STATUS CHECK

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate - Special
Administration**

COURT MINUTES

April 14, 2021

P-14-082619-E	In the Matter of: Theodore Scheide Jr., Deceased
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April 14, 2021 10:30 AM Motion to Strike

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Nylasia Packer

RECORDER: Kerry Esparza

REPORTER:

PARTIES

PRESENT:	Geist, Russel J, ESQ	Attorney
	Payne, Cary C., ESQ	Attorney

JOURNAL ENTRIES

- Joseph Powell, Esq. present.

Following arguments by counsel, Court stated its findings, and ORDERED, motion DENIED in its entirety. Mr. Powell to prepare and submit order to Mr. Payne for approval as to form and content.

EXHIBIT LIST

Case No: **P082619**

Dept. No.: **XXVI**

Petitioner: **ST JUDE'S CHILDRENS HOSPITAL**

vs.

Respondant: **THEODORE E SCHEIDE III**

Trial Date: 6/15/17

Judge: Judge Gloria Sturman

Court Clerk: LORNA Shell

Recorder: KERRI ESPARZA

Reporter: _____

Counsel for Petitioner: _____

Russel Geist, Esq.; Todd Moody

Counsel for Respondent: _____

Cary Payne, Esq;

TRIAL BEFORE THE COURT

RESP.'S EXHIBITS

Exhibit Number	Exhibit Description	Bates No	Date Offered	Objection	Date Admitted
A	FINAL ACCOUNTING DOCUMENTS Guardianship Petition filed 1/22/15	Tyler #'s 13-66			
B	TYLER RECEIPT Guardianship Proceeding Filed 4/14/15	Public Document			
C	KRISTIN TYLER & RUSSELL GEIST - EMAILS & TYLER AFFIDAVIT	Tyler #'s 38-49			
D	KRISTIN TYLER EMAILS WITH SUSAN HOY RE: PROBATE MATTER; DATED 5/19/16	Tyler #'s 71,72,41			
E	KRISTIN TYLER EMAILS WITH RUSSELL GEIST RE: PROBATE MATTER, DATED 5/19-20/16	Tyler #70			
F	KRISTIN TYLER EMAILS WITH RUSSELL GEIST RE: PROBATE MATTER, DATED 6/3/16	Tyler #'s 68,69,73			
G	TYLER'S CORRESPONDENCE TO DECEDENT DATED 1/29/14	(provided via Tyler Discovery) No Bates No.			
H	TYLER'S CORRESPONDENCE TO DECEDENT DATED 1/15/14	Boyer 465			
I	LETTER FROM PHILIP VAN ALSTNE TO TYLER DATED 8/2/16	Tyler #44			
J	REGISTER OF ACTIONS ESTATE RIGAZZI/ P-11-072050-E	Public Document			

Exhibit List Case P082619 St Jude's Hospital v. Theodore Scheide, III
RESP.'S EXHIBITS

Exhibit Number	Exhibit Description	Bates No	Date Offered	Objection	Date Admitted
K	TYLER EMAIL TO BOYER DATED 2/26/14 RE: GUARDIANSHIP & DOCUMENT TRANSMITTAL	Provided via Tyler Discovery, No Bates #			
L	BOYER TO TYLER CORRES DATED 2/24/14	Boyer #76-82			
M	REQUEST FOR SPECIAL NOTICE (FILED 2/27/14) BY TYLER RE: GUARDIANSHIP MATTER	Pages 1-3			
N	TYLER'S EMAIL WITH HOY DATED 2/11/14	Provided via Tyler Discovery, No Bates No.			
O	KRISTIN TYLER EMAILS WITH RUSSELL GEIST RE: PROBATE MATTER, DATED 7/22/16	Tyler #'s 52-54			
P	FEE AGREEMENT BETWEEN DECEDENT & GORDON SILVER FIRM DATED 6/6/12	Tyler #'s 1-8			
Q					
R					
S					
T					
U					
V					
W					
X					

EXHIBIT(S) LIST

Case No.: P082619

Trial Date:

611517

Dept. No.: **XXVI.**

Judge:

Gloria STURMAN

Court Clerk:

LORNA Shell

Plaintiff: **St Junes Children's Hospital**

Recorder:

Kenny Esparza

Counsel for Plaintiff:

Russel Geist, Esq.,

VS.

Defendant: Theodore Scheide Jr

Todo Moody, Esq

Counsel for Defendant:

Carry Payne, Esq

TRIAL BEFORE THE COURT

COURT'S EXHIBITS

[illegible]



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

BRADLEY J. HOFLAND, ESQ.
228 S. 4TH ST., 1ST FLOOR
LAS VEGAS, NV 89101

DATE: February 23, 2022
CASE: P-14-082619-E

RE CASE: In the Matter of: THEODORE SCHEIDE, JR., Deceased

NOTICE OF APPEAL FILED: February 21, 2022

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
 - *Previously paid Bonds are not transferable between appeals without an order of the District Court.*
- ☐ Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

*****Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.***

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER DENYING MOTION TO STRIKE AND COUNTERMOTION FOR ATTORNEYS' FEES AND COSTS; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

In the Matter of:

THEODORE SCHEIDE, JR.,

Deceased.

Case No: P-14-082619-E

Dept No: XXVI

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 23 day of February 2022.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk