

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

2
3 IN THE MATTER OF THE GUARDIANSHIP
4 OF THE PERSON AND ESTATE OF
5 KATHLEEN JUNE JONES, AN ADULT
6 PROTECTED PERSON,

No. 84655

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7
8 KATHLEEN JUNE JONES,

9 Appellant,

10 *vs.*

11 ROBYN FRIEDMAN; AND DONNA
12 SIMMONS; AND ELIZABETH
13 BRICKFIELD, GUARDIAN AD LITEM FOR
14 KATHLEEN JUNE JONES,

15 Respondents.

16 **APPEAL**

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

20 **APPELLANT'S APPENDIX**

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APPELLANT’S APPENDIX: VOLUME 2

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 In the Matter of the Guardianship
7 of:

8 Kathleen Jones, Protected
9 Person(s)

CASE NO: G-19-052263-A

DEPT. NO. Department B

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

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DISTRICT COURT

CLARK COUNTY, NEVADA

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

PETITION FOR VISITATION WITH THE PROTECTED PERSON

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

COMES NOW, pursuant to NRS 159.332, Robyn Friedman and Donna Simmons ("Petitioners" or "Robyn and Donna"), as family members and interested parties in this matter, by and through their attorneys at Michaelson & Associates, Ltd., and file this Petition for Visitation with the Protected Person and hereby alleges as follows:

**PETITIONERS AND OTHER MEMBERS OF JUNE’S FAMILY NEED A VISIT
THEY CAN RELY ON, OUTSIDE KIM’S PRESENCE**

1. Petitioners request an order from this Honorable Court directing their sister Kimberly Jones (“Kim” or “Kimberly”) to facilitate a visit to allow Petitioners and a number of other family members to see their mother/grandmother Kathleen June Jones (“mother”, “grandmother”, “June”, “Ms. Jones” or “the protected person”) on Saturday, May 8, 2021, from 10:00 a.m. to 7:00 p.m., without Kim being present. Petitioners request that Kim drop June off at 10:00 a.m. in the morning at the Holiday Inn Express & Suites located at 31573 Canyon Estates Dr, Lake Elsinore, California, and that Kim pick June up at 7:00 p.m. in the evening from the same location.

2. Mother’s Day is on May 9, 2021. Petitioners and their families along with Scott Simmons and some of Ms. Jones’ grandchildren wish to visit with their mother/grandmother outside the presence of Kim to celebrate the holiday.

3. The intention for the day is to have lunch, get nails done, and BBQ with the bulk of the extended family in California including children, grandchildren, and great grandchildren. The day’s activities will take place in and around Donna’s home located within four miles of the hotel where other family members are staying and where June would be dropped off and picked up. Petitioners will ensure ample opportunity for June to relax, nap if she chooses, or just sit and let family gather around if that is what she chooses. Of course, June’s wishes to stay or leave will be respected at all times.

4. Petitioners feel it important to request the Court’s intervention to schedule this visit because Kim’s recent Memorandum of Status implies that family visits with June are to take place at the Anaheim Home. *See* Kim’s Memorandum of Status filed on March 29, 2021 at ¶ 7, p. 3:18-22. Petitioners do not wish to visit June at the Anaheim Home because they do not feel safe around Kim and her boyfriend Dean Loggans. This fear was exacerbated when Kim informed this Court that she “will not be ordered to leave her house” when other family members

1 visit June at the Anaheim home. *Id.* at ¶ 7, p. 3:23. June's Anaheim property is not Kim's house.

2 5. More recently, Ms. Jones' legal aid attorney confirmed this position. In an email
3 dated April 14, 2021, Ms. Maria Parra-Sandoval provided a proposed visitation schedule that
4 states:

5 Hi John,

6 After a series of conversations with June, she has instructed me to reach out to
7 her daughters in an effort to reach an agreeable resolution on the issue of
8 visitation. June once again reaffirmed that she never wanted a visitation schedule
9 or anything that resembled a visitation schedule, but she knows she doesn't have
an unlimited budget to keep fighting her daughters. June has reached a point
where she is exhausted and has been forced to concede on this issue due to her
limited resources.

10 This is what June is willing to agree to:

- 11 • June wants visits to last one hour max with whoever visits her at her
Anaheim house—any of her children and any of her grandchildren.
- 12 • June wants the visits on Friday mornings at 10:00 am. She can have a
visitor from 10:00 am to 11:00 am and a second visitor from 11:00 am to noon.
- 13 • The only other place she is willing to travel to is Donna's house, and again
one hour max there too.
- 14 • June does not want to stay overnight with anyone.
- 15 • To avoid communication issues, the guardian would leave June's Friday
mornings open for any visitor (in-person visits or calls)
- 16 • Guardian must receive a confirmation (text or email) that that visitor is
actually arriving, 24 hours before the scheduled visitor time.
- 17 • If no one-way confirmations are sent to the guardian by Thursday
morning, the guardian is free to change plans for Friday mornings.
- 18 • If any of her children or grandchildren cannot visit June every Friday
morning, they can send a confirmation to the guardian (on Thursday morning)
19 and instead of a visit request to make June available for a call that Friday morning.
- 20 • If the visitor doesn't want the guardian around: (1) the guardian will leave
the home to run errands while visitations are taking place OR (2) visitations will
21 simply take place in the common areas of the Anaheim home. (**Guardian will not
be forced to leave the home during visitations as she will have her own personal
space to retreat to for the length of the visitation.**)
- 22 • June is happy to speak to anyone that calls her on any other day as she
usually has her phone close by.

23
24 Please let me know if Robyn and Donna would be agreeable to this
25 communication/visitation plan before I go around canvassing support from the
other adult children. Based on my exchanges with James Beckstrom, the
guardian seems to be agreeable to the above.

1 Also, I did not copy Elizabeth Brickfield as it is my belief that her service has
2 concluded with the filing of her Report to the court.

3 Kind Regards,
4 Maria Parra-Sandoval

(Emphasis added).

5 6. Moreover, Ms. Parra-Sandoval's proposed visitation schedule is completely
6 unworkable for June in its own right and would preclude altogether the ability of June to have
7 this requested Mother's Day celebration with her other children and grandchildren. Ms. Para-
8 Sandoval's proposed schedule would limit all family visits with June to the Anaheim house on
9 only Friday mornings from 10:00 a.m. to 12:00 p.m. with a max of two visitors (one visitor per
10 hour). Further, the proposed schedule heavily advocates on Kim's behalf and signals once again
11 that Kim has no intention of helping or cooperating to schedule or facilitate celebrations such as
12 this proposed Mother's Day family celebration.

13 7. Kim also has a tendency at times to stay with June even if she is at a location
14 other than her home spending time with her other family members. To avoid further acrimony,
15 June's family simply need an order clarifying what Kim refuses to do, which is that she will not
16 be present during the visit with June.

17 8. Additionally, the Court is well aware of Kim's actions over the past 18 months
18 whereby she frequently "ghosts" family members who attempt to contact her to schedule a visit
19 with their mother.

20 9. Further, the recent debacle over Easter weekend with Kim refusing to allow
21 humane reasonable access to June highlights why this Court will have to order Kim very
22 specifically to facilitate visitation, or the visitation simply will not happen.

23 10. As this Court is aware, Robyn and Donna became concerned that Kim without
24 this Court's authorization had unilaterally packed up June's things and left the state. Robyn sent
25 a gift to her mother and the delivery person reported no one responded to knocks at the door, no

lights were on, no vehicles in the driveway, and the property appeared abandoned.

11. In typical fashion, Kim went silent, ghosting everyone. Once again, the tired cycle commenced with Robyn being forced to have her counsel reach out to Kim's counsel to find out what was going on. Kim is not known for advance planning.

12. Counsel for Robyn sent this:

All, it appears all of June's things have been packed up and the Kraft house is empty. We suppose this from representations at the settlement conference and also because June's daughters sent her a gift and the delivery person notified them the house appears deserted and pictures seem to indicate – no welcome mat, etc. that the house is empty. Robyn has been in contact with Kim and directly with June about visiting for Easter. Now it appears Kim plans without notice to Robyn, Donna or Scott or any of the grandchildren on taking June to Arizona. This is interesting that she would do this without even a word to Robyn who she knows is desperate for time with her mother, and on the eve of possibly moving out of Nevada forever. Wouldn't this be an opportunity for Kim to show some humanity and that she can be a true professional by reaching out to Robyn? Even if Kim has had these uncommunicated plans for weeks or months, why wouldn't she give Robyn some advanced notice and facilitate a visit with June before leaving?

Moments ago, Kim finally sent another one of her terse and belated answers via text saying something to the effect "calm down, she's at Denny's in Las Vegas." If that's true, then please ask/direct/suggest/plead for Kim to reach out to Robyn (though this would be as usual extremely last minute) and see if she would like to visit with June before they leave?

13. At 3:55 p.m., Mr. Beckstrom responded this way:

John,

Your version of events is wrong. You have no client control and accept your client's statements as gospel.

June's things are packed. Which I stated in the Motion which has been e-served. June is not out of the state. She is in the state. Her furnishings are unfortunately packed. I told the judge this and everyone else the same during the conference.

As for Easter. We are talking about this on a Friday at almost 4PM. First you should confirm with your client the exchange that went on. I took the time to do so and Kimberly offered to drop June at Robyn's for the entire weekend. Prior to that, June stated she wanted to go see Teri in Arizona, which didn't work out.

1 June said she didn't want to go to Robyn's for brunch on Sunday. Kimberly went
2 one step further and told June she should go and made the above offer to Robyn.
That was after Robyn continued to threaten Kim about dragging her through
Court until she couldn't breathe. Her typical tactic.

3 You are wearing blinders and I we don't need four lawyers to deal with this. If
4 your client wanted to see June on Easter and thought she wouldn't get a response
5 from Kimberly, a simple ask last week while everyone was in the same room
6 would have resolved this with no problem. Your client is attempting to create a
paper trail to support her own false narrative. Any competent attorney can see
what is being done.

7 I hope your client accepts the offer to take June the entire weekend.

8 14. Many things in Mr. Beckstrom's response highlight the problems with this
9 guardianship. First, we are always at Kim's mercy for her portrayal of what June wants. Kim's
10 representations of June never wanting to see approximately 60% of her family, are squarely at
11 odds with everyone else's perceptions of June's wishes, including Dr. Brown, the guardian ad
12 litem, and upon information and belief, the Court. Though it seems like a mathematical
13 improbability, according to Kim, June's tastes and preferences for whom she would like to visit
14 and when always seem to correspond with who is in, and who is out, of favor with Kim. Despite
15 Kim's Oath on file in this case, if you challenge or question Kim, you will not see June. It is
16 that simple.

17 15. Second, Kim only offers visits when under pressure from this Court through her
18 attorney, and even then, it is with zero planning and last minute. Counsel was grateful to learn
19 from Mr. Beckstrom that one should confirm with one's client concerning the sequence of
20 events. Presumably, Mr. Beckstrom believed that Kim had reached out in advance to advise her
21 sisters of her plans to flee Nevada in violation of the law but had at least offered Robyn the
22 chance to see her mother one last time. Unfortunately, neither of those things actually happened.
23 Kim had not reached out to her sisters about any of this, and upon information and belief was in
24 the process of leaving the state without telling anyone. She was stopped short because once
25 again, Robyn started asking logical, reasonable, simple questions.

16. Annoyed and caught in the act of fleeing the state, Kim had actually only offered a visit with June (likely because Mr. Beckstrom had reached out to her to find out what was going on – at the prompting of Robyn and Donna and their attorney as has happened several times in this case) literally just *six minutes* before Mr. Beckstrom’s email. Here’s Kim’s text with the time stamp at 3:49 p.m.:

Today 3:49 PM

Robyn, I'm not going to fight over text about your demands. Mom originally said she wanted to see Teri for Easter. That isn't going forward, would you like to spend the weekend with mom? Through Easter ? I have a social event I was invited to Saturday in CA and was going to see if Donna wanted to spend some time with mom. However if you want I can drop her at your house ? I could pick her up Monday morning ?

17. Shocked and worried for their mother, but not surprised at Kim's typical reckless behavior, Petitioners struggled to respond to this last minute "offer" to have June at Robyn's home, with no notice. Petitioners wanted to see what "arrangements" Kim had made for June because: 1) Kim has very little money; 2) Kim and Mr. Beckstrom knew Petitioners had agreed to pay for June to stay at the Kraft house through April 10th; 3) June's things were all packed up; and 4) Kim had absolutely no authority to move June out of the state and had not notified anyone of the same.

1 18. Further examples of Easter weekend communications from Robyn, all of which
2 are logical, easily answered questions and concerns, but which were met with cynicism and a
3 complete lack of any substantive response or information from either Kim or Mr. Beckstrom:

4 At 4:20 p.m.:

5 As always, Robyn is happy to visit with her mother but these
6 “opportunities” condescendingly dolled out by Kim only come at the last
7 minute and with pressure from you or the court.

8 After receiving a dismissive non-response, again at 4:41:

9 James, can you confirm that the guardian has a place for June to stay this
10 weekend? If so, where is it? Robyn has asked Kim and she is refusing to
11 answer. All she would say is that mom is at Denny’s. If June is in danger,
12 Robyn will of course take her in, but Robyn needs to know right now.
13 She is in the process of clearing a room and clearing her schedule. She
14 has a lot going this weekend and would love a visit but would have
15 preferred advanced communication.

16 Please confirm in writing where June is staying and whether she has a
17 bed, etc.

18 With still no substantive response (keep in mind Kim had only an hour before
19 popped the question to Robyn if she wanted to take June), counsel for Robyn
20 stated:

21 Based on past experience with Kim, my clients are both concerned that
22 Kim actually has a place lined up for June. If there is an emergency,
23 Robyn will of course take June in for the weekend. My clients are
24 concerned that what is being proposed as a last minute visit opportunity
25 is really a situation where Kim has moved all of June’s things out of state
prematurely and perhaps June is not in the best or an appropriate setting.
We ask for video proof of June’s lodgings for tonight and the foreseeable
future until the court resolves the petition to relocate.

Two hours after Kim suddenly offered access to June, and with no response about
exactly where they were, nor even a short video clip from Kim showing their
mother safe in a hotel room, which she is 100% capable of providing from her
cell phone, counsel for Robyn felt compelled to send this:

James, where are June’s belongings? Are they in trucks in Nevada? Have
they been moved to California?

1 We are calling Metro for a well-check as Kim has refused to provide
2 June's location and she has purportedly moved June to a hotel. Please
provide the exact location (hotel and room number) and the date when
they moved.

3 Robyn would like to visit Ms. Jones right now alone in her hotel room.

4 There has been no approval for a move at this point and the Friedman's
5 agreed to pay her rent through 4/10.

6
7 19. So, after Mr. Beckstrom stated in one response that he could get the location
information, and after Kim offered last minute access to June in response to pressure, ultimately,
8 Kim and June were never heard from again. No one knows where they stayed, where they went,
9 where June's things were, or why Robyn, Perry and their son could not see June over Easter.

10
11 20. All that is known is that Kim unlawfully removed June from her Kraft home
without statutorily required court authorization or notice. Then while under pressure, Kim made
12 a last-minute "offer" for June to visit Robyn before she fled the state. And when Robyn began
13 to frantically cancel plans and clear space at her house, and began to ask questions, Kim ghosted
14 everyone and disappeared.

15
16 21. Kim was in Anaheim, California that weekend moving June's possessions into
the Anaheim home – confirmed to Donna by longtime neighbors near June's Anaheim home
17 who reported speaking with Kim's boyfriend that weekend. Accordingly, instead of Robyn and
18 her family being able to celebrate Easter with June or see their mother and grandmother at all
19 before she left the state, Petitioners learned that Kim had taken June out of the state. Petitioners
20 seek to avoid a repeat of Kim's passive aggressive behavior displayed many times in this case
21 and once again on Easter weekend by having this Court specifically authorize and order this
22 Mother's Day celebration.

23
24 22. The requested visit will require Petitioners and other family members to prepare
and expend time and resources and incur significant costs. Petitioners and the rest of the family
25 simply cannot be put in a position of taking time off from work and other activities, spending

1 money to travel, only to have Kim take their mother out of town unexpectedly or otherwise
2 impede and preclude the needed interaction from occurring.

3 23. Nor can Petitioners and the rest of the family be asked to expend large amounts
4 of money and time on negotiations through lawyers to coerce Kim to do something so routine as
5 to allow family members a visit with their mother or grandmother without Kim leering over
6 them.

7 24. Accordingly, the only way for Petitioners and June's other family members to
8 ensure that the visit occurs is for the Court to order the same.

9
10 ***Kim has No Right in this Guardianship to Refuse or Preclude the
May 8, 2021, Requested Visit***

11 25. The importance of a protected person's right to communication, visitation, and
12 interaction with the people she loves is so important Nevada law devotes an entire section of the
13 guardianship chapter to this topic.

14 26. NRS 159.332 provides:

15 **Guardian prohibited from restricting communication, visitation**
16 **or interaction between protected person and relative or person**
17 **of natural affection; exceptions.**

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

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

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

1 between the protected person and the relative or person of natural
2 affection because of such an investigation or court proceeding;

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

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

10 (e) Subject to the provisions of subsection 3, a determination is
11 made that, as a result of the findings in a plan for the care or
12 treatment of the protected person, visitation, communication or
13 interaction between the protected person and the relative or person
14 of natural affection is detrimental to the health and well-being of the
15 protected person.

16 2. Except as otherwise provided in this subsection, if a
17 guardian restricts communication, visitation or interaction between
18 a protected person and a relative or person of natural affection
19 pursuant to paragraph (d) of subsection 1, the guardian shall file a
20 petition pursuant to NRS 159.333 not later than 10 days after
21 restricting such communication, visitation or interaction. A guardian
22 is not required to file such a petition if the relative or person of
23 natural affection is the subject of an investigation or court
24 proceeding pursuant to paragraph (b) of subsection 1 or a pending
25 petition filed pursuant to NRS 159.333.

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

(Emphasis added).

27. Under these and other statutes, guardians in Nevada are “prohibited from

1 restricting communication, visitation or interaction between protected person[s] and relative[s]
2 or person[s] of natural affection” except under very controlled circumstances.

3 28. Pursuant to the statute, to restrict access to June, Kim needs to do one or more of
4 the following:

- 5 a. Show that June expressed to Kim and to another independent witness that June
6 no longer wishes to see her family. Kim has not done this.
- 7 b. Show that June’s family are under investigation for abuse of June and that it is in
8 June’s best interest to not see her family. Kim has not done this.
- 9 c. Show that allowing visitation with June’s family would violate a court order.
10 Kim has not done this.
- 11 d. Determine that June is being abused by her family, and within 10 days bring a
12 petition outlining such abuse and requesting an order to limit communication,
13 visitation or interaction. Kim has not done this.
- 14 e. Determine that findings in a plan of care show that June’s access to her family
15 would be detrimental to June and provide notice to all parties and the court within
16 10 days. Kim has not done this.

17 29. Kim has not even attempted to do any of these things, yet by various passive
18 aggressive means, she isolates June. At a minimum, this is an abuse of discretion by a guardian.

19 30. Here, the Court should grant this Petition because there is no statutorily required
20 reason for the visit to not occur. Kim will not be able to articulate any basis under this or any
21 other statute for refusing to schedule and coordinate the May 8, 2021, requested visit.

22 31. Kim’s only argument will be that her mom has expressed that she dislikes
23 “schedules”. This led to the now famous “just call June” doctrine taught to us by Kim, her
24 attorney James Beckstrom and Maria Para-Sandoval, June’s legal aid attorney.

25 32. Sadly, this doctrine has proven catastrophically bad for June, the matriarch of her

1 family. Kim and her team know that June is not capable of following through on her own in a
2 way that would bring any visitation, communication, and interaction with her family without
3 help from her guardian.

4 33. June has been repeatedly found to lack capacity to even remember her posterity,
5 let alone to engage in medication, financial or calendar management on her own. Dr. Gregory
6 Brown stated that June has profound memory loss even to the extent of not knowing the number
7 of her children and grandchildren, her life-long profession and job, and the number of husbands
8 she had over the course of her life. *See* Dr. Brown's report attached to the September 19, 2019,
9 Confidential Physician's Certificate of Incapacity and Medical Records filed herein.

10 34. Even Ms. Parra-Sandoval, in bygone hearings, repeatedly stated that she had to
11 remind June each time they spoke that her home had been taken from her. Further, Ms. Parra-
12 Sandoval admitted to this Court during the September 17, 2020, hearing that Kim "puts things
13 on [June's] calendar." Upon information and belief, Ms. Parra-Sandoval coordinates with Kim
14 to schedule appointments with June. That may even be why Ms. Parra-Sandoval's proposed
15 schedule strongly advocates on behalf of Kim – because Kim was present for that conversation
16 and her undue influence shaped what is presented as "June's wishes" even though these points
17 strongly contradict the Report from the Guardian ad Litem.

18 35. The report filed by Elizabeth Brickfield, Esq., a well-known, respected, and
19 experienced estate planning and guardianship attorney, recently appointed by this Court as
20 guardian ad litem in this matter to provide more independent insight for the Court states:

- 21 a. Ms. Jones was very clear to Ms. Brickfield that she wants to see all of her children
22 and grandchildren, that she wants to see them in her home, in their homes, on
23 overnights and vacations.
- 24 b. Given Ms. Jones' expressed desire to see and communicate with her children and
25 grandchildren, their desire to see and communicate with their parent/grandparent,

1 Ms. Jones' guardian should make this family interaction a top priority for the
2 quality of Ms. Jones' life.

3 c. Ms. Jones wants visits and communications with her children and grandchildren
4 and these visits and communications are in her best interest.

5 d. Ms. Jones lacks the ability to manage, initiate, or plan these communications and
6 visits.

7 e. Kimberly Jones has not encouraged or facilitated these visits and
8 communications.

9 f. Kimberly Jones is unlikely to encourage and facilitate visits without supervision
10 by the Court and even then, the Court will be required to expend significant
11 efforts to make sure the visitation occurs.

12 *See* the Guardian ad Litem's Report to the Court filed on March 29, 2021.

13 36. Based on the conflicting reports to the Court from Ms. Parra-Sandoval and Ms.
14 Brickfield, it is now before the Court to determine if June is being placed in circumstances where
15 she is being unduly influenced to say certain things.

16 37. Instead of freeing June, Kim's, Mr. Beckstrom's and Ms. Parra-Sandoval's
17 backward insistence on not cooperating in facilitating visitation, communication, and interaction
18 has drained the life blood out of June's relationship with several of her children and
19 grandchildren, to the point where these relationships and interactions really only exist on paper,
20 not in reality. There is no natural free flow of communication or interaction between June and
21 Robyn, Donna or Scott or any of their family since Kim took over. Kim has used extreme passive
22 aggression to see to that.

23 38. Kim's passive aggression, as has been amply demonstrated by all the pleadings
24 in this matter, includes i) not answering text or email questions for days, or in some cases never
25 answering; ii) taking June abruptly elsewhere when others had an expectation of visiting June at

1 her home; iii) not adequately ensuring June can answer her phone; iv) not assisting June with
2 any regularity in making calls to her family in ways that would actually accomplish
3 communication since times are completely unknown and random; v) suddenly offering access
4 to June with virtually no notice; vi) unilaterally packing up all of June's things and moving June
5 out of state abruptly without Court approval and with no notice to any of the family; vii)
6 continuously referring family members to "just call June" despite knowing that June is not
7 capable of rationally arranging and facilitating visitation, interaction and communication without
8 assistance; viii) not disclosing to family Kim's intentions concerning where she and June will
9 live until after severe amounts of efforts and meet and confer and Court intervention; ix)
10 continuously refusing to allow visitation with June without Kim's presence, while knowing there
11 is a great deal of acrimony and hostility between Kim and most of her family; x) refusing to
12 disclose until very recently whether her boyfriend who has had nearly violent confrontations
13 with family members will be living with June so family can anticipate that and make
14 arrangements; xii) refusing for months and months to provide a detailed, written plan of care, in
15 one document, not spread across many pleadings in the form of oblique and general references
16 to "same as before" care, which were only recently filed in hopes of leaving the jurisdiction of
17 this Court; and xiii) generally passively aggressively refusing in good faith to answer basic
18 questions to avoid costly litigation to get even the most basic answers out of Kim (such as "are
19 you even in Nevada?").

20 39. All of these – especially taken together – "restrict the right of a protected person
21 to communicate, visit or interact with a relative or person of natural affection".

22 40. On the rare occasions when they have seen her in person or spoken on the phone
23 in the past 18 months, Petitioners both certified that June has told them and others continuously
24 that she would like to continue to see them and their families. Petitioners have even told June
25 they can back off from trying to see her if she prefers. However, June has been consistent in

1 expressing to Petitioners her desire to visit, communicate and interact with all of her posterity,
2 not just Kim and Teri. The guardianship Bill of Rights guarantees that June has the right to a
3 guardian who will enable her to visit with all of her family. Kim can hate whomever she wants,
4 but when she takes an oath as guardian, she has no right to weaponize that court-appointed
5 position and power to punish others by isolating them from June.

6 41. This Petition seeks only to ensure Petitioners and other family members have
7 access to June and can have a meaningful Mother's Day celebration with her without the fear
8 that Kim's conduct or presence will rain on the celebration.

9 **PRAYER FOR RELIEF**

10 WHEREFORE, based upon the foregoing, Petitioners request that the Court GRANT
11 Petitioners Robyn and Donna's Petition in its entirety and ORDER:

- 12 1. Kim to facilitate and coordinate a visit for June to spend time with Petitioners and
13 other family members on May 8, 2021 by dropping off June at 10:00 a.m. at the
14 registration desk of the Holiday Inn Express & Suites located at 31573 Canyon
15 Estates Dr., Lake Elsinore, California, then leaving the area and not being anywhere
16 near the proximity of the family to allow the family to freely interact with their mother
17 and grandmother and then picking up June again at 7:00 p.m. that evening from the
18 same location;

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1 2. If Kim fails to obey this Court's order for the May 8, 2021 visit, then this Court should
2 consider removing or suspending Kim as June's guardian at the scheduled May 13,
3 2021 hearing.

4 DATED: April 23, 2021.

MICHAELSON & ASSOCIATES, LTD.

/s/ John P. Michaelson

John Michaelson, Esq.

Nevada Bar No. 7822

Ammon E. Francom, Esq.

Nevada Bar No. 14196

2200 Paseo Verde Parkway, Ste. 160

Henderson, Nevada 89052

Counsel for Petitioners

CERTIFICATE OF SERVICE

Pursuant to NEFCR 9, that on April 23, 2021, the undersigned hereby certifies a copy of the foregoing Petition was electronically served on the following individuals and/or entities at the following addresses. In addition, pursuant to Nevada Rule of Civil Procedure 5(b), the undersigned hereby certifies that on April 26, 2021, a copy of the Petition was mailed by regular US first class mail, postage prepaid, in a sealed envelope in Henderson, Nevada, to the following individuals and/or entities at the following addresses:

Jeffrey R. Sylvester, Esq. jeff@sylvesterpolednak.com Kelly L. Easton kellye@sylvesterpolednak.com Co-Counsel for Petitioners, Robyn Friedman and Donna Simmons	Maria L. Parra-Sandoval, Esq. Legal Aid Center of Southern Nevada mparra@lacsnsn.org <i>Attorney for Kathleen June Jones</i> Penny Walker walker@lacsnsn.org <i>Counsel for June Jones</i>
Geraldine Tomich, Esq. gtomich@maclaw.com James Beckstrom, Esq. jbeckstrom@maclaw.com Cheryl Becnel cbecnel@maclaw.com <i>Attorneys for Kimberly Jones</i>	Kate McCloskey NVGCO@nvcourts.nv.gov LaChasity Carroll lcarr@nvcourts.nv.gov Sonja Jones sjones@nvcourts.nv.gov
Elizabeth Brickfield DAWSON & LORDAHL PLLC ebbrickfield@dlnevadalaw.com Melissa R. Douglas mdouglas@dlnevadalaw.com Karen Friedrich kfriedrich@dlnevadalaw.com <i>Guardian Ad Litem for Kathleen June Jones</i>	

Teri Butler 586 N. Magdalena Street Dewey, AZ 86327	Scott Simmons 1054 S. Verde Street Anaheim, CA 92805
Jen Adamo 14 Edgewater Drive Magnolia, DE 19962	Jon Criss 804 Harkness Lane, Unit 3 Redondo Beach, CA 90278
Ryan O'Neal 112 Malvern Avenue, Apt. E Fullerton, CA 92832	Tiffany O'Neal 177 N. Singing Wood Street, Unit 13 Orange, CA 92869
Courtney Simmons 765 Kimbark Avenue San Bernardino, CA 92407	

MICHAELSON & ASSOCIATES, LTD.

/s/ Amber Pinnecker
Employee of Michaelson & Associates

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VERIFICATION

Robyn Friedman, being first duly sworn, under penalty of perjury, hereby deposes and says: that she is a Petitioner in the Petition above; that she has read the foregoing Petition and knows the contents thereof; that the same are true of her own knowledge except as to those matters therein stated upon information and belief and as to those matters, she believes them to be true; that she possesses text messages, telephone records, and videos as stated throughout this Petition that support, memorialize, and prove the facts as presented in this Petition.

ROBYN FRIEDMAN

VERIFICATION

Donna Simmons, being first duly, sworn under penalty of perjury, hereby deposes and says: that she is a Petitioner in the above-referenced Petition; that she has read the foregoing Petition and knows the contents thereof; that the same are true of her own knowledge except as to those matters therein stated upon information and belief and as to those matters, she believes them to be true.

DONNA SIMMONS



SUPP

MICHAELSON & ASSOCIATES, LTD.
John P. Michaelson, Esq.
Nevada Bar No. 7822
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Matthew D. Whittaker, Esq.
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Ph: (702) 731-2333
Fax: (702) 731-2337
*Attorneys for Robyn Friedman
and Donna Simmons*

DISTRICT COURT

CLARK COUNTY, NEVADA

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

SUPPLEMENT TO PETITION FOR VISITATION WITH THE PROTECTED PERSON

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

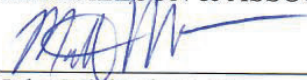
COMES NOW, Robyn Friedman and Donna Simmons ("Petitioners" or "Robyn and Donna"), as family members and interested parties in this matter, by and through their attorneys at Michaelson & Associates, Ltd., and hereby files its Supplement to Petition for Visitation with

///

1 the Protected Person by attaching the signed verification pages of the Petitioners.

2 DATED: April 26, 2021.

3 MICHAELSON & ASSOCIATES, LTD.

4 

5 John Michaelson, Esq.

6 Nevada Bar No. 7822

7 Matthew D. Whittaker, Esq.

8 Nevada Bar No. 13281

9 2200 Paseo Verde Parkway, Ste. 160

10 Henderson, Nevada 89052

11 *Counsel for Petitioners*

CERTIFICATE OF SERVICE

Pursuant to Nevada Rule of Civil Procedure 5(b) and NEFCR 9, that on April 26, 2021, the undersigned hereby certifies a copy of the foregoing Supplement to Petition for Visitation with the Protected Person was electronically served and/or mailed by regular US first class mail, postage prepaid, in a sealed envelope in Henderson, Nevada, to the following individuals and/or entities at the following addresses:

Jeffrey R. Sylvester, Esq. jeff@sylvesterpolednak.com Kelly L. Easton kellye@sylvesterpolednak.com Co-Counsel for Petitioners, Robyn Friedman and Donna Simmons	Maria L. Parra-Sandoval, Esq. Legal Aid Center of Southern Nevada mparra@lacs.nv.gov <i>Attorney for Kathleen June Jones</i> Penny Walker walker@lacs.nv.gov <i>Counsel for June Jones</i>
Geraldine Tomich, Esq. gtomich@maclaw.com James Beckstrom, Esq. jbeckstrom@maclaw.com Cheryl Becnel cbecnel@maclaw.com <i>Attorneys for Kimberly Jones</i>	Kate McCloskey NVGCO@nvcourts.nv.gov LaChasity Carroll lcarrol@nvcourts.nv.gov Sonja Jones sjones@nvcourts.nv.gov

1 2 3 4 5 6	Elizabeth Brickfield DAWSON & LORDAHL PLLC ebrickfield@dlnevadalaw.com Melissa R. Douglas mdouglas@dlnevadalaw.com Karen Friedrich kfriedrich@dlnevadalaw.com <i>Guardian Ad Litem for Kathleen June Jones</i>	
7 8	Teri Butler 586 N. Magdalena Street Dewey, AZ 86327	Scott Simmons 1054 S. Verde Street Anaheim, CA 92805
9 10	Jen Adamo 14 Edgewater Drive Magnolia, DE 19962	Jon Criss 804 Harkness Lane, Unit 3 Redondo Beach, CA 90278
11 12	Ryan O'Neal 112 Malvern Avenue, Apt. E Fullerton, CA 92832	Tiffany O'Neal 177 N. Singing Wood Street, Unit 13 Orange, CA 92869
13 14 15	Courtney Simmons 765 Kimbark Avenue San Bernardino, CA 92407	

MICHAELSON & ASSOCIATES, LTD.

/s/ April Rivera
Employee of Michaelson & Associates

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VERIFICATION

Robyn Friedman, being first duly sworn, under penalty of perjury, hereby deposes and says: that she is a Petitioner in the Petition above; that she has read the foregoing Petition and knows the contents thereof; that the same are true of her own knowledge except as to those matters therein stated upon information and belief and as to those matters, she believes them to be true; that she possesses text messages, telephone records, and videos as stated throughout this Petition that support, memorialize, and prove the facts as presented in this Petition.



ROBYN FRIEDMAN

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VERIFICATION

Donna Simmons, being first duly, sworn under penalty of perjury, hereby deposes and says: that she is a Petitioner in the above-referenced Petition; that she has read the foregoing Petition and knows the contents thereof; that the same are true of her own knowledge except as to those matters therein stated upon information and belief and as to those matters, she believes them to be true.


DONNA SIMMONS



1 **Marquis Aurbach Coffing**
2 Geraldine Tomich, Esq.
3 Nevada Bar No. 8369
4 James A. Beckstrom, Esq.
5 Nevada Bar No. 14032
6 10001 Park Run Drive
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12 *Attorneys for Kimberly Jones,*
13 *Guardian of Kathleen June Jones*

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DISTRICT COURT
CLARK COUNTY, NEVADA

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

KATHLEEN JUNE JONES

An Adult Protected Person.

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

Hearing Date: June 3, 2021
Hearing Time: 1:30 P.M.

LIMITED RESPONSE TO PETITION FOR VISITATION WITH THE PROTECTED PERSON

Plaintiff, Kimberly Jones, as Guardian of the Person and Estate of Kathleen June Jones, through the law firm of Marquis Aurbach Coffing, hereby submits this Limited Response to Petition for Visitation with the Protected Person ("Response"). This Response is based upon papers and pleadings on file herein, the attached Memorandum of Points and Authorities, and any oral argument permitted at the time of the hearing on this matter.

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION AND LEGAL ARGUMENT.

The most recent Petition is absurd. There was never a request for a visit or coordinated trip with June for Mother's Day prior to Petitioners running to the Court. Petitioners, nor any other family member, made any attempt to communicate with the Guardian, the Guardian's attorney, June, or June's attorney regarding this visit. The Petition is a waste of judicial resources and a waste of attorney fees. June's attorney had already been in the process of trying

1 to work out an agreeable visitation schedule between the family prior to this request, but
2 Petitioners continue to want to make the process as difficult as possible. This Petition could have
3 been completely eliminated if Mr. Michelson asked June's attorney about a Mother's Day visit
4 *back on April 14, 2021.*¹

5 There is absolutely no objection by the Guardian regarding June going to see her other
6 family members for Mother's Day. The Petition seeks a visit on the date of May 8, 2021 at
7 10:00 a.m. and makes a demand that Kimberly drive June an hour to and from Lake Elsinore.
8 The demand goes further, asking the Guardian to leave June "at the registration desk." Kimberly
9 is not agreeable to dropping off and picking up June. Kimberly has no problem getting June
10 ready in the morning for a day with her family, discussing, or coordinating the family visit. The
11 family members can transport June for their day of activities. It would provide Petitioners more
12 time with June, reduce June's expenses, and provide the claimed respite relief Petitioners state
13 they so badly want to provide the Guardian.

14 The remainder of arguments by counsel within the Petition are unsubstantiated,
15 inadmissible, unprofessional, and improper. Notably absent is a single communication aimed at
16 this requested visit, or a single request for a visit with June. Concurrently with the drafting of this
17 Response, Kimberly once again, will go above and beyond what she is required to do as
18 Guardian and will make the same offer stated in this Response. The offer will be an unequivocal
19 invitation for Petitioners to have June for Mother's Day (or any other day they desire).

20 **II. CONCLUSION.**

21 Based on the foregoing, the Petition should be denied without oral argument. There is no
22 need for court intervention for a Mother's Day trip—especially one that was never informally
23 sought and has no objection. Allowing counsel for Petitioners to once again stand on a soap box
24 and regurgitate his client's opinions is not an efficient use of judicial resources or June's limited
25 resources. The Guardian is happy to coordinate visits, including visits to June's house. The
26 Guardian is not required to read minds, contact each of June's children to coordinate every

27 ¹ The date of the e-mail where Mr. Michelson states he was discussing visitation with Mrs. Parra
28 Sandoval.

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formal and informal holiday, or shuttle June to each family member for visitation at their beck and call.

Dated this 3rd day of May, 2021.

MARQUIS AURBACH COFFING

By /s/ James A. Beckstrom
James A. Beckstrom, Esq.
Nevada Bar No. 14032
10001 Park Run Drive
Las Vegas, Nevada 89145
*Attorney for Jones, as Guardian of the
Person and Estate of Kathleen June
Jones*

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **RESPONSE TO PETITION FOR VISITATION**
WITH THE PROTECTED PERSON was submitted electronically for filing and/or service
 with the Eighth Judicial District Court on the 3rd day of May, 2021. Electronic service of the
 foregoing document shall be made in accordance with the E-Service List as follows:²

Ty E. Kehoe, Esq. KEHOE & ASSOCIATES 871 Coronado Center Drive, Ste. 200 Henderson, NV 89052 <i>Attorneys for Richard Powell, Kandi Powell and Rodney Gerald Yeoman</i>	Matthew C. Piccolo, Esq. PICCOLO LAW OFFICES 2450 St. Rose Pkwy., Ste. 210 Henderson, NV 89074 <i>Attorneys for Richard Powell, Kandi Powell and Rodney Gerald Yeoman</i>
--	--

Laura A. Deeter, Esq. GHANDI DEETER BLACKHAM 725 S. 8th Street, Ste. 100 Las Vegas, NV 89101 <i>Attorneys for Estate of Rodney Gerald Yeoman</i>	Maria L. Parra-Sandoval, Esq. LEGAL AID OF SOUTHERN NEVADA 725 E. Charleston Blvd. Las Vegas, NV 89104 <i>Attorney for Kathleen June Jones Protected Person</i>
--	--

Jeffrey R. Sylvester, Esq. SYLVESTER & POLEDNAK 1731 Village Center Circle Las Vegas, NV 89134 <i>Co-Counsel for Petitioners, Robyn Friedman and Donna Simmons</i>	Kate McCloskey NVGCO@nvcourts.nv.gov LaChasity Carroll lcarrol@nvcourts.nv.gov Sonja Jones sjones@nvcourts.nv.gov
---	--

John P. Michaelson, Esq. Ammon E. Francom, Esq. MICHAELSON & ASSOCIATES, LTD. 2200 Paseo Verde Parkway, Ste. 160 Henderson, Nevada 89052 <i>Attorneys for Robyn Friedman and Donna Simmons</i>	Elizabeth Brickfield DAWSON & LORDAHL PLLC 8925 West Post Road, Suite 210 Las Vegas, Nevada 89148 <i>Guardian Ad Litem for Kathleen June Jones</i>
--	--

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

///

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

MARQUIS AURBACH COFFING

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Jon Criss
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/s/ *Javie-Anne Bauer*
An employee of Marquis Aurbach Coffing



1 **PET**
2 Maria L. Parra-Sandoval, Esq.
3 Nevada Bar No. 13736
4 **LEGAL AID CENTER OF**
5 **SOUTHERN NEVADA, INC.**
6 725 E. Charleston Blvd.
7 Las Vegas, NV 89104
8 Telephone: (702) 386-1526
9 Facsimile: (702) 386-1526
10 mparra@lacsns.org
11 *Attorney for Kathleen June Jones,*
12 *Adult Protected Person*

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

10 In the Matter of Guardianship of the Estate of:

11 KATHLEEN JUNE JONES,
12 Adult Protected Person.

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

HEARING REQUESTED

14 **PETITION TO APPROVE KATHLEEN JUNE JONES' PROPOSED**
15 **VISITATION SCHEDULE**

17 Kathleen June Jones ("June"), the protected person herein, by and through her counsel,
18 Maria L. Parra-Sandoval, Esq., hereby files this Petition to Approve Kathleen June Jones'
19 Proposed Visitation Schedule. June's Petition is based upon and supported by the
20 Memorandum of Points and Authorities contained herein, the pleadings and papers on file in
21 this case, and the argument of counsel as allowed by the Court at the time of hearing.

22 DATED this 5th day of May, 2021.

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

26 /s/ Maria L. Parra-Sandoval
27 Maria L. Parra-Sandoval, Esq.
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MEMORANDUM OF POINTS AND AUTHORITIES

June has been clear that she has never wanted a visitation schedule for her adult children to visit or communicate with her.¹ However, her adult children have refused to listen to her stated desires and have made it difficult and expensive to honor her wishes. June has always wanted to see and speak with her adult children, but on her own terms, not theirs.

On February 24, 2021, June told Ms. Elizabeth Brickfield, the court-appointed Guardian ad Litem (“GAL”) that she did not want a schedule for visits and telephone calls: “I don’t want a schedule, no set time; I want to do it when I feel like it.”² But the GAL kept insisting on a schedule and asking June in *different* ways. The GAL asked, “What if your daughters agree on a schedule?”³ June replied, “No, not really, no schedule at all.”⁴ GAL again asked, “How about phone calls at a certain time of a week?”⁵ June replied, “I don’t like a schedule at all.”⁶ The GAL asked again, “Is there a day you prefer?”⁷ June replied, “They can call any time.”⁸ On March 25, 2021, at the in-person meeting with the GAL, the GAL was the one who raised the topic of a schedule and June once again turned it down making it clear she did not want a

¹ See Kathleen June Jones’ Opposition to Verified Petition for Communication, Visits, and Vacation Time with Protected Person, filed January 25, 2021.

² Zoom Interview with GAL on February 24, 2021, Notes taken by Maria Parra-Sandoval, Esq./LACNS Attorney for Kathleen June Jones.

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

1 schedule and that “They [her kids] should just call.”⁹ June also stated she prefers calls to be
2 short.¹⁰

3 Despite her own desired wishes and stated preferences, June feels she has been *forced*
4 by all parties, including the court-appointed GAL, to concede on the issue of visitation. June
5 does not have the resources to keep fighting her stubborn daughters on this issue nor to have
6 the guardian’s attorney and GAL keep billing her estate on unending litigation surrounding this
7 issue.
8

9 While the GAL has suggested that all the adult children should be involved in creating
10 a schedule on their own rather than through lawyers,¹¹ the reality is that the siblings’
11 relationships are so eroded that it is unlikely that they can come up with a proposed schedule
12 on their own. Therefore, June’s attorney has made attempts to communicate with all the adult
13 children to canvass support for what June is willing to agree to at this time (*see* Exhibit A
14 emails). The guardian has agreed to follow June’s proposed schedule (*see* Exhibit C). June’s
15 attorney sent emails to Teri Butler, Scott Simmons, and to Robyn Friedman and Donna
16 Simmons through their attorney, John Michaelson. Teri Butler approved of June’s proposed
17 schedule (*see* Exhibit A). The emails sent to Scott Simmons were not deliverable (*see* Exhibit
18 A). And the only reply from Mr. Michaelson was a very long-winded personal opinion about
19 the case without any concrete reply from his clients to date (*see* Exhibit A).
20
21
22

23 June’s proposed schedule, should this Court approve it, incorporates aspects that other
24 siblings had insisted upon before. The most contested issue for some of the siblings was that
25

26 ⁹ In-person Interview with GAL on March 25, 2021, Notes taken by Elizabeth Mikesell,
Esq./LACSN attorney.

27 ¹⁰ *Id.*

28 ¹¹ *See* Guardian ad Litem’s Report to the Court, filed March 29, 2021; also *See* 4/06/2021
email from Elizabeth Brickfield, Exhibit B.

1 they did not want the guardian to be present when visiting with June. The guardian has agreed
2 to leave June's home to run errands during visits OR to stay in her own personal space during
3 visits at the Anaheim home.¹² Furthermore, June does not want the guardian to be forced to
4 leave the home during visits with any of her adult children. June requests for this Court to honor
5 her preferences with regards to her desired schedule to communicate and visit with her adult
6 children on her own terms.
7

8 Under NRS 159.328 (h), a protected person has the right to "Remain as independent as
9 possible, including, without limitation, to have his or her preference honored regarding his or
10 her residence and standard of living, either as expressed or demonstrated before a determination
11 was made relating to capacity *or as currently expressed, if the preference is reasonable under*
12 *the circumstances.*" (Emphasis added).
13

14 Additionally, under NRS 159.328 (i), a protected person has the right to "Be granted the
15 greatest degree of freedom possible, consistent with the reasons for a guardianship, and *exercise*
16 *control of all aspects of his or her life* that are not delegated to a guardian specifically by a court
17 order."
18

19 Since this is June's guardianship case and she retains her right to make decisions
20 affecting her, and she is currently expressing her desired preference regarding communications
21 and visitations with her adult children, and those preferences are reasonable, June requests for
22 this Court to approve the following visitation schedule:
23

- 24 • June wants visits to last one hour max with whoever visits her at her Anaheim house—
25 any of her children and any of her grandchildren.
- 26 • June wants the visits on Friday mornings at 10:00 am. She can have a visitor from
27 10:00 am to 11:00 am and a second visitor from 11:00 am to noon.
- 28 • The only other place she is willing to travel to is Donna's house, and again one hour
max there too.

¹² See 5/5/2021 email from James Beckstrom, attorney for Guardian, Exhibit C.

- June does not want to stay overnight with anyone.
- To avoid communication issues, the guardian would leave June's Friday mornings *open for any visitor* (in-person visits or calls)
- Guardian must receive a confirmation (text or email) that that visitor is actually arriving, 24 hours before the scheduled visitor time.
- If no one-way confirmations are sent to the guardian by Thursday morning, the guardian is free to change plans for Friday mornings.
- If any of her children or grandchildren cannot visit June every Friday morning, they can send a confirmation to the guardian (on Thursday morning) and instead of a visit request to make June available for a call that Friday morning.
- If the visitor does not want the guardian around: *(1) the guardian will leave the home to run errands while visitations are taking place OR (2) visitations will simply take place in the common areas of the Anaheim home.* (June does not want the Guardian to be forced to leave the home during visitations as she will have her own personal space to retreat to for the length of the visitation.)
- June is happy to speak to anyone that calls her on any other day. As of 4/27/2021, the guardian had a landline installed for June's personal use. The phone number has been provided to her adult children.

June's proposed visitation is a reasonable one and seeks to appease all parties. For the above-stated reasons, June requests that this Court approve her proposed visitation schedule.

DATED this 5th day of May 2021

**LEGAL AID CENTER OF
SOUTHERN NEVADA, INC.**
/s/ Maria L. Parra-Sandoval, Esq.
Maria L. Parra-Sandoval, Esq.
Nevada Bar No. 13736
**LEGAL AID CENTER OF
SOUTHERN NEVADA, INC.**
725 E. Charleston Blvd
Las Vegas, NV 89104
Telephone: (702) 386-1526
Facsimile: (702) 386-1526
mparra@lacs.org
Attorney Kathleen June Jones

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 5th day of May, 2021, I deposited in the United States Mail at Las Vegas, Nevada, a copy of the foregoing document entitled **PETITION TO APPROVE KATHLEEN JUNE JONES' PROPOSED VISITATION SCHEDULE** in a sealed envelope, mailed regular U.S. mail, upon which first class postage was fully prepaid, addressed to the following:

Teri Butler
586 N Magdalena St.
Dewey, AZ 86327

Jen Adamo
14 Edgewater Dr.
Magnolia, DE 19962

Scott Simmons
1054 S. Verde Street
Anaheim, CA 92805

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

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

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

Ampersand Man
2824 High Sail Court
Las Vegas, NV 89117

Courtney Simmons
765 Kimbark Avenue
San Bernardino, CA 92407

AND I FURTHER CERTIFY that on the same date I electronically served the same document to the following via ODYSSEY, the Court's electronic filing system, pursuant to EDCR 8.05:

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

1 James Beckstrom, Esq.
2 Jbeckstrom@maclaw.com
3 Geraldine Tomich, Esq.
4 gtomich@maclaw.com
5 *Attorneys for Guardian Kimberly Jones*

6 Elizabeth Brickfield, Esq.
7 ebrickfield@dlnevadlaw.com
8 *Court-Appointed Guardian Ad Litem*

9 /s/ Penny Walker
10 Employee of Legal Aid Center of Southern Nevada, Inc.

EXHIBIT A

Maria Parra-Sandoval

From: John Michaelson <john@Michaelsonlaw.com>
Sent: Wednesday, April 14, 2021 4:42 PM
To: Maria Parra-Sandoval
Subject: RE: Kathleen June Jones

Follow Up Flag: Follow up
Flag Status: Flagged

AmicusId: 774294
AmicusStatus: Saved
AmicusFileName: Jones, Kathleen J. re: Adults Under Guardianship
AmicusFileIds: 79094
AmicusTimeEntry: Yes

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Maria, your presentation of the issues never ceases to astound me. Once again, I can see that you are very fixed on a paradigm that is not only wrong (not what we've represented to you) but also makes it virtually impossible to resolve issues in this case. Once again, we are not insisting on a schedule or forcing June to do anything. We've asked you, James and Kim (via my clients) many times to suggest a better way to connect to work things out. This "schedule" ironically that you suggest is the first proposal I've seen from you in almost 18 months and it is not workable. To express one of many obvious things that come to mind: why Friday morning? A work day for most people? June doesn't work. she's retired. June's expression of her desires to our clients is 180 degrees different from what you present. I'm curious why you don't find anything unusual about a family member guardian who will not remove herself even temporarily when visitors come, when things are so acrimonious. She and her boyfriend are keeping June from seeing her family. That violates June's basic rights. You continue to assert the legal aid position that you are just doing as your client directs, but surely you can see that some of your clients like June are not able to process the unreasonableness of what they might be demanding or asserting (in response to your representations and dialogue). I will forward your email, which is not humane towards June and her family and is not realistic in terms of family members who want to see their mother. I'm not certain you would want this for yourself if you were in their shoes. Also, as you know, June is often not able to answer her phone and is not capable of holding any conversation that even remotely allows arrangements to be made re visitation, yet you continue to assert that she can, despite many other people confirming the opposite. I would actually like to be there when you call her and see you make detailed arrangements with June for a visit without anyone else intervening. You say it can be done. I would like to see you do it. Even if June miraculously made arrangements with you, which she would not, I would be very curious to see if she actually shows up for the visit you had theoretically arranged.

John P. Michaelson, Esq. | MICHAELSON & ASSOCIATES, LTD. | john@michaelsonlaw.com | 702.731.2333

From: Maria Parra-Sandoval <MParra@lacs.org>
Sent: Wednesday, April 14, 2021 2:34 PM
To: John Michaelson <john@Michaelsonlaw.com>
Subject: Kathleen June Jones

Hi John,

After a series of conversations with June, she has instructed me to reach out to her daughters in an effort to reach an agreeable resolution on the issue of visitation. June once again reaffirmed that she never wanted a visitation schedule or anything that resembled a visitation schedule, but she knows she doesn't have an unlimited budget to keep fighting her daughters. June has reached a point where she is exhausted and has been forced to concede on this issue due to her limited resources.

This is what June is willing to agree to:

- June wants visits to last one hour max with whoever visits her at her Anaheim house—any of her children and any of her grandchildren.
- June wants the visits on Friday mornings at 10:00 am. She can have a visitor from 10:00 am to 11:00 am and a second visitor from 11:00 am to noon.
- The only other place she is willing to travel to is Donna's house, and again one hour max there too.
- June does not want to stay overnight with anyone.
- To avoid communication issues, the guardian would leave June's Friday mornings *open for any visitor* (in-person visits or calls)
- Guardian must receive a confirmation (text or email) that that visitor is actually arriving, 24 hours before the scheduled visitor time.
- If no one-way confirmations are sent to the guardian by Thursday morning, the guardian is free to change plans for Friday mornings.
- If any of her children or grandchildren cannot visit June every Friday morning, they can send a confirmation to the guardian (on Thursday morning) and instead of a visit request to make June available for a call that Friday morning.
- If the visitor doesn't want the guardian around: (1) the guardian will leave the home to run errands while visitations are taking place OR (2) visitations will simply take place in the common areas of the Anaheim home. (Guardian will not be forced to leave the home during visitations as she will have her own personal space to retreat to for the length of the visitation.)
- June is happy to speak to anyone that calls her on any other day as she usually has her phone close by.

Please let me know if Robyn and Donna would be agreeable to this communication/visitation plan before I go around canvassing support from the other adult children. Based on my exchanges with James Beckstrom, the guardian seems to be agreeable to the above.

Also, I did not copy Elizabeth Brickfield as it is my belief that her service has concluded with the filing of her Report to the court.

Kind Regards,
Maria Parra-Sandoval

Maria Parra-Sandoval

From: Teri Butler <terijbutler@gmail.com>
Sent: Tuesday, April 20, 2021 11:54 AM
To: Maria Parra-Sandoval
Subject: Re: Guardianship Matter of Kathleen June Jones

AmicusId: 777531
AmicusStatus: Saved
AmicusFileName: Jones, Kathleen J. re: Adults Under Guardianship
AmicusFileId: 79094
AmicusTimeEntry: Yes

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Yes, I approve.

On Tue, Apr 20, 2021 at 9:54 AM Maria Parra-Sandoval <MParra@lacs.org> wrote:

Dear Teri,

I am the court-appointed attorney for your mother, June Jones. My job is to be her voice in Guardianship Court.

After a series of conversations with June, she has instructed me to reach out to her daughters in an effort to reach an agreeable resolution on the issue of visitation. June once again reaffirmed that she never wanted a visitation schedule or anything that resembled a visitation schedule, but she knows she doesn't have an unlimited budget to keep fighting her daughters. June has reached a point where she is exhausted and has been forced to concede on this issue due to her limited resources.

This is what June is willing to agree to:

- June wants visits to last one hour max with whoever visits her at her Anaheim house—any of her children and any of her grandchildren.
- June wants the visits on Friday mornings at 10:00 am. She can have a visitor from 10:00 am to 11:00 am and a second visitor from 11:00 am to noon.
- The only other place she is willing to travel to is Donna's house, and again one hour max there too.
- June does not want to stay overnight with anyone.
- To avoid communication issues, the guardian would leave June's Friday mornings *open for any visitor* (in-person visits or calls)
- Guardian must receive a confirmation (text or email) that that visitor is actually arriving, 24 hours before the scheduled visitor time.
- If no one-way confirmations are sent to the guardian by Thursday morning, the guardian is free to change plans for Friday mornings.

- If any of her children or grandchildren cannot visit June every Friday morning, they can send a confirmation to the guardian (on Thursday morning) and instead of a visit request to make June available for a call that Friday morning.
- If the visitor doesn't want the guardian around: (1) the guardian will leave the home to run errands while visitations are taking place OR (2) visitations will simply take place in the common areas of the Anaheim home. (Guardian will not be forced to leave the home during visitations as she will have her own personal space to retreat to for the length of the visitation.)
- June is happy to speak to anyone that calls her on any other day as she usually has her phone close by.

Please let me know if you are agreeable to this communication/visitation plan or if you would like to suggest something different. If you have different suggestions based on your own circumstances, let me know and I would be happy to talk to June about it and see if she's agreeable to any of your suggestions.

As of now, it seems like the guardian is agreeable to the above.

I appreciate any input you may have and look forward to your reply.

Kind Regards,

Maria Parra-Sandoval, Esq.

Attorney for Kathleen June Jones

Maria Parra-Sandoval

From: MAILER-DAEMON@prod.hydra.sophos.com
Sent: Tuesday, April 20, 2021 9:57 AM
To: Maria Parra-Sandoval
Subject: Undelivered Mail

This is an automated message from mail system at host MAILER-DAEMON@prod.hydra.sophos.com



Message not delivered

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Message details

Failure reason: <scottrottjustice@aol.com>: host mx-aol.mail.gm0.yahoodns.net[67.195.228.84] said: 552 1 Requested mail action aborted, mailbox not found (in reply to end of DATA command)

From: MParra@lacs.org

To: scottrottjustice@aol.com

Subject: Guardianship Matter of Kathleen June Jones

Sent: 2021-04-20T16:56:44.000Z

Maria Parra-Sandoval

From: Maria Parra-Sandoval
Sent: Tuesday, April 20, 2021 9:57 AM
To: 'scottrottjustice@aol.com'
Subject: Guardianship Matter of Kathleen June Jones

Dear Scott,

I am the court-appointed attorney for your mother, June Jones. My job is to be her voice in Guardianship Court. After a series of conversations with June, she has instructed me to reach out to her adult children in an effort to reach an agreeable resolution on the issue of visitation. June once again reaffirmed that she never wanted a visitation schedule or anything that resembled a visitation schedule, but she knows she doesn't have an unlimited budget to keep fighting her daughters. June has reached a point where she is exhausted and has been forced to concede on this issue due to her limited resources.

This is what June is willing to agree to:

- June wants visits to last one hour max with whoever visits her at her Anaheim house—any of her children and any of her grandchildren.
- June wants the visits on Friday mornings at 10:00 am. She can have a visitor from 10:00 am to 11:00 am and a second visitor from 11:00 am to noon.
- The only other place she is willing to travel to is Donna's house, and again one hour max there too.
- June does not want to stay overnight with anyone.
- To avoid communication issues, the guardian would leave June's Friday mornings *open for any visitor* (in-person visits or calls)
- Guardian must receive a confirmation (text or email) that that visitor is actually arriving, 24 hours before the scheduled visitor time.
- If no one-way confirmations are sent to the guardian by Thursday morning, the guardian is free to change plans for Friday mornings.
- If any of her children or grandchildren cannot visit June every Friday morning, they can send a confirmation to the guardian (on Thursday morning) and instead of a visit request to make June available for a call that Friday morning.
- If the visitor doesn't want the guardian around: (1) the guardian will leave the home to run errands while visitations are taking place OR (2) visitations will simply take place in the common areas of the Anaheim home. (Guardian will not be forced to leave the home during visitations as she will have her own personal space to retreat to for the length of the visitation.)
- June is happy to speak to anyone that calls her on any other day as she usually has her phone close by.

Please let me know if you are agreeable to this communication/visitation plan or if you would like to suggest something different. If you have different suggestions based on your own circumstances, let me know and I would be happy to talk to June about it and see if she's agreeable to any of your suggestions.

As of now, it seems like the guardian is agreeable to the above.

I appreciate any input you may have and look forward to your reply.

Kind Regards,
Maria Parra-Sandoval, Esq.
Attorney for Kathleen June Jones

Maria Parra-Sandoval

From: MAILER-DAEMON@prod.hydra.sophos.com
Sent: Thursday, April 29, 2021 2:41 PM
To: Maria Parra-Sandoval
Subject: Undelivered Mail

This is an automated message from mail system at host MAILER-DAEMON@prod.hydra.sophos.com



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Your message could not be delivered to one or more recipients. The details are attached below.

For further assistance, please contact your IT Administrator.

Message details

Failure reason: <scott@technocoating.com>: connect to technocoating.com[208.91.197.26]:25: Connection timed out

From: MParra@lacs.org

To: scott@technocoating.com

Subject: Guardianship Matter of Kathleen June Jones

Sent: 2021-04-29T21:41:19.000Z

Maria Parra-Sandoval

From: Maria Parra-Sandoval
Sent: Wednesday, April 28, 2021 2:02 PM
To: 'Scott@technocoating.com'
Subject: Guardianship Matter of Kathleen June Jones

AmicusId: 783937
AmicusStatus: Saved
AmicusFileName: Jones, Kathleen J. re: Adults Under Guardianship
AmicusFileIds: 79094
AmicusDealtWith: Yes

Dear Scott,

I am the court-appointed attorney for your mother, June Jones. My job is to be her voice in Guardianship Court.

After a series of conversations with June, she has instructed me to reach out to her adult children in an effort to reach an agreeable resolution on the issue of visitation. June once again reaffirmed that she never wanted a visitation schedule or anything that resembled a visitation schedule, but she knows she doesn't have an unlimited budget to keep fighting her daughters. June has reached a point where she is exhausted and has been forced to concede on this issue due to her limited resources.

This is what June is willing to agree to:

- June wants visits to last one hour max with whoever visits her at her Anaheim house—any of her children and any of her grandchildren.
- June wants the visits on Friday mornings at 10:00 am. She can have a visitor from 10:00 am to 11:00 am and a second visitor from 11:00 am to noon.
- The only other place she is willing to travel to is Donna's house, and again one hour max there too.
- June does not want to stay overnight with anyone.
- To avoid communication issues, the guardian would leave June's Friday mornings *open for any visitor* (in-person visits or calls)
- Guardian must receive a confirmation (text or email) that that visitor is actually arriving, 24 hours before the scheduled visitor time.
- If no one-way confirmations are sent to the guardian by Thursday morning, the guardian is free to change plans for Friday mornings.
- If any of her children or grandchildren cannot visit June every Friday morning, they can send a confirmation to the guardian (on Thursday morning) and instead of a visit request to make June available for a call that Friday morning.
- If the visitor doesn't want the guardian around: (1) the guardian will leave the home to run errands while visitations are taking place OR (2) visitations will simply take place in the common areas of the Anaheim home. (Guardian will not be forced to leave the home during visitations as she will have her own personal space to retreat to for the length of the visitation.)
- June is happy to speak to anyone that calls her on any other day as she usually has her phone close by. (And more recently, the guardian had a landline installed. You can reach your mom at 714-829-4256. I'm sure she would like to hear you.)

Please let me know if you are agreeable to this communication/visitation plan OR if you would like to suggest something different. If you have different suggestions based on your own circumstances, let me know and I would be happy to talk to June about it and see if she's agreeable to any of your suggestions.

As of now, it seems like the guardian is agreeable to the above.

I appreciate any input you may have and look forward to your reply.

Kind Regards,
Maria Parra-Sandoval, Esq.
Attorney for Kathleen June Jones



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

Legal Aid Center of Southern Nevada, Inc. is a 501 (c) (3) organization
and your contribution may qualify as a federally recognized tax deduction.



[Legal Aid Center E-Newsletter](#)

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

EXHIBIT B

Maria Parra-Sandoval

From: Elizabeth Brickfield <EBrickfield@dlnevadalaw.com>
Sent: Tuesday, April 6, 2021 4:18 PM
To: James A. Beckstrom
Cc: Maria Parra-Sandoval
Subject: RE: June Jones

Follow Up Flag: Follow up
Flag Status: Flagged

AmicusId: 787941
AmicusStatus: Saved
AmicusFileName: Jones, Kathleen J. re: Adults Under Guardianship
AmicusFileId: 79094
AmicusTimeEntry: Yes

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James: I appreciate Kimberly Jones' efforts at this time to what I hope is work with her siblings to establish a visitation schedule. My suggestion is that the siblings should communicate among themselves as to what they believe is a workable schedule rather than through the lawyers. Two of these children and the adult grandchildren are not represented. I believe that any proposed schedule cannot be on a last minute basis so as to disrupt everyone's plans. Finally, does the proposal include having family members visit June at her Anaheim home without Kimberly being in the building. Since I am a party and not counsel, with counsel's consent I am happy to email June's children for suggestions as to how visitation should work over the next 60 days or so. Elizabeth



DAWSON LORDAHL

TRUST ESTATE & BUSINESS ATTORNEYS
Elizabeth Brickfield, Esq.,
Member
(p) 702.476.1119
(f) 702.476.6442

www.DLNevadaLaw.com

Trust, Estate & Business Attorneys
8925 West Post Road, Suite 210
Las Vegas, Nevada 89148
A Professional Limited Liability Company

EXHIBIT C

Maria Parra-Sandoval

From: James A. Beckstrom <jbeckstrom@maclaw.com>
Sent: Wednesday, May 5, 2021 11:28 AM
To: Maria Parra-Sandoval
Subject: RE: Guardianship of Kathleen June Jones

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Kimberly would very likely be comfortable leaving the house with family present. However, she isn't agreeable to being forced to leave her residence. She is fine going to her bedroom away from the other family members. This issue was discussed specifically with Judge Marquis at the settlement conference. The judge thought it was common sense that Kim shouldn't have to be kicked out of her house or banished when someone wanted to come visit.

The visits to the house should give any visitors access to the common areas, backyard, and June's room/ bathroom. Kimberly should be allowed to stay in her room or a different area of the house and would not interfere with any visits.

To clarify, if someone comes to visit, Kimberly is not going to sit in the room with them while they visit and wouldn't want to do that. Of course, this only applies to Mr. Michelson's clients, Kimberly has historically got along well with Donna and Robyn is trying to drive a divide between this family. If the family can visit together, that of course would be allowed.



**MARQUIS AURBACH
COFFING**

James A. Beckstrom, Esq.

10001 Park Run Drive
Las Vegas, NV 89145
t | 702.207.6081
f | 702.382.5816
jbeckstrom@maclaw.com
maclaw.com



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From: Maria Parra-Sandoval <MParra@lacsns.org>
Sent: Wednesday, May 5, 2021 11:21 AM
To: James A. Beckstrom <jbeckstrom@maclaw.com>
Subject: [External] Guardianship of Kathleen June Jones

Hi James,

Can you confirm if Kimberly Jones is willing to follow June's proposed schedule below. More specifically, that she will either leave the Anaheim home to run errands or remain in her own personal space during the length of visits. This seemed to be the biggest issue for Mr. Michaelson's clients. Thanks.

This is what June is willing to agree to:

- June wants visits to last one hour max with whoever visits her at her Anaheim house—any of her children and any of her grandchildren.
- June wants the visits on Friday mornings at 10:00 am. She can have a visitor from 10:00 am to 11:00 am and a second visitor from 11:00 am to noon.
- The only other place she is willing to travel to is Donna's house, and again one hour max there too.
- June does not want to stay overnight with anyone.
- To avoid communication issues, the guardian would leave June's Friday mornings *open for any visitor* (in-person visits or calls)
- Guardian must receive a confirmation (text or email) that that visitor is actually arriving, 24 hours before the scheduled visitor time.
- If no one-way confirmations are sent to the guardian by Thursday morning, the guardian is free to change plans for Friday mornings.
- If any of her children or grandchildren cannot visit June every Friday morning, they can send a confirmation to the guardian (on Thursday morning) and instead of a visit request to make June available for a call that Friday morning.
- **If the visitor doesn't want the guardian around: (1) the guardian will leave the home to run errands while visitations are taking place OR (2) visitations will simply take place in the common areas of the Anaheim home. (Guardian will not be forced to leave the home during visitations as she will have her own personal space to retreat to for the length of the visitation.)**
- June is happy to speak to anyone that calls her on any other day as she usually has her phone close by (more recently, guardian has secured a landline for June's personal use).



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Attorney, Consumer Rights Project
Legal Aid Center of Southern Nevada, Inc.
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Legal Aid Center of Southern Nevada, Inc. is a 501 (c) (3) organization and your contribution may qualify as a federally recognized tax deduction.



[Legal Aid Center E-Newsletter](#)

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



1 **EXPP**

2 Maria L. Parra-Sandoval, Esq.
3 Nevada Bar No. 13736

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

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7 Las Vegas, NV 89104

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10 mparra@lacsnsn.org

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

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

17 In the Matter of Guardianship of the Estate of:

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

20 KATHLEEN JUNE JONES,
21 Adult Protected Person.

22 **EX PARTE MOTION FOR AN ORDER SHORTENING TIME FOR HEARING ON**

23 **PETITION TO APPROVE KATHLEEN JUNE JONES' PROPOSED**

24 **VISITATION SCHEDULE**

25 Kathleen June Jones ("June"), the protected person herein, by and through her counsel,
26 Maria L. Parra-Sandoval, Esq., hereby files this Ex Parte Motion for an Order Shortening Time
27 pursuant to EDCR 5.514 and request that this Court shorten the time in which to hear the
28 attached Petition for **May 13, 2021**. This application is based upon the pleadings and papers
on file and the Affidavit of June's attorney attached to this motion.

DATED this 6th day of May, 2021.

LEGAL AID CENTER OF
SOUTHERN NEVADA, INC.

/s/ Maria L. Parra-Sandoval

Maria L. Parra-Sandoval, Esq.

Nevada Bar No. 13736

Attorney for Kathleen June Jones

1 **AFFIDAVIT OF MARIA L. PARRA-SANDOVAL, ESQ. IN SUPPORT OF EX PARTE**
2 **MOTION FOR AN ORDER SHORTENING TIME**

3 Maria L. Parra-Sandoval, Esq. declares as follows:

- 4 1. I am an attorney with Legal Aid Center of Southern Nevada, and court-appointed
5 attorney for Kathleen June Jones, an Adult Protected Person.
- 6 2. I am duly licensed to practice law in the State of Nevada and have personal knowledge
7 of and I am competent to testify concerning the facts herein.
- 8 3. That the Protected Person filed a Petition to Approve Kathleen June Jones' Proposed
9 Visitation Schedule on May 5, 2021.
- 10 4. That the Master Calendar Clerk set the hearing date on the subject Petition for May 27,
11 2021 at 2:30 p.m.
- 12 5. This Court has a hearing already set for **May 13, 2021** at 1:00 p.m. on a continued
13 hearing from February 11, 2021 on the Verified Petition for Communication, Visits, and
14 Vacation Time with Protected Person ("Verified Petition"); Kimberly Jones Opposition
15 to Verified Petition et al; Kathleen June Jones' Opposition to Verified Petition et al; and
16 Petitioners' Omnibus Reply.
- 17 6. Undersigned seeks to have the Petition to Approve Kathleen June Jones' Proposed
18 Visitation Schedule heard on a date already set by this Court—**May 13, 2021 at 1:00**
19 **p.m.** instead of May 27, 2021.
- 20 7. The Protected Person seeks an *expedited hearing* on the Petition to Approve Kathleen
21 June Jones' Proposed Visitation Schedule, as her proposed schedule seeks to appease
22 the parties that filed the Verified Petition and incorporates aspects that have been
23 contested issues during negotiations.
- 24
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1 8. An expedited hearing is necessary to avoid additional hearings on the same issue
2 (communication and visitation with the protected person).

3 9. The Protected Person's Proposed Visitation Schedule would be a reasonable resolution
4 that this Court can consider in conjunction with the various pleadings already filed and
5 are scheduled to be heard on May 13, 2021.
6

7 10. That the Protected Person has temporarily relocated to California, and this is the
8 schedule that the Protected Person has *expressly* stated to undersigned she is willing to
9 accept.

10 11. That this Ex Parte Motion for an Order Shortening Time is made in good faith.
11

12
13 Pursuant to NRS 53.045, I declare under penalty of perjury under the laws of the State
14 of Nevada that the foregoing is true and correct.

15 Dated this 6th day of May, 2021.
16

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

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

20 Maria L. Parra-Sandoval, Esq.

21 Nevada Bar No. 13736

22 *Attorney Kathleen June Jones*
23
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Location : Family Courts Images Help

CASE No. G-19-052263-A

www.pearsoned.com

Cross-Reference Case Number:
Supreme Court No.:

Guardian of Person and Estate	Friedman, Robyn 2824 High Sail Court Las Vegas,, NV 89117	Lead Attorneys John P. Michaelson <i>Retained</i> 7027312333(W)
Objector	Jones, Kimberly 18543 Yorba Linda Blvd #146 Yorba Linda, CA 92886	Pro Se
Petitioner	Friedman, Robyn 2824 High Sail Court Las Vegas,, NV 89117	John P. Michaelson <i>Retained</i> 7027312333(W)
Petitioner	Simmons, Donna 1441 N. Redgum, Unit G Anaheim, CA 92806	John P. Michaelson <i>Retained</i> 7027312333(W)
Protected Person	Jones, Kathleen June 1315 Enchanted River DR Henderson, NV 89012	Elizabeth R. Mikesell <i>Retained</i> 702-386-1533(W)

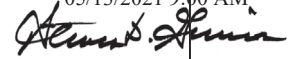
05/12/2021 | [Minute Order](#) (2:45 PM) (Judicial Officer Marquis, Linda)

05/12/2021 2:45 PM

<https://www.clarkcountycourts.us/Secure/CaseDetail.aspx?CaseID=11989299&HearingID=205895088&SingleViewMode=Minutes>

be determined by the Court at an Evidentiary Hearing before the Court can enter an order relative to Robyn Friedman and Donna Simmons' request for communication, access, and time with their Mother, the Protected Person, pursuant to NRS 159.332 through NRS 159.337, and NRS 159.328. Therefore, an Evidentiary Hearing relative to the Petitions for Visitation, Petition to Approve Proposed Visitation Schedule, and Oppositions SHALL be set for Tuesday, June 8, 2021, at 9:00 a.m. Each Party shall file a Pre-Trial Memorandum on or before June 1, 2021, at 5:00 p.m., especially focusing on legal points and authorities. Each Party shall electronically submit to the Department's Law Clerk an Index of Proposed Exhibits and the Proposed Exhibits via e-mail on or before June 1, 2021, at 5:00 p.m. Counsel shall meet and confer prior to the Evidentiary Hearing to determine whether a stipulation can be reached relative to the Proposed Exhibits. Accordingly, the Hearings set for the following dates are VACATED: May 13, 2021; May 27, 2021; and June 3, 2021. The Court notes that this matter remains in non-compliance. A copy of this Minute Order shall be provided to all parties. CLERK S NOTE: A copy of this Minute Order was e-mailed to parties at the e-mail address on record with the Court; if no e-mail address was available, the minute order was mailed to the physical address of record 5/12/21. (kc)

[Return to Register of Actions](#)


CLERK OF THE COURT

1 **OST**

2 Maria L. Parra-Sandoval, Esq.
3 Nevada Bar No. 13736

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

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11 *Attorney for Adult Protected Person*

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

In the Matter of Guardianship of the Estate of:

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

KATHLEEN JUNE JONES,
Adult Protected Person.

ORDER SHORTENING TIME

Upon the Affidavit of Maria L. Parra-Sandoval, Esq., attorney for the Protected Person, and good cause appearing therefore:

IT IS HEREBY ORDERED that the time for hearing on the Petition to Approve Kathleen June Jones' Proposed Visitation Schedule is hereby shortened and shall be heard on the 13th day of May, 2021 at the hour of 1:00 in Department B of the Eighth Judicial District Court, located at the Regional Justice Center, 200 Lewis Avenue, Las Vegas, Nevada 89155.

Dated this 13th day of May, 2021

By: 

DISTRICT COURT JUDGE
A5A 5E3 F3B4 CACA
Linda Marquis
District Court Judge

Submitted by:

LEGAL AID CENTER OF
SOUTHERN NEVADA, INC.

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

Maria L. Parra-Sandoval, Esq.
Attorney Kathleen June Jones

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 In the Matter of the Guardianship
of:

CASE NO: G-19-052263-A

7
8 Kathleen Jones, Protected
Person(s)

DEPT. NO. Department B

9
10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 5/13/2021

15 Kelly Easton	kellye@sylvesterpolednak.com
16 Lenda Murnane	lenda@michaelsonlaw.com
17 James Beckstrom	jbeckstrom@maclaw.com
18 Jeffrey Sylvester	jff@sylvesterpolednak.com
19 Maria Parra-Sandoval, Esj .	mparra@lacs.org
20 Javie-Anne Bauer	jbauer@maclaw.com
21 Kate McCloskey	NVGCO@nvcourts.nv.gov
22 Sonja Jones	sqnes@nvcourts.nv.gov
23 LaChasity Carroll	lcarroll@nvcourts.nv.gov
24 Melissa Douglas	mdouglas@dlnevadalaw.com
25 Elizabeth Brickfield	ebrickfield@dlnevadalaw.com
26	
27	
28	

1	Penny Walker	pwalker@lacsns.org
2		
3	John Michaelson	qphn@michaelsonlaw.com
4	John Michaelson	qphn@michaelsonlaw.com
5	David Johnson	dcq@qphnsonlegal.com
6	Karen Friedrich	kfriedrich@dlnevadalaw.com
7	Geraldine Tomich	gtomich@maclaw.com
8	Matthew Whittaker	matthew@michaelsonlaw.com
9	Ammon Francom	ammon@michaelsonlaw.com
10		
11	Matthew Whittaker	matthew@michaelsonlaw.com
12	Ammon Francom	ammon@michaelsonlaw.com
13	Scott Simmons	scott@technocoatings.com

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REGISTER OF ACTIONS

[CASE NO. G-19-052263-A](#)

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

§
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Case Type: **Guardianship of Adult**
 Subtype: **General - Person & Estate**
 Date Filed: **09/19/2019**
 Location: **Department B**
 Cross-Reference Case Number: **G052263**
 Supreme Court No.: **81414**
81799
83967
84655

PARTY INFORMATION

Guardian of Person and Estate	Friedman, Robyn 2824 High Sail Court Las Vegas,, NV 89117	Lead Attorneys John P. Michaelson <i>Retained</i> 7027312333(W)
Objector	Jones, Kimberly 18543 Yorba Linda Blvd #146 Yorba Linda, CA 92886	Pro Se
Petitioner	Friedman, Robyn 2824 High Sail Court Las Vegas,, NV 89117	John P. Michaelson <i>Retained</i> 7027312333(W)
Petitioner	Simmons, Donna 1441 N. Redgum, Unit G Anaheim, CA 92806	John P. Michaelson <i>Retained</i> 7027312333(W)
Protected Person	Jones, Kathleen June 1315 Enchanted River DR Henderson, NV 89012	Elizabeth R. Mikesell <i>Retained</i> 702-386-1533(W)

EVENTS & ORDERS OF THE COURT

06/08/2021 [Evidentiary Hearing](#) (9:00 AM) (Judicial Officer Marquis, Linda)
Visitation, Proposed Visitation Schedule, and Oppositions

Minutes

06/08/2021 9:00 AM

- EVIDENTIARY HEARING: VISITATION, PROPOSED VISITATION SCHEDULE, AND OPPOSITIONS This Hearing was held via video conference through BlueJeans. The following also appeared via BlueJeans: LaChasity Carroll, Supreme Court Guardianship Compliance Investigator Attorney Matthew Whittaker, Nevada Bar #13281 Attorney Scott Cardenas, Nevada Bar #14851 Richard and Candi Powell Attorney Ty Kehoe, Nevada Bar #6011 Teri Butler (daughter) Scott Simmons (son) Perry Friedman (son-in-law) Cameron Simmons (grandson) Samantha Simmons (granddaughter) Ms. Parra-Sandoval objected to the Powells' participation in today's hearing. Mr. Michaelson and Mr. Beckstrom agreed. Mr. Beckstrom also objected to Mr. Kehoe's appearance and made statements regarding settlement funds not being transferred to Protected Person. Mr. Kehoe stated he and the Powells were observing and did not plan to participate in the hearing. Arguments between counsel. Court stated this case was not sealed and allowed Mr. Kehoe and the Powells to remain in the hearing. Court noted a Motion in Limine was filed yesterday by Mr. Beckstrom. Court DENIED the Motion in Limine. Court and counsel engaged in discussion regarding the admission of text messages. Court noted its intention to admit Ms. Carroll's and Ms. Brickfield's reports as Court Exhibits. Ms. Parra-Sandoval advised Protected Person was not present today and she indicated she would be too stressed and upset to testify. Court noted it took JUDICIAL NOTICE of

all the pleadings on file. Counsel engaged in argument and discussion regarding the admission of exhibits. Court noted, per stipulation, Protected Person's exhibits ADMITTED. None of Respondent's or Petitioners' exhibits were admitted by stipulation at this time. Mr. Michaelson questioned the scope of the hearing. Arguments by counsel. Mr. Michaelson called Protected Person as a witness. Court heard arguments as to whether or not to have Protected Person testify. Court noted as Protected Person was not issued a subpoena to testify, it would not order Protected Person to testify at this hearing. Witnesses and exhibits presented (see worksheets). Matter TRAILED. Matter RECALLED. Witnesses and exhibits presented (continued). Court and counsel engaged in discussion regarding the admission of Ms. Brickfield's report and Ms. Carroll's investigation report. Matter RECESSED for lunch. Matter RECALLED. Counsel STIPULATED to Respondent's Exhibits A - F. Counsel STIPULATED to Petitioner's Exhibits 1, 4-10. Witnesses and exhibits presented (continued). Petitioner's Exhibits 2 and 3 ADMITTED. Matter TRAILED. Matter RECALLED. Witnesses and exhibits presented (continued). Mr. Michaelson noted discrepancies in text messages provided, and requested supplementing more text messages in his closing argument brief like the ones already submitted, however they would show a more complete pattern of deleting portions of text messages. Upon Court's inquiry, Mr. Michaelson stated Robyn's text messages were professionally extracted, and they show important omissions by the Guardian. Discussion between Court and counsel regarding the submission of text messages. Court ALLOWED the submission of the supplemented text messages. Mr. Beckstrom and Ms. Parra-Sandoval may object in their briefs to the supplements. COURT ORDERED: Counsel shall submit written CLOSING ARGUMENTS and Proposed Findings of Fact/Conclusions of Law no later than Friday, 6/18/21 at 5:00 PM. Matter shall be taken UNDER ADVISEMENT and placed on Court's Chambers Calendar 7/21/21, for Court to issue a WRITTEN DECISION.

[Parties Present](#)[Return to Register of Actions](#)

Location : Family Courts Images Help

CASE No. G-19-052263-A

www.pearsoned.com

Cross-Reference Case Number:
Supreme Court No.:

Guardian of Person and Estate	Friedman, Robyn 2824 High Sail Court Las Vegas,, NV 89117	Lead Attorneys John P. Michaelson <i>Retained</i> 7027312333(W)
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Protected Person	Jones, Kathleen June 1315 Enchanted River DR Henderson, NV 89012	Elizabeth R. Mikesell <i>Retained</i> 702-386-1533(W)

08/12/2021 | [All Pending Motions](#) (9:00 AM) (Judicial Officer Marquis, Linda)

08/12/2021 9:00 AM

<https://www.clarkcountycourts.us/Secure/CaseDetail.aspx?CaseID=11989299&HearingID=206502138&SingleViewMode=Minutes>

order on the issue of the settlement agreement, sealed, per Court order. Court noted it would hear the matter after all other issues were heard and prior to excusing Attorney Kehoe and Mr. Powell. Mr. Beckstrom stated no objection to an individual assessment, and made statements regarding an evaluation conducted last week in Orange County. Mr. Michaelson stated objections to Guardian's request for fees. Mr. Michaelson also made statements regarding missing and erroneous items in the accounting, and asked that a full accounting be provided in a timely manner. Mr. Beckstrom stated accounting and budget were two separate items, and made arguments. Additional arguments made by Mr. Michaelson and Mr. Beckstrom. Mr. Kehoe stated some of the statements made by counsel were improper, however he didn't object to being excused for the status check portion of the settlement. Following additional arguments, Mr. Kehoe and Mr. Powell were excused from the hearing. Mr. Beckstrom summarized a hearing held last week in civil court and stated the settlement funds were received. Mr. Beckstrom itemized deductions made to the settlement. Discussion regarding appliances, and an unexplained amount of \$300. Following discussion regarding estimated cost of appliances, and potential attorney fees to contest the deductions, counsel and parties determined it wasn't worth the litigation to fight the minimal deductions. Court requested a stipulation to that effect. Ms. Brickfield made statements as to the condition of the Anaheim property when the prior tenants left the home. Mr. Beckstrom advised the prior tenant was Protected Person's son. Discussion. COURT ORDERED: Court shall issue a WRITTEN DECISION. Mr. Beckstrom shall draft a Stipulation and Order as to deductions from the settlement funds.

[Parties Present](#)[Return to Register of Actions](#)



1 **PET**

2 **DAWSON & LORDAHL PLLC**

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4 8925 West Post Road, Suite 210

5 Las Vegas, Nevada 89148

6 Telephone: (702) 476-6440, Facsimile: (702) 476-6442

7 ebrickfield@dlnevada.law.com

8 *Guardian ad Litem for Kathleen Jones*

9 **DISTRICT COURT**

10 **CLARK COUNTY, NEVADA**

11 In the Matter of the Guardianship of:

12 **KATHLEEN JUNE JONES,**

13 **Protected Person.**

Case No: G-19-052263-A

Department No: B

HEARING REQUESTED

14 **PETITION FOR APPROVAL OF GUARDIAN AD LITEMS' FEES AND COSTS**

15 Elizabeth Brickfield, Esq., ("**Petitioner**") of the law firm of Dawson & Lordahl, PLLC, as
16 the duly appointed Guardian Ad Litem for Kathleen June Jones, a Nevada adult protected person,
17 hereby petition this Court for approval of fees and costs incurred as Guardian ad Litem for Kathleen
18 June Jones.

19 **Procedural History**

- 20 1. Kathleen June Jones ("**Protected Person**") was born on January 20, 1937 and is 84
21 years old.
- 22 2. On February 16, 2021, this Court entered an Order appointing Elizabeth Brickfield
23 as Guardian ad Litem for Kathleen June Jones, the protected person, pursuant to NRS 159.0455.
- 24 3. On February 22, 2021, Petitioner filed a Notice of Intent to Seek Fees and Costs from
25 the Guardianship.
- 26 4. On March 29, 2021, the Guardian ad Litem filed her Report regarding her meeting
27 and conversations with Ms. Jones.
- 28



1 **A. The Requested Fees Are Permitted by Nevada Statute.**

2 Under NRS 159.0455(3) and NRS 159.344(10), the Guardian Ad Litem is entitled to
3 reasonable compensation from the estate of the ward or proposed ward. Compensation and expenses
4 must be paid from the adult ward's estate unless compensation and expenses are provided by a third
5 party voluntarily or by court order.

6 Elizabeth Brickfield, Esq., is the Court appointed Guardian ad Litem for Ms. Kathleen June
7 Jones. Subject to the discretion and approval of this Court, Ms. Brickfield is entitled to reasonable
8 compensation and fees from the Protected Person's estate. Accordingly, Nevada Statute permits
9 the requested compensation for the Guardian Ad Litem and costs.

10 **B. The Requested Fees Are Reasonable and Justified Under the Brunzell Factors.**

11 Elizabeth Brickfield is entitled to compensation for her services provided as Guardian Ad
12 Litem and costs from the Guardianship. Between the periods of 02/16/2021 and 10/26/2021, Ms.
13 Brickfield incurred \$5,710.00 in fees and \$3.50 in costs for a total of \$5,713.50 for her work
14 performed at Dawson & Lordahl PLLC. See Brickfield Declaration as **Exhibit "1"**, and Exhibit
15 **"1-A"**.

16 The Nevada Supreme Court organizes the Brunzell factors under four headings:

- 17 (1) the qualities of the advocate: his ability, his training, education, experience,
18 professional standing and skill;
19 (2) the character of the work to be done: its difficulty, its intricacy, its importance,
20 time and skill required, the responsibility imposed and the prominence and
21 character of the parties where they affect the importance of the litigation;
22 (3) the work actually performed by the lawyer: the skill, time and attention given to
23 the work; and
24 (4) the result: whether the attorney was successful and what benefits were derived.

25 The Court should consider each factor without giving any one factor undue weight.

26 The first Brunzell factor requires the Court to consider the qualities of the advocate,
27 specifically his or her ability, training, education, experience, professional standing and skills.
28 Elizabeth Brickfield is the Guardian ad Litem for the protected person, Kathleen June Jones. Ms.
Brickfield's declaration shows that her experience and professional standing justifies her hourly
compensation rate of \$400.00 per hour.

Ms. Brickfield has significant litigation, probate and guardianship experience. Ms.



1 Brickfield was a Member in Dickinson Wright's Estate Planning & Administration Department and
2 is now a Partner with Dawson & Lordahl PLLC. She practices in guardianship matters, tax law,
3 trusts and estate, and trust and probate litigation. She has been appointed by the Court in a number
4 of matters to serve as Guardian ad Litem. She has presented seminars for the State of Bar of Nevada,
5 the Southern Nevada Association of Women Attorneys, Clark County Bar Association, and private
6 legal education associations. She is a member of the Southern Nevada Council of Estate Planners,
7 the State Bar of Nevada's Elder Law Section, Taxation Section and the State Bar of Nevada's Trust
8 and Probate Section. She is the former Chair of the State Bar of Nevada's Trust and Probate Section
9 and was a member of the State Bar of Nevada's Board of Governors from 2010 to 2014. The Desert
10 Companion magazine named her one of the Nevada's Top Lawyers, and she is an AV Preeminent
11 Rated attorney by Martindale-Hubbell. She is listed as a 2015 through 2019 Mountain State Super
12 Lawyer. Ms. Brickfield received her LL.M. in Taxation from the New York University School of
13 Law, which, according to U.S. News & World Reports, has the best Taxation LL.M. program in the
14 country since 1992.

15 The second Brunzell factor requires the Court to consider the character of the work to be
16 done, including the difficulty and intricacy of the work, the skill required, the responsibility imposed
17 and prominence and character of the parties. Here, the character of the work to be done was detailed
18 and complex, which required intricate attention to detail. This matter required time and skill of the
19 attorneys handling this matter, and each acknowledged the responsibility imposed. The fee
20 requested is reasonable and proper under the circumstances.

21 The third Brunzell factor requires the Court to consider the work actually performed
22 including the skill, time and attention given to the work. Under this factor, the Court should consider
23 whether "the time rendered, would have been undertaken by a reasonable and prudent lawyer to
24 advance or protect his client's interest." The billing invoices describe the particular time
25 commitments in more detail. Furthermore, Ms. Brickfield expended reasonable effort proportional
26 to the magnitude of the case, and Ms. Brickfield devoted the time, skill and attention of a reasonable
27 and prudent guardian ad litem to this matter.

28 Ms. Lamprea's declaration shows that her experience and professional standing as a



1 paralegal justifies her hourly compensation rate of \$155.00 per hour. Ms. Lamprea has family and
2 probate experience, and she has been an active family and probate paralegal for a continuous period
3 of four (4) years. Ms. Lamprea earned her college degree of International Business in the University
4 of Colombia in 2016 with a focus on Marketing and Accounting. *See* Lamprea's Declaration as
5 **Exhibit "2"**. Throughout the billings presented by the Guardian ad Litem, Ms. Brickfield
6 supervised all of Ms. Lamprea's work to be as efficient and cost-effective as a possible while
7 achieving the best work product possible for the benefit of Ms. Jones. Accordingly, the work actually
8 performed, and the time, skill and attention required, support the reasonableness of the requested fee
9 award.
10

11 The final Brunzell factor requires the Court to consider the results obtained. "Whether the
12 attorney was successful and what benefits were derived" can bear on the "reasonableness of the fees
13 incurred by a party." Ms. Jones benefited from the Guardian ad Litem's representation.
14

15 Accordingly, the total fees requested are \$5,710.00 and \$3.50. total costs for the services
16 provided by Dawson & Lordahl PLLC. Additionally, Petitioner requests that this Court award any
17 fees and costs incurred until the hearing of this Petition.

18 **WHEREFORE**, Petitioner prays that this Court enter its orders as follows:

19 1. Approving Petitioner's request for payment of \$5,713.50 in Guardian ad Litem fees
20 and costs Dawson & Lordahl PLLC incurred on behalf of Kathleen Jones as Guardian ad Litem with
21 such payments to be paid from the assets of the guardianship of Kathleen Jones;
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1
2 2. For such other and further relief as the Court may deem just and proper.

3 Dated this 27 day of October, 2021.
4

5 **DAWSON & LORDAHL PLLC**

6
7 
8 Elizabeth Brickfield, Esq. NSB #6236
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10 Las Vegas, Nevada 89148
11 Telephone: (702) 476-6440
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14 *Guardian ad litem for Kathleen Jones*
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CERTIFICATE OF SERVICE

I hereby certify that on the 27 day of October, 2021, I caused copies of the foregoing **PETITION FOR APPROVAL OF GUARDIAN AD LITEM'S FEES AND COSTS** to be served through the Court's electronic filing system or by depositing the same in the United States mail in Las Vegas, Nevada, first class postage prepaid, addressed to the following parties:

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

*Co-Counsel for Petitioners, Robyn Friedman
and Donna Simmons*

Maria L. Parra-Sandoval, Esq.,
Legal Aid Center of Southern Nevada
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Counsel for Kathleen Jones Jones

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Geraldine Tomich, Esq.
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Attorneys for Kimberly Jones

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Terri Butler
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Scott Simmons
1054 S. Verde Street
Anaheim, CA 92805

Jen Adamo
14 Edgewater Drive
Magnolia, DE 19962

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

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

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

Courtney Simmons
765 Kimbark Avenue
San Bernardino, CA 92407

Parra-Sandoval
An Employee of Dawson & Lordahl, PLLC



EXHIBIT 1

1 **DECLARATION OF ELIZABETH BRICKFIELD IN SUPPORT OF**
2 **REQUEST FOR PAYMENT OF FEES AND COSTS FOR HER SERVICES AS**
3 **GUARDIAN AD LITEM**

4 I, ELIZABETH BRICKFIELD, declare under penalty of perjury under the laws of the State
5 of Nevada:

6 1. I am the Guardian ad litem for Kathleen June Jones, the protected person, pending
7 before Department B of the District Court, Family Division, Clark County, Nevada.

8 2. I am familiar with the services provided during these proceedings.

9 3. I submit this Declaration in support of the Petition for Approval of Guardian ad
10 Litem's Fees and Costs.

11 4. I have been licensed to practice law in the State of Nevada since 1997.

12 5. Currently, I am a Partner with the law firm of Dawson & Lordahl, PLLC, where I
13 practice primarily in the Estate Planning & Administration Department; previously, I was a
14 member of the law firm of Dickinson Wright PLLC and a shareholder with the law firm of Lionel
15 Sawyer & Collins, where I practiced primarily in the Business Law Department.

16 6. My practice consists of tax law, family law, trusts and estate, guardianship matters
17 and trust and probate litigation.

18 7. I received my LL.M. in Taxation from the New York University School of Law,
19 which has been ranked as the #1 Taxation LL.M. program in the country by U.S. News & World
20 Reports since 1992.

21 8. I am a member of the Southern Nevada Counsel of Estate Planners, the State Bar
22 of Nevada's Elder Law Section and the State Bar of Nevada's Trust and Probate Law Section.

23 9. I am the former Chair of the State Bar of Nevada's Trust and Probate Section.

24 10. I am Martindale Hubble AV-Rated and was named one of Nevada's Top Lawyers
25 by *Desert Companion* magazine. I am also listed as a 2015-2019 Mountain State Super Lawyer.

26 11. I have reviewed the Petition, including the billing invoices for the services rendered
27 for fees and costs from the law firm of Dawson & Lordahl PLLC, attached hereto as **Exhibit "1A"**.

28 12. I have personally reviewed the fees and costs charged in this case and believe they

1 were actually and necessarily incurred and were reasonable for the benefit of Ms. Jones.

2 13. The work performed by Dawson & Lordahl PLLC was delegated so as to be as
3 efficient and cost-effective as possible while achieving the best work product possible for the
4 estate.

5 14. I make this declaration under penalties of perjury.

6 DATED this 27 day of October, 2021.

7
8 
9 ELIZABETH BRICKFIELD, ESQ.

EXHIBIT 1-A

Dawson and Lordahl PLLC

8925 West Post Road, Suite 210
Las Vegas, NV 89148
United States
Phone: 702-476-6440
Fax: 702-476-6442

INVOICE

Invoice # 9523
Date: 10/25/2021
Due On: 11/24/2021

Jones, Kathleen

01955-Jones, Kathleen

Guardian ad Litem

Services

Date	Attorney	Description	Quantity	Rate	Total
02/22/2021	EB	t/c with counsel for Ms. K. Jones	1.00	\$400.00	\$400.00
02/24/2021	EB	t/c with June Jones and counsel. preparation for and email	1.00	\$400.00	\$400.00
03/05/2021	EB	t/c with John Michaelson	1.00	\$400.00	\$400.00
03/08/2021	EB	t/c and meetings with Robyn Friedman and Kimberly Jones	3.50	\$400.00	\$1,400.00
03/12/2021	EB	hearing; t/c with Donna (June's daughter)	1.50	\$400.00	\$600.00
03/16/2021	EB	t/c with Teri Brewer, t/c with Scott Simmons	1.50	\$400.00	\$600.00
03/25/2021	EB	travel to and visit with June Jones	1.50	\$400.00	\$600.00
03/26/2021	EB	t/c; review of filings	1.00	\$400.00	\$400.00
08/12/2021	EB	prepare for and attend hearing	1.50	\$400.00	\$600.00
09/03/2021	PL	Review matter and drafted Petition for payment of attorneys fees and costs for the guardian ad litem.	2.00	\$155.00	\$310.00

Services Subtotal \$5,710.00

Expenses

Type	Date	Description	Quantity	Rate	Total
Expense	03/09/2021	Clark County Court - Filing fee	1.00	\$3.50	\$3.50

Expenses Subtotal \$3.50

Invoice # 9523 - 10/25/2021

Subtotal \$5,713.50

Total \$5,713.50

Detailed Statement of Account

Current Invoice

Invoice Number	Due On	Amount Due	Payments Received	Balance Due
9523	11/24/2021	\$5,713.50	\$0.00	\$5,713.50
Outstanding Balance				\$5,713.50
Total Amount Outstanding				\$5,713.50

Please make all amounts payable to: Dawson and Lordahl PLLC

Please pay within 30 days.

EXHIBIT 2

**DECLARATION OF PAULA LAMPREA IN SUPPORT OF
ELIZABETH BRICKFIELD'S PETITION FOR APPROVAL OF FEES AND COSTS AS
GUARDIAN AD LITEM**

I, PAULA LAMPREA, declare under penalty of perjury under the laws of the State of Nevada:

1. I am a Paralegal employed by Dawson & Lordahl PLLC.
2. I am familiar with the services provided during these proceedings.
3. I have family and probate experience and have been and active family and probate paralegal for a continuous period of four (4) years.
4. I earned my college degree in International Business from the University of Colombia in 2016, with a focus on Marketing and Accounting.
5. I submit this Declaration in support of Elizabeth Brickfield's Petition for Approval of Guardian ad Litem's Fees and Costs.
6. I have assisted Ms. Brickfield in this proceeding in her capacity as Guardian ad Litem for Kathleen June Jones.
7. I have performed work for this matter under Ms. Brickfield's supervision as efficient and cost-effective as possible while achieving the best work product possible for this matter.
8. I make this declaration under penalties of perjury.

DATED this 27 day of October, 2021.

Paula Lamprea.



1 **OBJ**

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

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

725 E. Charleston Blvd.

4 Las Vegas, NV 89104

Telephone: (702) 386-1526

5 Facsimile: (702) 386-1526

mparra@lacsnsn.org

6 *Attorney for Kathleen June Jones,*
7 *Adult Protected Person*

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

In the Matter of Guardianship of the Estate of:

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

11 KATHLEEN JUNE JONES,
12 Adult Protected Person.

13
14 **OBJECTION TO PETITION FOR APPROVAL OF GUARDIAN AD LITEMS' FEES**
15 **AND COSTS**

16 Kathleen June Jones ("June"), the protected person herein, by and through her counsel,
17 Maria L. Parra-Sandoval, Esq., hereby objects to the Petition for Approval of Guardian Ad
18 Litems' Fees and Costs, filed by Ms. Elizabeth Brickfield, Esq. ("GAL"), the Guardian Ad
19 Litem. June's Objection is based upon and supported by the following Memorandum of Points
20 and Authorities, the pleadings and papers on file in this case, and the argument of counsel as
21 allowed by the Court at the time of hearing.

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1
2
3 **MEMORANDUM OF POINTS AND AUTHORITIES**

4
5
6 **A. The GAL should be paid at a reasonable GAL rate, not an attorney rate, as the**
7 **tasks she performed were not legal tasks.**

8 As stated in June's Notice of Objection to Guardian Ad Litem's Written Notice of
9 Intention to Seek Attorney's Fees and Costs from Guardianship Estate Pursuant to NRS
10 159.344(3), filed on February 26, 2021, June objects to the GAL's attorney rate for her services.
11 The GAL is entitled to fees for her services performed as a GAL, but she is not entitled to
12 attorney fees incurred for performing duties as a GAL.

13 Neither the Nevada Revised Guardianship Statutes (NRS 159) nor the Statewide
14 Guardianship Rules state that a GAL must have a legal background to serve as a GAL. Rule 8
15 (H) states: "A Guardian ad litem *may be* a trained volunteer from a court-approved advocate
16 program, an attorney, or *any other person* that the court finds has appropriate training and
17 experience (emphasis added).¹ In other words, this Rule allows any person in the community to
18 serve as a GAL without the need to have legal experience. Additionally, NRS 159.0455(4)
19 provides that a GAL "shall not" provide legal services.² Even if the statute required an attorney
20 to act as a GAL, the GAL would not be entitled to her attorney rate because she did not perform
21 attorney tasks. Accordingly, the appointed GAL's attorney rate for the performance of non-
22 attorney services is not reasonable.

23 Under the Order of Appointment, the guardian ad litem was directed to address the
24 following issues. These issues do not require legal expertise to fulfill:

25 Scheduled opportunities for Protected Person to elect to speak with
26 and/or visit in person with her adult daughters and whether the Guardian
27 has an obligation to facilitate, prompt, encourage, plan, schedule, and/or

28 ¹ See Statewide Rules for Guardianship, Rule 8.

² See NRS 159.0455(4).

1 create an environment that promotes an opportunity for continued
2 communication between Protected Person and her adult daughters based
3 upon the current level of care and needs of the Protected Person. See
4 Verified Petition for Communication, Visits, and Vacation Time with
Protected Person, filed December 30, 2020, Oppositions filed January 25,
2021; and hearing held on February 11, 2021.³

5 The Court further ordered that the guardian ad litem:

6 *shall not offer legal advice* to the Protected Person or Proposed Protected Person,
7 but shall advocate for the **best interest** of the Protected Person in a manner that will
8 enable the court to determine the action that will be the **least restrictive** and in
9 the best interests of the Protected Person and provide any information required
10 by the court pursuant to NRS 159.0455 until relieved by order of the court
(emphasis added).⁴

11 The GAL's rate should be in line with rates charged by other GALs and tied to the
12 services she actually performed. According to a search of compensation websites, the national
13 average GAL hourly rates range from approximately \$22.00 per hour to \$48.00 per hour.⁵
14 Accordingly, the rate which the GAL is seeking for her services in this matter is grossly outside
15 the norm for GAL services.
16

17 June noticed all parties of her objection to the GAL's attorney rate for non-attorney
18 services at the time the GAL filed her notice of intent to seek those fees from her estate. Despite
19 this notice, the GAL submitted a request for fees at her attorney rate of \$400.00 per hour for all
20 of the tasks she performed as the GAL, plus two hours of paralegal work at a rate of \$155.00
21 per hour. Upon receipt of the GAL's request for fees, June attempted to negotiate a reduction
22 based on the previously stated objection to the hourly GAL rate but was not successful.⁶
23
24
25

26 ³ See Order Appointing Guardian ad Litem, p. 2

27 ⁴ Id.

28 ⁵ See [zipppia.com/guardian-ad-litem-jobs/](https://www.zipppia.com/guardian-ad-litem-jobs/); [glassdoor.com/Salaries/guardian-ad-litem-salary/](https://www.glassdoor.com/Salaries/guardian-ad-litem-salary/); [ziprecruiter.com/Salaries/Guardian-Ad-Litem-Attorney-Salary](https://www.ziprecruiter.com/Salaries/Guardian-Ad-Litem-Attorney-Salary).

⁶ See attached Exhibit A.

1 **B. June objected to the appointment of a GAL and further objected to paying the**
2 **GAL’s fees at the \$400 per hour attorney rate.**

3 June should not have to pay attorney rates for the court-appointed GAL when she
4 objected to those rates from the outset and to the appointment of the GAL in the first instance.⁷

5 Furthermore, the GAL provided no benefit to Ms. Jones. In determining the
6 reasonableness of the GAL’s fees, this court is to consider whether Ms. Jones benefitted from
7 the work performed by the GAL. More specifically, NRS 159.344(5)(b) considers: “Whether
8 the services conferred any actual benefit upon the protected person or attempted to advance the
9 best interests of the protected person.” While the GAL interviewed all the family members and
10 June herself, on more than one occasion, her work and subsequent report offered zero benefit
11 to June. In addition, *the GAL did not report her interview with June with accuracy—as brought*
12 *to this Court’s attention* in Junes’ Petition to Approve Kathleen June Jones’ Proposed Visitation
13 Schedule, filed on May 5, 2021:

14 On February 24, 2021, June told Ms. Elizabeth Brickfield, the court-appointed
15 Guardian ad Litem (“GAL”) that she did not want a schedule for visits and
16 telephone calls: “I don’t want a schedule, no set time; I want to do it when I feel
17 like it.”⁸ But the GAL kept insisting on a schedule and asking June in *different*
18 ways. The GAL asked, “What if your daughters agree on a schedule?”⁹ June
19 replied, “No, not really, no schedule at all.”¹⁰ GAL again asked, “How about
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⁷ See Kathleen June Jones’ Opposition to Verified Petition for Communication, Visits,
25 and Vacation Time with Protected Person, filed January 25, 2021, p. 4, lines 19-25 and p. 5,
26 lines 1-4.

27 ⁸ Zoom Interview with GAL on February 24, 2021, Notes taken by Maria Parra-Sandoval,
28 Esq./LACNS Attorney for Kathleen June Jones.

⁹ *Id.*

¹⁰ *Id.*

1 phone calls at a certain time of a week?”¹¹ June replied, “I don’t like a schedule
2 at all.”¹² The GAL asked again, “Is there a day you prefer?”¹³ June replied, “They
3 can call any time.”¹⁴ On March 25, 2021, at the in-person meeting with the GAL,
4 the GAL was the one who raised the topic of a schedule and June once again
5 turned it down making it clear she did not want a schedule and that “They [her
6 kids] should just call.”¹⁵ June also stated she prefers calls to be short.¹⁶
7

8 If June had been telling her court-appointed attorney the same thing she told the GAL,
9 then how did June benefit from the GAL’s work? She did not. The GAL’s appointment provided
10 no benefit to June and the issue of a scheduled visitation agreement is yet to be resolved. June
11 should not have to pay for the GAL’s fees because they are unreasonable and, under NRS
12 159.344(5)(b), she did not benefit from the GAL’s appointment.
13

14 Under NRS 159.344(5)(j), the court may consider “The ability of the estate of the
15 protected person to pay, including, without limitation: (1) The value of the estate; (2) The
16 nature, extent and liquidity of the assets of the estate; (3) The disposable net income of the
17 estate; (4) The anticipated future needs of the protected person; and (5) Any other foreseeable
18 expenses. June has foreseeable expenses that should take precedence over any requested
19 attorney’s or GAL fees. The First Accounting has not been approved yet and a Second
20 Accounting is already due. The latter is needed to ascertain with accuracy June’s financial state
21
22
23

24 ¹¹ *Id.*

25 ¹² *Id.*

26 ¹³ *Id.*

27 ¹⁴ *Id.*

28 ¹⁵ In-person Interview with GAL on March 25, 2021, Notes taken by Elizabeth Mikesell,
Esq./LACSN attorney.

¹⁶ *Id.*

1 under 159.344(5)(j). The GAL's fees should be paid after June passes. Any GAL fees, if
2 approved by this Court, should be recorded as a lien on June's Anaheim property so that June
3 can continue to use her home during her lifetime.

4 If the Court approves the GAL's fees *despite there being no benefit to June*, the GAL
5 should be paid at a comparable GAL rate, not her attorney rate.
6

7
8 DATED this 18th day of November, 2021.

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

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

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

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

15 725 E. Charleston Blvd

16 Las Vegas, NV 89104

17 Telephone: (702) 386-1526

18 Facsimile: (702) 386-1526

19 mparra@lacsnsn.org

20 *Attorney for Adult Protected Person Kathleen*
21 *June Jones*
22
23
24
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28

1 **CERTIFICATE OF SERVICE**

2
3 I HEREBY CERTIFY that on the 18th day of November, 2021, I deposited in the United
4 States Mail at Las Vegas, Nevada, a copy of the foregoing document entitled **OBJECTION**
5 **TO PETITION FOR APPROVAL OF GUARDIAN AD LITEMS' FEES AND COSTS** in
6 a sealed envelope, mailed regular U.S. mail, upon which first class postage was fully prepaid,
7 addressed to the following:
8

9 Teri Butler
10 586 N Magdalena St.
Dewey, AZ 86327

Jen Adamo
14 Edgewater Dr.
Magnolia, DE 19962

11 Scott Simmons
12 1054 S. Verde Street
13 Anaheim, CA 92805

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

14 Ryan O'Neal
15 112 Malvern Avenue, Apt. E
Fullerton, CA 92832

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

16 Ampersand Man
17 2824 High Sail Court
18 Las Vegas, NV 89117

Courtney Simmons
765 Kimbark Avenue
San Bernardino, CA 92407

19
20 AND I FURTHER CERTIFY that on the same date I electronically served the same document
21 to the following via ODYSSEY, the Court's electronic filing system, pursuant to EDCR 8.05:

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

1 John P. Michaelson
2 john@michaelsonlaw.com
3 Jeffrey R. Sylvester, Esq.
4 jeff@SylvesterPolednak.com
5 *Attorneys for Robyn Friedman and Donna Simmons*

6 James Beckstrom, Esq.
7 Jbeckstrom@maclaw.com
8 Geraldine Tomich, Esq.
9 gtomich@maclaw.com
10 *Attorneys for Guardian Kimberly Jones*

11 Elizabeth Brickfield, Esq.
12 ebrickfield@dlnevadalew.com
13 *Court-Appointed Guardian Ad Litem*

14
15
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19
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21
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23
24
25
26
27
28

/s/ Penny Walker
Employee of Legal Aid Center of Southern Nevada, Inc.

EXHIBIT A

From: Elizabeth Brickfield <EBrickfield@dlnevadalaw.com>

Sent: Thursday, November 4, 2021 2:45 PM

To: Maria Parra-Sandoval <MParra@lacs.org>

Subject: RE: Kathleen June Jones

Caution! This message was sent from outside your organization.

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I will leave this to Judge Marquis' discretion. I consider my billing to be reasonable and necessary for the assignment. If LACSN does not want attorneys appointed as GALS then you should object at the time of appointment. Elizabeth Brickfield

DAWSON & LORDAHL IS MOVING

As of November 1, 2021, our new address is:

9130 West Post Road, Suite 200

Las Vegas, NV 89148



DAWSON & LORDAHL

TRUST, ESTATE & BUSINESS ATTORNEYS

Elizabeth Brickfield, Esq.,

Member

(p) 702.476.1119

(f) 702.476.6442

www.DLNevadaLaw.com

Trust, Estate & Business Attorneys

A Professional Limited Liability Company

From: Maria Parra-Sandoval <MParra@lacs.org>

Sent: Thursday, November 4, 2021 2:33 PM

To: Elizabeth Brickfield <EBrickfield@dlnevadalaw.com>

Subject: Kathleen June Jones

Dear Elizabeth,

I was able to review your Petition for Approval of Guardian Ad Litem's Fees and Costs. I filed a Notice of Objection to GAL's Written Notice of Intent on February 25, 2021, so my email should not be a surprise to you.

This is not my favorite part of my job and I sincerely appreciate that you did not bill for a bunch of emails and other items that would have been beyond the scope of the Order Appointing Guardian Ad Litem. So, thank you.

However, I stand by the same argument in the Notice of Objection that a GAL is not entitled to an hourly attorney rate that is typically charged when the issues do not require legal expertise to fulfill. And the Order itself specifically ordered that the guardian ad litem "shall not offer legal advice to the Protected

Person...” Additionally, Rule 8(H) of the Statewide Rules for Guardianship allows for any person in the community to serve as GAL without the need to have legal experience.

So instead, you should be compensated based on what other comparable GAL’s charge on an hourly basis. The Notice of Objection specifically states that the national average GAL hourly rates range from \$22 to \$48 per hour. Given that you have significant experience, would you be willing to settle on \$100 per hour for your GAL work?

Total hours billed 15.5 x \$100 = \$1,550.00

Total Expenses: \$3.5

Total \$1,553.50.

Please let me know what you think and whether you have a counter-offer. If you find a different rate for GAL’s please let me know that too.

Respectfully,
Maria Parra-Sandoval



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

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[Search](#) [Close](#)

Location : Family Courts Images Help

REGISTER OF ACTIONS

CASE No. G-19-052263-A

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

www.pearsoned.com

Case Type: **Guardianship of Adult**
 Subtype: **General - Person & Estate**
 Date Filed: **09/19/2019**
 Location: **Department B**
 Case Number: **G052263**
 The Court No.: **81414**
81799
83967
84655

PARTY INFORMATION

Guardian of Person and Estate	Friedman, Robyn 2824 High Sail Court Las Vegas,, NV 89117	Lead Attorneys John P. Michaelson <i>Retained</i> 7027312333(W)
Objector	Jones, Kimberly 18543 Yorba Linda Blvd #146 Yorba Linda, CA 92886	Pro Se
Petitioner	Friedman, Robyn 2824 High Sail Court Las Vegas,, NV 89117	John P. Michaelson <i>Retained</i> 7027312333(W)
Petitioner	Simmons, Donna 1441 N. Redgum, Unit G Anaheim, CA 92806	John P. Michaelson <i>Retained</i> 7027312333(W)
Protected Person	Jones, Kathleen June 1315 Enchanted River DR Henderson, NV 89012	Elizabeth R. Mikesell <i>Retained</i> 702-386-1533(W)

EVENTS & ORDERS OF THE COURT

12/09/2021 [Hearing](#) (11:00 AM) (Judicial Officer Marquis, Linda)
Notice of Hearing on Petition for Approval of Guardian Ad Litem's Fees and Costs

Minutes

12/09/2021 11:00 AM

- HEARING: PETITION FOR APPROVAL OF GUARDIAN AD LITEM'S FEES AND COSTS In accordance with Administrative Order 20-01, and in order to prevent the spread of COVID-19 infection in the community, this Hearing was held via video conference through BlueJeans. Court Clerks: Tanya Stengel, Karen Christensen (kc), Attorney Ty Kehoe, Nevada Bar #6011, appeared. Court noted Ms. Brickfield's petition for approval of fees and an objection filed 11/18/21. Mr. Kehoe stated he had no objections; he was simply observing the hearing. Mr. Michaelson stated no objections and was in support of the Guardian Ad Litem being compensated. Ms. Parra-Sandoval made statements in support of her opposition, and cited Guardianship Rule 8(j). Ms. Parra-Sandoval requested Court make Findings on the record determining the Guardian Ad Litem benefited Protected Person, and why Guardian Ad Litem should be paid at an attorney rate for non-legal services. Ms. Brickfield responded. Mr. Michaelson concurred with Ms. Brickfield, and stated surprised at Legal Aid's objection.

COURT ORDERED: Petition for Approval of Guardian Ad Litem's Fees and Costs shall be APPROVED and GRANTED. Court shall issue a Written Order with Findings detailing all factors under the statute.

[Parties Present](#)
[Return to Register of Actions](#)

1 FFCL

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

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

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

12 ***Procedural History***

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

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

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

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

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

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

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

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

3
4 The Guardian at the time, Kimberly Jones, filed a Joinder to the Protected
5 Person's Objection on March 1, 2021.¹

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

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

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

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

25
26
27
28

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

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

5
6 ***Findings of Fact and Conclusions of Law***
7

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

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

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

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

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

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

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

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

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

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

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

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

14
15 The isolation of a Protected Person, through the restriction of
16 communication and visitation of family members, can have significant
17 consequences in guardianship matters.² The Protected Person's Bill of
18 Rights grants the Protected Person the right to receive telephone calls,
19 personal mail, and visitors, unless the Guardian and Court determine it will
20 cause harm to the Protected Person. *See* NRS 159.328. The method and
21 manner in which restrictions can or should be put in place requires legal
22 experience and skill. Therefore, discussions regarding communication and
23
24
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27 ² A guardian can be removed for restricting communication, visitation, or interaction with a protected
28 person. *See* NRS 159.332. Generally, communication and visitation can only be restricted through Court
Order. In specific circumstances, the guardian may restrict communication and visitation, but is required to
file notice within ten days. The procedure required to request a Court Order to restrict communication is
governed by NRS 159.331 through NRS 159.338 and provides an independent statutory basis for attorney's
fees and sanctions.

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

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

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

17
18 If an attorney is appointed by the Court, she may petition for fees from the
19 Guardianship Estate in accordance with the procedures outlined in NRS
20 159.344. *See* NRS 159.344(10).

21
22 NRS 159.344 requires the attorney who intends to seek fees to file written
23 notice of intent to request fees when she first makes an appearance.

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

- 1 (a) A detailed statement as to the nature and extent of the services
2 performed by the attorney;
3 (b) An itemization of each task performed by the attorney, with
4 reference to the time spent on each task in an increment to the
5 nearest one-tenth of an hour and with no minimum billing unit in
6 excess of one-tenth of an hour;
7 (c) An indication of whether any time billed, including, without
8 limitation, any time spent traveling or waiting, benefited any clients
9 of the attorney other than the protected person and, if so, how many
10 other clients benefited from such time; and
11 (d) Any other information considered relevant to a determination of
12 whether attorney's fees are just, reasonable and necessary.
13

14 In determining whether attorney's fees are just, reasonable, and
15 necessary, the District Court may consider all of the approximately twenty-
16 three (23) enumerated, and sometimes compound, subsections of NRS
17 159.344(5).
18

19 As to NRS 159.344(5)(a), written notice of intent to filed and
20 approved.
21

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17
18 As to subsection f, Guardian Ad Litem Brickfield was ultimately
19 successful, and benefits were derived to the Protected Person. As detailed
20 further herein, the Protected Person was able to communicate and visit with
21 her family.
22
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1 As to subsection g and its four subsections, \$400 per hour is lower
2 than or equal to the usual and customary hourly fee charged in by Guardian
3 Ad Litem's in Clark County guardianship proceedings for each task
4 performed, regardless of who actually performed the task. The requested fees
5 represent compensation: at an attorney rate for time spent performing
6 services that require an attorney; compensation at a paralegal rate for time
7 spent performing paralegal services; compensation at a fiduciary rate for
8 time spent performing fiduciary services; and no compensation for time spent
9 performing secretarial or clerical services.
10
11
12

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

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

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

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

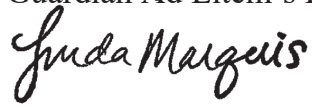
9 As to subsections k, l, and m, Guardian Ad Litem made substantial
10 efforts to reduce and minimize any issues presented by attempting to resolve
11 and facilitate communication between the Parties that would promote
12 settlement. Guardian Ad Litem Brickfield spoke with all Parties and
13 examined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

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

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

Dated this 18th day of March, 2020


IT IS SO ORDERED.

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

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 In the Matter of the Guardianship
7 of:

8 Kathleen Jones, Protected
9 Person(s)

CASE NO: G-19-052263-A

DEPT. NO. Department B

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

16 Service Date: 3/18/2022

17 Heather Ranck	heather@michaelsonlaw.com
18 Kelly Easton	kellye@sylvesterpolednak.com
19 Monica Gillins	mlg@johnsonlegal.com
20 John Michaelson	john@michaelsonlaw.com
21 Lenda Murnane	lenda@michaelsonlaw.com
22 Rosie Najera	rnajera@lacs.org
23 Ty Kehoe	TyKehoeLaw@gmail.com
24 Jeffrey Sylvester	jeff@sylvesterpolednak.com
25 Maria Parra-Sandoval, Esq.	mparra@lacs.org
26 Kate McCloskey	NVGCO@nvcourts.nv.gov
27 Sonja Jones	sjones@nvcourts.nv.gov

1	LaChasity Carroll	lcarroll@nvcourts.nv.gov
2		
3	Melissa Romano	mdouglas@dlnevadalaw.com
4	Elizabeth Brickfield	ebrickfield@dlnevadalaw.com
5	Ammon Francom	ammon@michaelsonlaw.com
6	Ammon Francom	ammon@michaelsonlaw.com
7	Scott Simmons	scott@technocoatings.com
8	Cameron Simmons	Cameronnscottt@yahoo.com
9	Robyn Friedman	vgsfun@hotmail.com
10	Perry Friedman	friedman@cs.stanford.edu
11		
12	Donna Simmons	donnamsimmons@hotmail.com
13	Kimberly Jones	flyonthewall2you@gmail.com
14	Peter Pratt	peter@michaelsonlaw.com

15

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

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

18 known addresses on 3/21/2022

18	Elizabeth Brickfield	Dawson & Lordahl PLLC
19		Attn: Elizabeth Brickfield, Esq
20		9130 West Post Road, Suite 200
		Las Vegas, NV, 89148
21	Kimberly Jones	18543 Yorba Linda Blvd #146
22		Yorba Linda, CA, 92886
23		
24		
25		
26		
27		
28		



1 **NEO**
2 **DAWSON & LORDAHL PLLC**
3 Elizabeth Brickfield, Esq. NSB #6236
4 9130 West Post Road, Suite 200
5 Las Vegas, Nevada 89148
6 Telephone: (702) 476-6440
7 Facsimile: (702) 476-6442
8 Ebrickfield@dlnevadalaw.com
9 *Guardian ad Litem for Kathleen June Jones*

10 **DISTRICT COURT**

11 **CLARK COUNTY, NEVADA**

12 In the Matter of the Guardianship of:

Case No.: G-19-052263-A

13 KATHLEEN JUNE JONES

Department No.: B

14 Protected Person.

15 **NOTICE OF ENTRY OF ORDER**

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

19 Dated this 31st day of March 2022.

20 **DAWSON & LORDAHL PLLC**

21  *NSB 11946*
22 Elizabeth Brickfield, Esq. NSB #6236
23 9130 West Post Road, Suite 200
24 Las Vegas, Nevada 89148
25 Telephone: (702) 476-6440
26 Facsimile: (702) 476-6442
27 ebrickfield@dlnevadalaw.com
28 *Guardian ad litem for Kathleen June Jones*



1 **CERTIFICATE OF SERVICE**

2
3 I hereby certify that on the 31st day of March 2022, I caused copies of the foregoing **Notice**
4 **of Entry of Order** to be served through the Court's electronic filing system or by depositing the
5 same in the United States mail in Las Vegas, Nevada, first class postage prepaid, addressed to the
6 following parties:

7
8 John P. Michaelson, Esq.
Jeffrey R. Sylvester, Esq.
9 jeff@sylvesterpolednak.com
john@michaelsonlaw.com

10 *Co-Counsel for Petitioners, Robyn Friedman*
11 *and Donna Simmons*

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

Counsel for Kathleen Jones Jones

12 James Beckstrom, Esq.
Geraldine Tomich, Esq.
13 jbeckstrom@maclaw.com
gtomich@maclaw.com
14 *Attorneys for Kimberly Jones*

Kate McCloskey
NVGCO@nvcourts.nv.gov
lcarrol@nvcourts.nv.gov
sjones@nvcourts.nv.gov

15 Terri Butler
16 586 N. Magdalena St.,
17 Dewey, AZ 86327

Scott Simmons
1054 S. Verde Street
Anaheim, CA 92805

18 Jen Adamo
14 Edgewater Drive
19 Magnolia, DE 19962

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

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

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

22 Courtney Simmons
23 765 Kimbark Avenue
24 San Bernardino, CA 92407

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



1 FFCL

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

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

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

12 ***Procedural History***

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

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

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

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

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

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

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

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

3
4 The Guardian at the time, Kimberly Jones, filed a Joinder to the Protected
5 Person's Objection on March 1, 2021.¹

6 Elizabeth Brickfield, Esq., filed a Petition for Approval of Guardian
7 Ad Litem's Fees and Costs on October 27, 2021, supported by detailed
8 billing statement and declarations. Ms. Brickfield requests fees of \$5,710.00
9 and costs of \$3.50.
10

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

14 Protected Person filed her Objection on November 18, 2021.
15
16 Protected Person argues the Guardian Ad Litem's hourly rate (\$400.00) is
17 "grossly outside the norm for Guardian Ad Litem services" and should be
18 reduced from \$400.00 per hour to the range of \$22.00 - \$48.00 per hour,
19 based upon information obtained by Protected Person regarding national non-
20 attorney Guardian Ad Litem hourly rates from Glassdoor.com and
21 Ziprecruiter.com. See Protected Person's Objection at page 3.
22

23
24 Further, Protected Person argues that the Guardian Ad Litem
25 Brickfield provided "zero benefit" to the Protected Person and lied to the
26 Court. See Protected Person's Objection at page 4-5.
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¹ Guardian Kimberly Jones was later removed and a Successor Guardian, Robyn Friedman, appointed by the Court.

1 The Court granted the requested Guardian Ad Litem fees at the December
2 9, 2021, Hearing and the instant written Order follows. The Protected
3 Person's Objection misrepresents both Nevada law regarding Guardians Ad
4 Litem and the circumstances of the instant case.
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6 ***Findings of Fact and Conclusions of Law***
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8 The District Court has discretion to appoint a Guardian Ad Litem to
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11 and the services of the Guardian Ad Litem will be beneficial in determining
12 the best interests of the Protected Person. *See* NRS 159.0455(1).
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15 as Guardian Ad Litem, *only if* a court-approved volunteer advocate program,
16 which provides court approved training, for Guardians Ad Litem has been
17 established in the judicial district. *See* NRS 159.0455(3).
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19 There is no volunteer, non-attorney, Guardian Ad Litem, adult
20 guardianship advocate program in the Eighth Judicial District Court.
21 Accordingly, this Court may not utilize its discretion to appoint a non-
22 attorney to serve as a Guardian Ad Litem for a Protected Person in a
23 guardianship proceeding in this judicial district.
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25 Protected Person's statement that Nevada law allows "... any person in
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25 Guardian Ad Litem was necessary. The potential impact of the
26 communication and visitation requests and the Adverse Parties' significant
27 inconsistencies regarding the Protected Person's abilities and desires, a
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1 Guardian Ad Litem with considerable legal and professional experience was
2 necessary in this matter.

3
4 Guardian Ad Litem Brickfield was appointed by this Court *because of*
5 her extensive experience, legal abilities, and knowledge. This Court
6 expected Ms. Brickfield to bring the breadth of her legal experience and
7 knowledge to her role to benefit the Protected Person. The Court believed
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9 Protected Person and would be beneficial in determining best interests.
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15 communication and visitation of family members, can have significant
16 consequences in guardianship matters.² The Protected Person's Bill of
17 Rights grants the Protected Person the right to receive telephone calls,
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6 Court did remove Kimberly Jones and appointed a Successor Guardian based
7 upon Ms. Jones' restriction of visitation and communication and her failure
8 to comply with her statutory duties regarding the Guardianship Estate. The
9 Court relied, in part, on Guardian Ad Litem Brickfield's Report and
10 Recommendations in the Order removing the Guardian. The financial
11 forensic investigation of the Guardianship Estate, which includes Kimberly
12 Jones' personal finances, is ongoing.

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

17
18 If an attorney is appointed by the Court, she may petition for fees from the
19 Guardianship Estate in accordance with the procedures outlined in NRS
20 159.344. *See* NRS 159.344(10).

21
22 NRS 159.344 requires the attorney who intends to seek fees to file written
23 notice of intent to request fees when she first makes an appearance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17
18 As to subsection f, Guardian Ad Litem Brickfield was ultimately
19 successful, and benefits were derived to the Protected Person. As detailed
20 further herein, the Protected Person was able to communicate and visit with
21 her family.
22
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1 As to subsection g and its four subsections, \$400 per hour is lower
2 than or equal to the usual and customary hourly fee charged in by Guardian
3 Ad Litem's in Clark County guardianship proceedings for each task
4 performed, regardless of who actually performed the task. The requested fees
5 represent compensation: at an attorney rate for time spent performing
6 services that require an attorney; compensation at a paralegal rate for time
7 spent performing paralegal services; compensation at a fiduciary rate for
8 time spent performing fiduciary services; and no compensation for time spent
9 performing secretarial or clerical services.
10
11
12

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

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

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

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

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

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

THE COURT HEREBY ORDERS that the ~~Guardian Ad Litem~~ ^{Dated this 18th day of March, 2020} Petition
for Approval of Fees is GRANTED.



IT IS SO ORDERED.

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

1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

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

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

15 Service Date: 3/18/2022

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19 John Michaelson	john@michaelsonlaw.com
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2		
3	Melissa Romano	mdouglas@dlnevalaw.com
4	Elizabeth Brickfield	ebrickfield@dlnevalaw.com
5	Ammon Francom	ammon@michaelsonlaw.com
6	Ammon Francom	ammon@michaelsonlaw.com
7	Scott Simmons	scott@technocoatings.com
8	Cameron Simmons	Cameronnscott@yahoo.com
9	Robyn Friedman	vgsfun@hotmail.com
10		
11	Perry Friedman	friedman@cs.stanford.edu
12	Donna Simmons	donnamsimmons@hotmail.com
13	Kimberly Jones	flyonthewall2you@gmail.com
14	Peter Pratt	peter@michaelsonlaw.com
15		

16 If indicated below, a copy of the above mentioned filings were also served by mail
17 via United States Postal Service, postage prepaid, to the parties listed below at their last
18 known addresses on 3/21/2022

18	Elizabeth Brickfield	Dawson & Lordahl PLLC
19		Attn: Elizabeth Brickfield, Esq
20		9130 West Post Road, Suite 200
		Las Vegas, NV, 89148
21	Kimberly Jones	18543 Yorba Linda Blvd #146
22		Yorba Linda, CA, 92886
23		
24		
25		
26		
27		
28		



1 NOAS

2 Elizabeth Mikesell, Esq.

3 Nevada Bar No. 08034

4 emikesell@lacsns.org

5 LEGAL AID CENTER OF
6 SOUTHERN NEVADA, INC.

7 725 E. Charleston Blvd.

8 Las Vegas, NV 89104

9 Telephone: (702) 386-1533

10 Facsimile: (702) 386-1533

11 Attorney for Kathleen June Jones, Adult Protected Person

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

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

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

12 KATHLEEN JUNE JONES,

13 An Adult Protected Person.

14 NOTICE OF APPEAL

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

19 DATED this 28th day of April, 2022.

20 LEGAL AID CENTER OF
21 SOUTHERN NEVADA, INC.

22 /s/ Elizabeth Mikesell, Esq.

23 Elizabeth Mikesell, Esq.

24 Nevada Bar No. 08034

25 emikesell@lacsns.org

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Attorney for Kathleen June Jones

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Tiffany O'Neal
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1 Courtney Simmons
2 765 Kimbark Avenue
3 San Bernardino, CA 92407
4

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

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13 Heather Ranck	heather@michaelsonlaw.com
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27 ///
28

1 All other recipients registered for e-Service on the above entitled case.
2

3 /s/ Jennifer Bocek-Dobijanski
4

Employee of Legal Aid Center of Southern Nevada
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11 Attorney for Kathleen June Jones, Adult Protected Person

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

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

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

11 KATHLEEN JUNE JONES,

12 An Adult Protected Person.

13 CASE APPEAL STATEMENT

- 14
- 15
- 16 1. Name of appellant filing this case appeal statement:
- 17 Kathleen June Jones
- 18 2. Identify the judge issuing the decision, judgment, or order appealed from:
- 19 Judge Linda Marquis
- 20 3. Identify each appellant and the name and address of counsel for each
- 21 appellant:

22 Kathleen June Jones, Appellant

23 Elizabeth Mikesell, Esq.

24 Nevada Bar No. 08034

25 emikesell@lacsns.org

26 Legal Aid Center of Southern Nevada

27 725 E Charleston Blvd.

1 Las Vegas, NV 89104

2 (702) 386-1533

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

7 Robyn Friedman, Respondent*

8 Donna Simmons, Respondent*

9 *Both respondents are represented by the same attorneys:

10 John P. Michaelson, Esq.

11 Nevada Bar No. 7822

12 john@michaelsonlaw.com

13 Michaelson Law

14 1746 W. Horizon Ridge Parkway

15 Henderson, Nevada 89012

16 (702) 731-2333

17
18 Jeffrey R. Sylvester, Esq.

19 Nevada Bar No. 4396

20 jeff@SylvesterPolednak.com

21 Sylvester & Polednak, Ltd.

22 1731 Village Center Circle

23 Las Vegas, Nevada 89134

24 (702) 952-5200

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

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

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

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

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

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

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

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

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

N/A

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

September 19, 2019.

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

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

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

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

25 This case has been the subject of multiple appeals in the Nevada Supreme Court. *See In*
26 *re: Guardianship of Jones*, case number: 81414; *In re: Guardianship of Jones*, case number
27
28

1 81799 and 81799-COA (was transferred to the Court of Appeals); *In re Guardianship of Jones*,
2 case number 83967 (currently pending before the Nevada Supreme Court).

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

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

6 The case does not involve child custody or visitation.

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

9 There is no possibility of settlement.

10 ///

11 ///

12 ///

13 ///

14 DATED this 28th day of April, 2022.

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

17 /s/ Elizabeth Mikesell, Esq.

18 Elizabeth Mikesell, Esq.

19 Nevada Bar No. 08034

20 emikesell@lacsns.org

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25 *Attorney for Appellant Kathleen June Jones*
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28

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1 Courtney Simmons
2 765 Kimbark Avenue
3 San Bernardino, CA 92407
4

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

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25 Cameron Simmons	cameronnscottt@yahoo.com
26 Scott Simmons	scott@technocoatings.com

27 ///

1 All other recipients registered for e-Service on the above entitled case.
2
3

/s/ Jennifer Bocek-Dobijanski

Employee of Legal Aid Center of Southern Nevada
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FILED

JUN 04 2021

Sharon A. Hoffman
CLERK OF COURT

1 TRANS

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EIGHTH JUDICIAL DISTRICT COURT

6

FAMILY DIVISION

7

CLARK COUNTY, NEVADA

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9

In the Matter of
the Guardianship of:

)

CASE NO. G-19-052263-A
DEPT. B

10

KATHLEEN JONES,

)

SEALED

11

Protected Person(s).

)

12

)

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14

BEFORE THE HONORABLE LINDA MARQUIS

15

PARTIAL TRANSCRIPT RE: ALL PENDING MOTIONS

16

THURSDAY, FEBRUARY 11, 2021

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25

1 APPEARANCES:

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

1 LAS VEGAS, NEVADA

THURSDAY, FEBRUARY 11, 2021

2 PROCEEDINGS

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

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

5 MR. MICHAELSON: Okay.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 MS. BUTLER: Prescott Valley.

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

21 MS. BUTLER: Mm-hm.

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

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

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

4 THE COURT: So do you mean...

5 MS. BUTLER: And

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

10 MS. BUTLER: Yes.

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

12 MR. MICHAELSON: Your Honor...

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

16 MR. MICHAELSON: Sure.

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

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

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

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

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

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

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

13 MS. BUTLER: Oh yeah.

14 THE COURT: Okay. And there...

15 MS. BUTLER: We all love her.

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

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

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

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

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

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

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

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

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

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

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

22 THE COURT: Mm-hm.

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

1 me to.

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

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

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

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

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

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

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

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

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

1 appoint a guardian ad litem.

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

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

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

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

18 THE COURT: Correct.

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

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

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

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

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

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

23 THE COURT: Thank you. Anything else?

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

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

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

10 THE COURT: Thank you.

11 Michaelson.

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

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

25 The only reason Ms. Butler gets visitation is

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

3 UNIDENTIFIED SPEAKER: In a normal time frame.

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

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

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

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

1 of mediation or process.

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

10 UNIDENTIFIED SPEAKER: Or how (indiscernible).

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

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

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

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

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

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

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

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

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

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

10 If you go back to Dr. Brown's evaluation, he's very
11 clear on June. Yes, June can speak. But her ability to
12 chain that together with logic and -- and put it in context
13 of, when was the last time you saw Robyn? It -- it's just
14 she does not have that level of capacity to effectively
15 coordinate visitation and communication without Kimberly.

16 UNIDENTIFIED SPEAKER: Who are her grandchildren.

17 MR. MICHAELSON: Yeah. So we have many questions that
18 would be good to ask, Your Honor.

19 THE COURT: Thank you, Mr. Michaelson.

20 Mr. Beckstrom.

21 MR. BECKSTROM: Your Honor, I'm gonna be somewhat brief.
22 First, I want to make it clear, I don't echo the comments of
23 Mr. Michaelson on the appeal. In fact, I'm not putting a
24 legal position on the record in this case. I think it's
25 highly inappropriate to do that. I've complained about that

1 throughout this case.

2 As far as Ms. Parra-Sandoval's comments, I agree
3 with them. We have trying to -- we have tried to take a step
4 away from this. And, you know, what I -- what I hear and
5 what I see in the briefs is very different Judge. And I
6 think it's extremely important to look at what authority the
7 petitioners are moving under and what are they really asking
8 for?

9 And if the Court directs itself to paragraph 83, it
10 is the quintessential example of -- of not communication
11 defined by petitioners, but what reasonable communication is.
12 And what they're requesting is not reasonable. And I can
13 read a couple of them to the Court. I've highlighted them.

14 The concern is and it has always been is Kimberly
15 has a full-time job caring for June. She is not a secretary
16 for the family. It is not comparable to say that Kim plans a
17 doctors appointment and doesn't plan family outings.
18 Scheduled calls are inappropriate.

19 And the requests we have here are not, hey, we
20 wanna schedule a vacation on this day or we want to take mom
21 every Saturday from 9:00 to 5:00. We'll pick her up. That's
22 not what we're discussing. What they're asking for and what
23 they've continued to ask for is (indiscernible).

24 MR. MICHAELSON: Your Honor, that's exactly what we're
25 discussing.

1 MR. BECKSTROM: No, no. I'm talking, Mr. Michaelson. I
2 didn't interrupt you. Okay.

3 I wanna read through these requests. Kim is
4 responsible for facilitating and scheduling communication,
5 visits and vacation. Nowhere in the guardianship statute
6 does it -- is that required.

7 Kim is required to drive Ms. Jones, the local
8 family visits 50 percent of the time. Not authorized
9 anywhere.

10 Kim must stop refusing to leave the home where she
11 lives.

12 Okay. It goes on. They want a standing call-in
13 time to check in with the family once a week, alternatively
14 ten minutes set aside every week.

15 These specifics are unreasonable. And there is a
16 division of what is reasonable. There is reasonable
17 communication. There always has been. There is no authority
18 that requires the guardian to bend over backwards and
19 schedule more meetings than any of these children have before
20 the mother was in guardianship.

21 I want to point out to the Court that I have all
22 the respect to the world for everyone on this call. But the
23 Friedman's live approximately ten miles from June, ten miles.
24 And they're saying they -- they don't know if she's safe?

25 I don't know how the Court can make a finding on

1 this. I don't think there's any actionable claim here. And
2 I think the requests are unduly burdensome to both the
3 guardian and complete in derogation of what the protected
4 person has asked the Court to im- implement.

5 THE COURT: Thank you, counsel.

6 Today I am going to appoint a guardian ad litem.
7 It is not Rule 13 and the mediation manual that govern the
8 Court's ability to appoint a guardian ad litem. It is NRS
9 159.0455. As Ms. Parra-Sandoval indicated the rules and
10 duties of the guardian ad litem, separate from counsel for
11 the protected person, are delineated in Rules 8 and 9.

12 I am going to appoint Elizabeth Brickfield as
13 guardian ad litem, should she accept the appointment. I will
14 have my office contact her and allow her to confirm or reject
15 the appointment of the guardian ad litem. I think it's
16 (indiscernible)...

17 MS. DONNA SIMMONS: Your Honor -- oh go ahead. I'm
18 sorry.

19 THE COURT: I'm sorry. Who was that? Go ahead.

20 MS. DONNA SIMMONS: This is Donna. I -- I -- I just --
21 I have some things that I want to say. (Indiscernible) I...

22 THE COURT: Did -- Donna...

23 MS. DONNA SIMMONS: I didn't...

24 THE COURT: Donna...

25 MS. DONNA SIMMONS: I didn't mean to interrupt you.

1 THE COURT: Thank you. Mr. Michaelson has spoken. I've
2 heard from all counsel.

3 Mr. Michaelson, you're representing Donna; correct?

4 MR. MICHAELSON: Yes, Your Honor.

5 THE COURT: All right.

6 So this -- this is what I'm going to do today is
7 appoint the guardian ad litem. I'm appointing Ms.
8 Brickfield, so long as she is able to accept the appointment.
9 Her duties as delineated by Ms. Parra-Sandoval are listed in
10 the rules.

11 I'm also going to do something else. I'm going to
12 appoint AOC investigator. There are, Mr. Michaelson has
13 suggested, some tools to assist the parties in this case. As
14 Mr. Beckstrom and Ms. Parra-Sandoval have indicated they are
15 opposed to mediation. And so I'm not going to order
16 guardianship mediation. I am not gonna order FMC neither.

17 I -- I don't know -- and -- and the reason is, is
18 because I don't know that FMC is well-prepared or well-suited
19 to resolve this issue. I think that there has been a showing
20 that -- at least a threshold showing that there is an
21 unwillingness for the guardian.

22 And I understand the guardian's position and Ms.
23 Parra-Sandoval's position. But it should solely be left to
24 June and that the protected person direct, plan, schedule,
25 execute visits with her two daughters. I am not sure based

1 on a couple of things.

2 First guardianship and the medical reports that
3 have been provided herein; the statements that Ms. Parra-
4 Sandoval throughout the proceeding regarding her client and
5 that we've heard at -- at different hearings that the
6 protected person is able to execute, facilitate, plan events,
7 contacts, with her family. I -- I'm not sure, and I haven't
8 been provided any evidence or suggestion that she is able to
9 execute, facilitate, plan, schedule time with Mr.
10 Michaelson's clients.

11 We have heard that she loves all of her daughters;
12 that she wants to direct her day, certainly. Ms. Butler said
13 today, sometimes she'll wake up and want to take a walk. And
14 sometimes she'll wake up and want to stay in bed all day.
15 And that is her personality and -- and that's how her -- her
16 wants, I guess, manifest on a day-to-day basis.

17 What Mr. Michaelson is requesting is not a schedule
18 for visitation, but an opportunity for June to say each day
19 whether or not she wants to take advantage of an opportunity
20 to visit with her two daughters.

21 You know, there is a lot of facilitation and
22 encouragement prompting that a guardian, such as Kim,
23 undertakes on a day-to-day basis. She makes sure and -- and
24 gets her to her doctors appointments, as Mr. Michaelson said.

25 Based on, you know, Mr. Beckstrom's statement that

1 this is a full-time job for Kim caring for her mom. And --
2 and I bet it is. And there are ways in which I know Kim
3 prompts and encourages her mom to do certain things that are
4 a benefit to June because Kim knows she needs to do 'em,
5 right, like go to the doctor; like make sure she eats
6 breakfast, even if June wants to skip breakfast; right? I --
7 I'm certain that -- that Kim encourages her, maybe doesn't
8 tell her, maybe facilitates, right, makes the breakfast,
9 presents it...

10 UNIDENTIFIED SPEAKER: Right.

11 THE COURT: ...reminds her, encourages her to do those
12 things. So I'm not considering necessarily a visitation
13 schedule that is an order that the protected person
14 participate in or attend, but a scheduled opportunity to
15 facilitate visitation if the protected person like to take
16 advantage; right?

17 And -- and I -- I do think that there has been a
18 threshold showing. But I don't know, and there is certainly
19 a great dichotomy. Ms. Parra-Sandoval states today and in
20 her objection to this visitation that June is direct, knows
21 exactly what she wants, is able to direct Ms. Parra-Sandoval
22 and tell her specifics. But the medical evidence kind of
23 shows otherwise. And I want -- and -- and is doing full-time
24 care giving.

25 And so I need some more information about what

1 exactly, as we sit here today, not at the time that the
2 guardianship was instituted because I've reviewed those
3 medical records, if things have changed now or they've
4 improved or they've declined, I would like to know so that I
5 can make a determination about how much facilitation, how
6 much prompting, how much encouragement, scheduling and
7 participating and execution is appropriate given the
8 protected person's wants.

9 So I'm going to appoint the AOC investigator to
10 review the current medical records, the current suggestions
11 by June's doctor about what's appropriate in her level of
12 care so that I understand a little bit more.

13 I'm gonna ask the AOC investigator, I assume it's
14 gonna be Ms. Carol but I don't know that, (indiscernible) to
15 speak with all of the sisters, Ms. Butler included, they're
16 counsel can certainly be present if they would like or -- or
17 not, to discuss visitation, time together, communication and
18 what -- what their needs and requests and concerns are.

19 And then I would like Ms. Carol to review all
20 records relative to that, phone call records, text messages
21 that are supplied to her by the family members so that I can
22 understand better relative to statutory requirements whether
23 or not this has been un- the guardian has acted unreasonably
24 to this point.

25 I'm gonna set a hearing in 90 days. That hearing

1 in 90 days will be for Ms. Carol's report return. That's the
2 time limit she's required. I would like Ms. Brickfield to
3 have the ability to review all of the pleadings in this case
4 to review Ms. Carol's report, to speak to all of the sisters
5 (indiscernible) present.

6 I am not going to order Ms. Brickfield, and I want
7 to make that clear today, to speak with June, certainly with
8 Ms. Parra-Sandoval present. I'm going to leave that to Ms.
9 Brickfield's discretion after she has reviewed all of the
10 documents and information that she needs to make a
11 determination if that would be helpful to her at that
12 juncture and -- and allow her to proceed.

13 MS. PARRA-SANDOVAL: This is Ms. Parra-Sandoval. I -- I
14 have a question regarding Ms. Brickfield. Will she be
15 serving as a -- on a pro bono basis?

16 THE COURT: That is my request to her. However, as you
17 know, Ms. Parra-Sandoval, the rules allow her to recover fees
18 from the estate should she file that petition. I have
19 several cases, they are longstanding cases, older cases,
20 where Ms. Brickfield serves as a guardian ad litem. I note
21 in those cases perhaps she was appointed a guardian ad litem
22 before the protected person had counsel. So I'd leave that
23 to her. She can certainly file a request. I would consider
24 it.

25 Mr. -- so my goal is for us to return...

1 (WHEREUPON THE MATTER WAS TRAILED

2 AT 10:43:05 AND RECALLED AT 10:43:05.)

3 THE COURT: ...in 90 days with that investigators
4 report. I'm not gonna rule today on a visitation or an order
5 about communication.

6 I have denied the request for FMC, for Talking
7 Parents and for mediation. But I am ordering and appointing
8 a guardian ad litem and appointing an investigator. We'll
9 see you all back in 90 days. We'll continue...

10 MR. MICHAELSON: Your Honor...

11 THE COURT: ...what we...

12 Mr. Michaelson, hold on one second. We'll continue Mr.
13 Michaelson's motion for until that 90 days. And we'll give Ms.
14 Brickfield an opportunity to indicate whether or not she can accept
15 that appointment.

16 Mr. Michaelson.

17 MR. MICHAELSON: Your Honor, I know that others may feel that
18 this is taking it too far. But we -- we have concerns that if this
19 settlement were to go through, it leaves June in a -- in a
20 homelessness potential situation. Now the family is here and we --
21 and there are facilities in place. As -- as you know, a guardian
22 absolutely does not have to live with the protected person. There
23 are many ways that we can approach this. But -- but one of the
24 issues is going out of state. We're concerned that -- and -- and
25 again you -- of course the Court can say, we're not ruling on

1 something that hasn't happened. But maybe your feelings, the
2 Court's feelings on if someone were to, say, hey, I had to move
3 because I didn't have a house because of the settlement; and so I
4 left; and now I'm in another jurisdiction. And we feel that that
5 should not happen without prior order of this Court.

6 THE COURT: So certainly that is something that we will talk
7 about, the effects of this settlement on the protected person's
8 well-being at our hearing tomorrow morning. And -- and tho- those
9 may be some of my questions about plans, as well.

10 I would advise all counsel that I would expect that
11 before anyone is relocated that a petition be filed with the court
12 or that notice be filed with the court consistent with 159. I'm
13 certain that Mr. Beckstrom is -- is familiar with those
14 requirements.

15 But I understand your concerns about the negotiation.
16 But I don't know that I can properly address those today.

17 MR. MICHAELSON: Thank you, Your Honor.

18 THE COURT: Ms. Parra-Sandoval?

19 Mr. Beckstrom?

20 MS. PARRA-SANDOVAL: No further comments from me. This is...

21 THE COURT: Mr. Becks...

22 MS. PARRA-SANDOVAL: ...Ms. Parra-Sandoval.

23 THE COURT: Thank you.

24 Mr. Beckstrom, anything else?

25 MR. BECKSTROM: No further comments. And, no, there's no plan

1 to take the protected person out of the state, so. We'll hold
2 tight. And we...

3 THE COURT: Thank you.

4 MR. BECKSTROM: ...will file the appropriate motion.

5 THE COURT: Thank you, counsel.

6 And again, I'll see Mr. Michaelson, Mr. Beckstrom, Ms.
7 Parra-Sandoval tomorrow at 9:00.

8 Mr. Beckstrom, I know that you had a request that
9 perhaps just counsel be -- I will send you -- well, my office will
10 send you a BlueJeans link for tomorrow's hearing. Part of that, I
11 will indicate to everyone, has the ability to facilitate a breakout
12 session for, you know, conferences at the bench on the record in
13 that breakout format.

14 MR. BECKSTROM: Thank you.

15 THE COURT: So I'll consider any requests procedurally
16 regarding that tomorrow morning.

17 Mr. Michaelson?

18 MR. MICHAELSON: I think I'm clear now, Your Honor. I would -
19 - so -- so we'll plan -- I know my clients, Donna and Robyn, will
20 want to participate. I think you were saying that you could -- you
21 have the ability to go into another room with just attorneys, so.

22 THE COURT: Correct. So just as we would have a bench
23 conference or a -- and I only say this in reference to Mr. Breck-
24 Beckstrom allusion previously that -- that he may want to leave
25 fact witnesses out of -- potential fact witnesses out of any

1 conversation tomorrow. What I'm telling you is that we will have
2 technically the ability to do that within the hearing. So we'll go
3 on the record. And you can make any requests procedurally that you
4 like. And I'll be able to facilitate those.

5 Thank you so much, counsel.

6 MR. MICHAELSON: Thank you, Your Honor.

7 MS. PARRA-SANDOVAL: Your Honor, what about the 120-days
8 status check?

9 THE COURT: I'm sorry. That's right. Let's do 110-days
10 status check regarding sealing of the hearing.

11 Tanya?

12 THE CLERK: June 3rd at 1:00.

13 THE COURT: June 3rd at 1:00, Mr. Kehoe, did you get that?

14 MR. KEHOE: Yes, Your Honor.

15 THE COURT: Mr. Beckstrom...

16 THE CLERK: And then did you want...

17 THE COURT: Mr. Beckstrom, you'll prepare that order.

18 MR. BECKSTROM: Understood, Your Honor.

19 THE CLERK: (Indiscernible).

20 THE COURT: And you'll include that...

21 I do. Hold on one second.

22 And, Mr. Beckstrom, you'll include that 110-day status
23 check date and give that to counsel to sign off on. The 90-day
24 date for Ms. Jones...

25 THE CLERK: May 13...

1 THE COURT: ...for Ms. Carol's report.
2 THE CLERK: Sorry. May 13th at 1:00.
3 THE COURT: Thank you so much. Thank you, counsel.
4 MR. MICHAELSON: Thank you.
5 MS. PARRA-SANDOVAL: Have a great day.
6 (THE PROCEEDING ENDED AT 10:48:50.)
7

8 * * * * *

9
10 ATTEST: I do hereby certify that I have truly and
11 correctly transcribed the video proceedings in the above-
12 entitled case to the best of my ability.
13

14 *Sherry Justice*
15 SHERRY JUSTICE,
16 Transcriber II
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FILED

JUN 13 2022

Sharon A. Williams
CLERK OF COURT

1 TRANS

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5 EIGHTH JUDICIAL DISTRICT COURT

6 FAMILY DIVISION

7 CLARK COUNTY, NEVADA

8
9 IN THE MATTER OF THE)
GUARDIANSHIP OF:)

CASE NO. G-19-052263-A

10 KATHLEEN JONES,)

DEPT. B

11 Protected Person.)

12 APPEAL NOS. 81414, 81799,
83967, 84655

13 BEFORE THE HONORABLE LINDA MARQUIS
14 DISTRICT COURT JUDGE

15 TRANSCRIPT RE: STATUS CHECK

16 FRIDAY, MARCH 12, 2021

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20
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24

G-19-052263-A JONES 03/12/21 TRANSCRIPT

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1 LAS VEGAS, NEVADA

FRIDAY, MARCH 12, 2021

2 PROCEEDINGS

3 (THE PROCEEDINGS BEGAN AT 2:21:57)

4
5 THE CLERK: We're on the record.

6 THE COURT: It's the Matter of Guardianship of
7 Kathleen Jones, G-19-052263-A. I'm Judge Linda Marquis. Also
8 joining us is Ms. Brickfield. Ms. Brickfield, your appearance
9 for the record. Oh, you're muted.

10 MS. BRICKFIELD: Sorry, am I muted?

11 THE COURT: Ms. Brickfield, you're muted. There you
12 go. Ms. Brickfield, you're muted.

13 MS. BRICKFIELD: Let's try it again. Can you hear
14 me now?

15 THE COURT: There you go. I can.

16 MS. BRICKFIELD: Okay. Elizabeth Brickfield, 6236.
17 I'm the guardian ad litem.

18 THE COURT: Thank you. Ms. Parra-Sandoval?

19 MS. PARRA-SANDOVAL: Good afternoon. Maria
20 Parra-Sandoval, 13736, from Legal Aid Center, on behalf of
21 Kathleen June Jones.

22 THE COURT: All right. And also Mr. Michaelson.

23 MR. MICHAELSON: John Michaelson, bar number 7822,
24 on behalf of Robyn Friedman and Donna Sim -- Simmons.

1 THE COURT: I have Mr. Beck -- Beckstrom there in
2 line. Mr. Beckstrom, your appearance for the record.

3 MR. BECKSTROM: Yes, James Beckstrom on behalf of
4 Guardian Kimberly Jones.

5 THE COURT: Mr. Michaelson, you have one of your
6 clients with you and another one joining us on the telephone;
7 is that right?

8 MR. MICHAELSON: Yes. Donna is appearing where it
9 says Sam.

10 THE COURT: Okay. Donna.

11 MR. MICHAELSON: And --

12 MS. SIMMONS: Hi.

13 MR. MICHAELSON: -- Robyn is here in my office along
14 with her husband, Perry (ph).

15 THE COURT: Okay. All right. And who is joining us
16 on telephone number ending 2061? Is that Kimberly?

17 MS. JONES: Yes, it is.

18 THE COURT: So good afternoon, Kimberly. Thank you
19 everybody for joining us. I'm sorry that I'm a few minutes
20 late. We are still -- we -- we handled a busy calendar today
21 and I apologize for our technical difficulties yesterday.
22 BlueJeans was out county wide which resulted in me having to
23 hear citation hearings over the telephone. But I had to call
24 each person individually on the telephone and many of our

1 lawyers are working from home. It was just very difficult and
2 made us run really, really late yesterday. My civil
3 colleagues were able to continue all of their calendars, but
4 the nature of our citations we can't. So I appreciate your
5 ability to move to today. We wouldn't have been able to see
6 each other yesterday. And I was still handling other things.

7 Let's first get an update from Mr. Beckstrom. Mr.
8 Beckstrom, where are we at with the move and the settlement
9 and -- and all of that?

10 MR. BECKSTROM: Yes, Your Honor. So the settlement
11 agreement's been finalized. That's done. We're subject to
12 the conditions of the time frame under there that everyone's
13 aware of. Kimberly's been adamantly looking for housing. And
14 she's looked in California. She's also looked out here. She
15 has not been able to locate -- rentals are pretty difficult to
16 come by right now. There's no evictions going on. So there's
17 not really an update right now. We would ask the Court to
18 pass this two weeks. We're hopeful we can get an update to
19 everyone before that time.

20 But right now the -- the likely candidate's actually
21 looking like potentially The Willows up in Summerlin. It's a
22 55 and older community condo area. So, you know, that could
23 change. But there's just not a lot of availability out there
24 for rentals right now.

1 THE COURT: Okay. Let me ask you this just so that
2 I understand, Mr. Beckstrom. And everybody else may know the
3 answers to these questions. So bear with me. Is it
4 Kimberly's intention to work or is it her intention just to
5 care for her mother?

6 MR. BECKSTROM: Well, that's somewhat fluid. Right
7 now, you know, she can't really work. But if the situation
8 came up where she could work, she works mostly from home, she
9 would like to do that.

10 THE COURT: What is her area that she works in, Mr.
11 Beckstrom?

12 MR. BECKSTROM: Oh, man, I don't -- I don't want to
13 mess this up. She has a degree in geriatrics and I believe
14 she is a -- can I just have her opine on that? Because I
15 don't -- I --

16 THE COURT: Absolutely. I just need to understand,
17 you know, is -- is she going to --

18 MR. BECKSTROM: Yeah.

19 THE COURT: -- deal --

20 MR. BECKSTROM: Kim, can you ex --

21 THE COURT: -- craps at -- at night at the Wynn
22 Hotel or, you know, I just need to know.

23 MR. BECKSTROM: Yeah. Kim, can you give the Court
24 an explanation of what you did prior to moving out here?

1 MS. JONES: I have a -- hello?
2 THE COURT: Yes, go ahead, Kimberly.
3 MS. JONES: Oh, sorry. I have a supervised
4 visitation company that does -- we provide the monitors for
5 the courts between parents and their children. The court
6 ordered --
7 THE COURT: So --
8 MS. JONES: -- supervised visitation company.
9 THE COURT: Is that here in Las Vegas or is that in
10 California?
11 MS. JONES: It's in California.
12 THE COURT: And are you still running that company?
13 Kimberly?
14 MS. JONES: I didn't hear you.
15 THE COURT: Yeah, are you still running that company
16 in California? Kimberly, can you hear me all right?
17 MS. JONES: Yes.
18 THE COURT: Everyone is --
19 MS. JONES: Yes, I can --
20 THE COURT: -- can you hear me?
21 MS. JONES: -- hear you.
22 THE COURT: Okay. So Kimberly, my question is is
23 that company defaulted out of business or are you still
24 running that company?

1 MS. JONES: We haven't -- we've been closed down due
2 to COVID. So as soon it comes back up, then we'll be back in
3 business.

4 THE COURT: Okay. Very good. Are so if -- do you
5 anticipate a date that the Court would allow in person visits
6 in California?

7 MS. JONES: No, we haven't been given a date yet.
8 Everything's been on hold.

9 THE COURT: Okay.

10 MS. JONES: There is a --

11 THE COURT: Do you --

12 MS. JONES: -- a statewide order.

13 THE COURT: Do you anticipate a date? So
14 anticipate --

15 MS. JONES: Hello?

16 THE COURT: Yes, this is Judge Marquis. Anticipate
17 means like have you heard a rumor that it might start back
18 on --

19 MS. JONES: No.

20 THE COURT: -- or did --

21 MS. JONES: No, I did not. There's --

22 THE COURT: Okay.

23 MS. JONES: -- literally an order from -- an order
24 of -- from the Court saying that it -- it is stopped. And as

1 soon as that order is changed, then we'll start working again.

2 THE COURT: Okay. So is this is a company that you

3 can run from home and not be in --

4 MS. JONES: Yes.

5 THE COURT: -- California?

6 MS. JONES: Yes.

7 THE COURT: So it doesn't matter to you business

8 wise whether you're in Las Vegas or California; is that right

9 or wrong?

10 MS. JONES: If I -- if I was able to, you know, be

11 in the same state that my company is; however, it's not

12 necessary.

13 THE COURT: Okay. So are you saying that if you

14 were able to be in California it would be a benefit to you?

15 MS. JONES: Sorry, it's -- it's cutting out. Can

16 you hear me?

17 THE COURT: Yeah, I can. So I -- and I'm sorry that

18 your connection is cutting out. I think what you said is that

19 it might be a benefit to you to be in the same state as your

20 company.

21 MS. JONES: Yeah. Yeah. Of course, yeah.

22 THE COURT: Okay.

23 MS. JONES: But when I did come up here to Las

24 Vegas, I myself just wasn't personally doing the visitations.

1 I was just managing the company.

2 THE COURT: Got it. All right. And the Court is
3 very familiar with the supervision process of children and --
4 and families and -- and the orders associated with those. So
5 where in California is the company?

6 MS. JONES: In Orange County.

7 THE COURT: Okay. And do you also have family in
8 Orange County?

9 MS. JONES: Yeah. Yeah, my mom has -- her grandkids
10 are in Orange County.

11 THE COURT: Does that one of your sisters is in --
12 or brothers is in Orange County?

13 MS. JONES: I believe that my brother is in
14 Riverside County and Donna's also in Riverside County, but
15 it's only like a 30 minutes drive.

16 MS. SIMMONS: I'm not -- I mean, my physical address
17 is in California in Orange County. We're building a house
18 that's 40 minutes away. So I've been spending a lot of time
19 there. But my physical mailing address and everything is
20 right here in Orange County.

21 THE COURT: All right. Thank you. Okay. So Mr.
22 Beckstrom, from that, is -- you know, I would -- I guess I'm
23 trying to get my arms around, you know, how's she's making
24 this decision, right, of -- of where she wants to go. It

1 seems like her preference should be moving to California.

2 MR. BECKSTROM: So is mine, Your Honor. It's --
3 it's just expensive and they're in a different situation right
4 now with COVID. So there's not a lot of rentals online and it
5 shouldn't be a surprise to anyone that there's going to be a
6 universal agreement that needs to be, you know, an accessible
7 residence, it needs to have the right amount of rooms.

8 So there has been efforts to locate down there and
9 that is the preference; however, you know, the reality of it
10 is this -- the settlement terms in here technically around
11 June to reside in this Kraft Avenue house in Las Vegas until
12 April 11th; however, as of yesterday the rent starts
13 increasing every day they're there. So, you know, to the
14 extent there -- there may have to be a petition to the Court
15 for a six month move somewhere to Las Vegas until, you know,
16 the real estate market as far as rentals stabilizes a little
17 bit. I mean, because --

18 THE COURT: Is there --

19 MR. BECKSTROM: -- the -- the rental rates for the
20 Kraft Avenue house under the settlement agreement go up pretty
21 drastically.

22 THE COURT: So is there any other family or somebody
23 that, you know, Kathleen and Kimberly can move in with in
24 Orange County for a period of, you know, let's say six months

1 while they look for something? And I'm familiar with the
2 Orange County area. I know it may be expensive. Right, they
3 are, but there's certainly opportunities inland and in the
4 surrounding area that may be more reasonable, right, and a lot
5 of people who work in Orange County live in other areas and
6 commute. That's kind of the -- the Orange County dream.

7 Mr. Beckstrom, have you thought about that?

8 MR. BECKSTROM: Yeah, we have.

9 THE COURT: Or has your client --

10 MR. BECKSTROM: We have. We've looked at those. I
11 think that part of the problem is Donna I guess is building a
12 house like she said. So I think she's living in temporary
13 housing right now unless that's changed. So and then the
14 other son, Scott (ph), he's in the Inland Empire, but if the
15 Court recalls he was one of the individuals who's actually
16 evicted from June's rental property and he wasn't very happy
17 about that. So, you know, as far as family, I'm not aware of
18 anyone else down there. But there has been efforts to -- to
19 look down there and they continue.

20 MS. SIMMONS: And we haven't been involved to even
21 being asked if she could stay with us because we could make
22 some kind of arrangement for them to stay in Orange County,
23 but we never have been involved in any of that whatsoever.

24 MR. MICHAELSON: Mom asked on it and she would let

1 Kim move --

2 THE COURT: Donna, can I ask you this?

3 MS. FRIEDMAN: Would you let Kim move into your
4 house?

5 THE COURT: Hold on -- hold on a second, both. I --
6 I just need to ask Donna a question. Donna, are -- so I know
7 you're -- you're building a house. I -- I hate that process.
8 It's horrible. But are you living in temporary housing right
9 now or -- or what's your situation right now?

10 MS. SIMMONS: Okay. So we -- I have a place in
11 Orange County that we stay, but right now I've been staying a
12 lot at Canyon Lake where we're having our house built. And we
13 have a fifth wheel trailer that we're staying in.

14 THE COURT: Okay.

15 MS. SIMMONS: Right now, we're looking to move into
16 our house within probably the next -- no longer than a month.
17 And in the meantime if that was the case, we would still have
18 our trailer there. She would have to pay the fee to have our
19 trailer stay there and her stay in it. But that's an option.

20 But my biggest question is what's wrong with her --
21 her moving in to her house that she has in Anaheim in Orange
22 County, her own house? Why is Kim not moving there?

23 THE COURT: Okay. So hold on. Hold -- we'll get
24 there. I just wanted to make sure -- so when you say that

1 that you're staying in Orange County as you're finishing up
2 this build, is it just like an apartment? Is it a -- is it a
3 rental or is it? What is it?

4 MS. SIMMONS: Well, it's part of -- yeah, it's a one
5 bedroom apartment more or less.

6 THE COURT: Okay.

7 MS. SIMMONS: Yes.

8 THE COURT: And it's just temporary.

9 MS. SIMMONS: Right. And my -- and my brother also
10 has a back house. And he has no problem with my mom and --
11 staying there. And I would be able to help with my mom
12 because we're close enough that I can get there and -- and
13 stay there and do that. But in no way is he going to allow
14 Kim to stay there.

15 THE COURT: Okay. So Donna, you said your brother
16 who's in Riverside, he has a back house. Is that like a
17 casita, a separate house or unit in the backyard that has a
18 bathroom facility?

19 MS. SIMMONS: Yes. Yes. It's a full on one bedroom
20 place.

21 THE COURT: Oh.

22 MS. SIMMONS: And --

23 THE COURT: Okay.

24 MS. SIMMONS: Yeah.

1 THE COURT: I'm -- I'm just asking because I -- I --
2 these details are kind of helping me put the picture together.
3 Mr. Michaelson, was that the --
4 MR. MICHAELSON: Yes.
5 THE COURT: -- question that your client had or did
6 she have a different question?
7 MR. MICHAELSON: I think it was -- it was -- yes ==
8 MS. FRIEDMAN: Yeah, I -- I want to clarify so that
9 Donna understands. You're -- you're -- would you let Kim live
10 at your house with mom or are you like stuck where you
11 wouldn't --
12 MS. SIMMONS: I would --
13 MS. FRIEDMAN: -- be I think --
14 MS. SIMMONS: Yeah, no. I mean, how it is, it's my
15 fiancée and everything going on. My mom would be able to stay
16 there. But no, I would prefer not to have Kim there. But --
17 THE COURT: Okay.
18 MS. FRIEDMAN: And Ms. --
19 MS. SIMMONS: -- and (indiscernible) --
20 MS. FRIEDMAN: -- Ms. -- Judge Marquis --
21 MS. SIMMONS: Go ahead, Robyn.
22 MR. MICHAELSON: Your Honor --
23 MS. FRIEDMAN: We have -- I can tell --
24 MR. MICHAELSON: -- we want to --

1 MS. FRIEDMAN: -- that (indiscernible), yeah.

2 MR. MICHAELSON: -- we want to let you direct who

3 you want to talk. We -- we have things to say, but obviously

4 we'll wait --

5 MS. FRIEDMAN: Well, I want to contribute to about

6 -- I know the Scott situation.

7 MR. MICHAELSON: She -- Robyn has a few things to

8 say about Scott. Do you want her to talk or do you want us to

9 wait for a minute?

10 MS. FRIEDMAN: And his ability --

11 THE COURT: Well --

12 MS. FRIEDMAN: -- to let my mom live there.

13 THE COURT: But so -- and can -- is Scott willing to

14 let mom be there?

15 MS. FRIEDMAN: Not if -- not if he has to have any

16 involvement with Kim at all. His -- and Elizabeth will speak

17 to him. His situation with my sister right now is he won't

18 even see her to pick up or to -- they haven't talked for a

19 year because Kim told him the last time they went to visit

20 that he -- she was bringing my mom to go visit with them. She

21 showed up without my mom and with Dean (ph) and my brother

22 feels like he was threatened in his home. And he will not be

23 around Dean or Kim or have communication with him at all

24 because of that because of how he felt he was intimidated and

1 that they, you know, said -- use my mom as a guise to get over
2 there into the house and talk to him and then threaten him.
3 So I guarantee that he would probably be willing to have my
4 mom stay there as long as there was no connection to Kim at
5 all. I would be shocked -- he doesn't even want Kim to know
6 where he lives. And so --

7 MR. BECKSTROM: Judge, I'm --

8 MS. FRIEDMAN: -- I have --

9 MR. BECKSTROM: -- just going to object to this
10 narrative. This --

11 THE COURT: Okay.

12 MR. BECKSTROM: -- is getting -- I mean, this has
13 been the problem in this case. And --

14 THE COURT: No, so this is what I'm doing. Mr.
15 Beckstrom, I'm not really concerned about the truth of why
16 Scott and Kimberly don't like each other. Told me they don't.
17 I -- I don't need the details of it. I'm not saying one side
18 is correct or not correct. I'm not -- I -- I really
19 absolutely do not care about that. What I'm trying to do is
20 get us to problem solve where Kathleen Jones is going to live,
21 all right, and protect her estate. I'm -- I'm worried about
22 it. I -- I need more information, these details and
23 opportunities. I just want to check off my list. All right.
24 So Kim and Kathleen can't live with Donna. Kim and Kathleen

1 can't live with Scott. Is there anyone else in California?
2 And I'm going to get to the rental property in a moment.
3 Anyone else in California, any family member or close family
4 friend that would allow Kim and Kathleen to live there
5 temporarily until they find a rental?

6 MR. BECKSTROM: No, there's not.

7 THE COURT: Okay. So let's go to the rental. I
8 know we -- we discussed it on the last time when we talked
9 about renovations. Mr. Beckstrom, what's the status of that
10 rental property in Anaheim which is, you know, right next
11 door, knocking on the door of Orange County?

12 MR. BECKSTROM: Yeah, Anaheim's in Orange County.
13 The status is it's occupied by a tenant. It has been a
14 possible option. There would have to be a 30 day notice to
15 breach the lease and then, you know, get that tenant out.
16 Again, there's potentially a problem because you can't evict
17 anyone right now.

18 THE COURT: Is there a lease?

19 MS. SIMMONS: No lease.

20 THE COURT: Hold on. Hold. Hold. My -- okay.
21 Everybody, let me ask some questions, please. Is there a
22 written lease on the Anaheim rental property?

23 MR. BECKSTROM: Yes, Your Honor.

24 THE COURT: Please file it into this case so that if

1 you file it confidentially, I want to see it so that I can see
2 the terms of the lease. And Mr. Beckstrom, I don't anticipate
3 you're going to off the hand -- offhand know the terms of this
4 lease. But generally was it a year lease?

5 MR. BECKSTROM: No --

6 THE COURT: So there's --

7 MR. BECKSTROM: -- it's a month-to-month -- it's a
8 month-to-month lease. That was -- that was the reason -- the
9 Court may remember awhile back, but it -- it's a
10 month-to-month lease. It's generating income for June, you
11 know. But that -- that is an option.

12 THE COURT: What is the monthly income, not the --
13 not the gross, but the income to her approximately? I'm not
14 -- I'm not keeping you to the --

15 MR. BECKSTROM: Yeah.

16 THE COURT: -- dollar amount.

17 MR. BECKSTROM: It -- it's over a thousand dollars a
18 month. And I -- I guess my understanding is that June doesn't
19 want to live in that house. Whether that's going to be a
20 consideration or an option is going to be a question, I
21 suppose, but that has been discussed and apparently it was her
22 position she doesn't want to live there.

23 THE COURT: Is there a -- is there a reason -- I
24 mean, is there a specific reason so that I can just understand

1 that better?

2 MR. BECKSTROM: I -- I do not know firsthand. Kim

3 may be able to speak to it briefly, but I'd like to keep it

4 limited, if possible.

5 THE COURT: Kim, do you know --

6 MR. MICHAELSON: Your Honor --

7 THE COURT: -- (indiscernible) -- Go ahead.

8 MS. JONES: Are you asking me, Kim?

9 THE COURT: Yes.

10 MS. JONES: My mom says that she doesn't want to

11 live in the house. She's content and with it being a rental.

12 And she says that she just would like to live in Orange County

13 and that's where she's -- that's her position.

14 THE COURT: Okay.

15 MR. MICHAELSON: Your Honor --

16 THE COURT: Uh-huh?

17 MR. MICHAELSON: -- I had some -- I had some

18 discussion with June on this. Would you like to hear what she

19 --

20 MS. FRIEDMAN: Recently.

21 MR. MICHAELSON: -- what June told her?

22 THE COURT: Sure.

23 MS. FRIEDMAN: I met with my mom at the park on I

24 think last Friday and Perry was there. And I said hey, then

1 -- you're -- you know, you're moving. That's exciting. And I
2 said where -- do you know where you're going yet. And she
3 said she didn't know. And I said where -- what do you think
4 about the Anaheim house. And -- and she said no, I don't want
5 to live there. And I said okay, why not. And she said I
6 don't know. And that's normal. And then 10 minutes later we
7 were talking again. And I said something to the effect of do
8 you know why you don't want to live in the Anaheim said. And
9 she said it's too small. And then I said oh, okay, where
10 would you rather live. And she said Yorba Linda.

11 It's close to everyone. And I said oh, okay. Maybe
12 you'll be in by Easter and left it at that. But the hou -- I
13 don't know that the house that she understands that this is my
14 mom's cognitive abilities. She doesn't understand that an
15 apartment or someplace else is likely to be smaller than the
16 Anaheim house with the big yards and garages and three
17 bedrooms and a living room and, you know. But that was just
18 my conversation with her recently and Perry was there for it.

19 THE COURT: Mr. Beckstrom, what is the price of the
20 rentals that -- and first, let me ask you this. You said that
21 rental in The Willows, it's a 55 plus condo community. So I
22 would anticipate then the rental would be by an owner renting
23 back the condo. Would it be all right for Kim to live there
24 and I -- I don't mean to be rude so I don't want to anticipate

1 that Kim is over 55, I don't have her age written down here in
2 front of me. Will -- will you address that for me?

3 MR. BECKSTROM: Yes. So she would qualify under the
4 caregiver statute that I'm aware of. So I -- I don't think
5 she is 55. So I would be -- estimate she's under that. But
6 she can speak to that. But that's our understanding and this
7 is -- I don't think it's an actual condo. They're set up like
8 condos but they're actually the senior apartments up there off
9 the 215 and Town Center I believe, The Willows.

10 THE COURT: Okay. So they're senior apartments.
11 Okay. And what's the -- what's the nature of the apartment
12 that you're looking at? Is it a two bedroom or a one bedroom
13 or --

14 MR. BECKSTROM: Two bedroom --

15 THE COURT: -- first --

16 MR. BECKSTROM: -- Your Honor.

17 THE COURT: -- Two bedroom?

18 MR. BECKSTROM: Yes.

19 THE COURT: And -- and the residents would be Kim
20 and Kathleen?

21 MR. BECKSTROM: That's correct.

22 THE COURT: And what's the rent approximately?

23 MR. BECKSTROM: Approximately \$1700 from what I
24 understand.

1 THE COURT: Plus utilities?

2 MR. BECKSTROM: That's my understanding.

3 THE COURT: And what are the prices of rentals that
4 Kim's looking at in Orange County?

5 MR. BECKSTROM: There's been a couple. They range
6 from about 2500 to \$3500 a month. So those are for single
7 family houses, most of --

8 THE COURT: Okay.

9 MR. BECKSTROM: -- them one stories. And of course,
10 you know, that's more. So there -- there would be a -- a
11 split between Kim and June to stay at least. We would ask the
12 Court of that. Kim's preference is she'd like to pay for most
13 of it if possible and then, you know, have June just
14 compensate for the room she's occupying if that situation ever
15 came up.

16 THE COURT: Okay. I guess my -- my concern is the
17 same concern that I've had from the outset. And I -- I think
18 I've been clear. I don't want for -- especially if Robyn and
19 Donna agree. I don't want for Kathleen to have to move two
20 times or three times. Right. And I understand COVID makes
21 things difficult. I get that. Right. It's difficult on many
22 levels. It's difficult for rentals. Gotcha. I -- I would
23 like for this to be rather seamless. We've had some lead
24 time. Right. It -- it was a surprising settlement. But

1 we've had some lead time.

2 It sounds like California is the goal, that there's
3 no reason to stay in Las Vegas. I mean, Robyn is the only one
4 here and her children. It sounds like everyone else would be
5 closer in California. Kim's business is in California. It --
6 it sounds like Kim's -- Kim's business may bounce back like
7 gangbusters within just a few months. Certainly I would think
8 within the next three to four months. I -- I don't understand
9 any want to remain in Las Vegas other than it is cheaper and
10 you can get a condo. But that still is not the final goal.
11 Am I hearing that right, Mr. Beckstrom? Is there any --

12 MR. BECKSTROM: Yeah, that's --

13 THE COURT: -- other reason to stay in Las Vegas?

14 MR. BECKSTROM: No, that's correct. I mean, you
15 know, there's not really -- the only concern was, you know, if
16 -- if the Court thinks it's in the best interest, there is --
17 there is quite of an expensive rent period coming at the
18 current house. So they can stay there until -- I think it's
19 April 11th like I said or they can try to find some temporary
20 housing in Las Vegas while they continue to search. But, I
21 mean, I'm hopeful that -- I mean, she has a -- a real estate
22 agent looking for property. She's been looking. I'm hopeful
23 they're going to come up with something in Orange County if we
24 pass this another week or so is the goal.

1 THE COURT: Ms. Parra-Sandoval, do you want to weigh
2 in on any of that?

3 MS. PARRA-SANDOVAL: So Your Honor, June and I spoke
4 not quite recently, but I didn't have any addresses provided.
5 So I couldn't discuss exactly where. And it looks like the
6 Guardian is still struggling to find a place. But June is
7 willing to move to Southern California with her guardian and
8 that's as much as I can, you know, state. As far as what she
9 wants, it's to remain with her guardian and she's willing to
10 move to California.

11 THE COURT: Ms. Parra-Sandoval, I think I know the
12 answer to this, but let me make sure -- and I'll task you with
13 talking at her specifically about it. Have -- have you talked
14 to her about living in that Anaheim rental?

15 MS. PARRA-SANDOVAL: So no, I didn't know that that
16 was an option because I knew that it was being leased.

17 THE COURT: Okay. I'm going to ask you to talk to
18 her about it specifically and -- and talk to her about the
19 details. If in fact she's concerned that it's too small, I
20 want you to be -- review the record and -- and take a look at
21 how many bedrooms in a square footage there, the size of the
22 yard and -- and the other features of that home compared to
23 what the square footage would be of the apartment at The
24 Willows and -- and the amenities at The Willows.

1 I understand that, you know, it -- it may be her --
2 you know, she may be concerned about staying in that rental
3 because it's too small but I don't know that a larger
4 residence or apartment is within the budget at all. So, you
5 know, so that -- that would make a difference to me. If her
6 request -- her concern is that it's too small and she doesn't
7 want to be there, but, you know, I am provided with
8 information that there's nothing else that's bigger that's ev
9 -- even viable, I would take that into consideration.

10 So Mr. -- Ms. Parra-Sandoval, I would just ask you
11 and request that -- that you dig a little deeper on if in fact
12 she doesn't want to live there, why. You know, if it's
13 something like, you know, the rooms are painted yellow, you
14 know, that's -- that's something we can change. Right.
15 Because that's what my grandmother would say and Ms.
16 Parra-Sandoval you probably know that. She hates yellow and
17 she would be very upset about that. But that's something that
18 I can change. But if -- if it's something else, I'd -- I'd
19 like to know.

20 Has anybody else -- Mr. Michaelson, do you want to
21 weigh in? Do you have anything else to say?

22 MR. MICHAELSON: Yeah, Your Honor. We have a lot to
23 say about that. A couple things are just to give the Court a
24 little bit of context. Ms. Jones raised her family in that

1 house. They have been there -- so it isn't just some unknown
2 filthy rental place. It's a place where they -- they raised
3 everyone. And -- and supposedly it's been newly remodeled
4 just recently.

5 THE COURT: So --

6 MR. MICHAELSON: And so --

7 THE COURT: -- Mr. Michaelson, you say Ms. Jones,
8 you mean Kathleen Jones, right?

9 MR. MICHAELSON: Yes. Yeah. June.

10 THE COURT: Okay.

11 MR. MICHAELSON: I'll say June. Yeah.

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

13 MR. MICHAELSON: June --

14 THE COURT: -- just making sure if it was someone
15 else. Okay. She -- she --

16 MR. MICHAELSON: Yeah.

17 THE COURT: -- raised her children in that home.

18 MR. MICHAELSON: Yes. And --

19 THE COURT: Okay.

20 MR. MICHAELSON: And --

21 THE COURT: Got it.

22 MR. MICHAELSON: -- has lived -- yes. And has lived
23 there and owned that house from our understanding the best we
24 can tell over 50 years because Scott said he was raised there.

1 He moved there when he was very, very small. So it's not just
2 some, you know, rental house that they -- nobody knows about.
3 This is a family heirloom so to speak. It's a place -- it's
4 their -- their legacy home where they come from. And so I'm
5 not sure why she -- and under these circumstances, you know,
6 you would think that she would kind of want to go there.

7 I also am just curious why -- I mean, maybe there's
8 an incentive somewhere to liquidate money, you know, to -- to
9 move somewhere else because we can liquidate money. But it
10 seems like it pencils out fairly well for her to live there
11 and have the room for Kim to be able to be there and -- and
12 help her out.

13 MS. FRIEDMAN: And another (indiscernible).

14 MR. MICHAELSON: So -- yeah, and then I have, Your
15 Honor, some related items on this -- where we -- it -- that it
16 would be helpful is that the -- the accounting -- it's hard to
17 piece this together when the accounting doesn't get served on
18 us and we -- we do get it eventually. But the compliance
19 office found that it was lacking a lot of information. And
20 we're not trying to be these jerks always bringing it up, but
21 it's just -- it is time to probably put some things in
22 writing. I mean, even the Court is saying okay, now how much
23 is the rent, you know, what -- we need to put some of this
24 stuff in writing so we understand what the costs are, like how

1 much cash does she have, how's she going to pay for a move,
2 normal families with Counsel about this. There are ways to do
3 this.

4 And I -- I want to just remind the Court. I know
5 the Court knows this, but to -- to say, to express that if a
6 guardian has a personal problem with people, that is a
7 personal issue, but if you accept the role of being a
8 guardian, then it's kind of like the axiom of with great power
9 comes great responsibility. You know, you -- if you want to
10 do -- if you don't want to do that, then you shouldn't be the
11 guardian. If -- but if you accept the role to represent a
12 protected person, whether you want to or not, you must
13 communicate. You must discuss with the -- with the family the
14 options that are available and that are there.

15 And -- and there are options that are there, but we
16 really would like to ask the Court to -- to ask for -- that
17 the accounting be updated and -- and t hat we go through some
18 discussion of -- we have quite a lot of points. And I don't
19 know whether I can -- I can go through them here or maybe give
20 some time to Robyn if that's okay with the Court.

21 MS. FRIEDMAN: I'd rather you.

22 MR. MICHAELSON: Do you like me to just read through
23 some of the questions we have?

24 MS. FRIEDMAN: Relating to move.

1 MR. MICHAELSON: Relating to the move, Your Honor.

2 THE COURT: Please, go ahead.

3 MR. MICHAELSON: Okay. So we're just wondering has
4 she hired an agent to help with this. We think that 55 plus
5 the rent is a little bit more expensive. Robyn has access to
6 rental properties and buys and sells and rents homes a lot.
7 So Robyn and Perry have a lot of expertise in this area that
8 -- that could be brought to bear. In California or Nevada,
9 what is the plan for who will live with June? She's
10 everyone's mother here -- well, of the family's mother. And
11 so, you know, is for example would Kim have a companion or a
12 partner living there, who is that person, is there a criminal
13 record, that kind -- those are just things that are just
14 normal that one would -- would want to understand. How are
15 they applying to qualify for their lease or rent or anything?

16 MS. FRIEDMAN: Is that part of the problem.

17 MR. MICHAELSON: One of the challenges we think
18 could be that instead when you don't use the Anaheim house
19 which she already owns and you apply to live other places, you
20 have to do a credit and background checks.

21 MS. FRIEDMAN: Kim's unemployed.

22 MR. MICHAELSON: And -- and if -- if Kim is not
23 bringing in income, it might be a situation where she will not
24 be able to qualify to rent a place.

1 MS. FRIEDMAN: Or if Dean has a record.

2 MR. MICHAELSON: And -- and -- or -- or perhaps if
3 there's -- if -- if Dean has a record or whatever, it could --
4 could be an issue. And just also wanting to know what the
5 long term financial plan is. You know, like if there's a -- a
6 desire to sell Anaheim to liquidate cash, let's describe that.
7 What -- what's the purpose of that. What -- where would that
8 money go. Because it's a safe harbor for her that she's very
9 accustomed to right now.

10 But -- but it may make sense, but we just don't
11 understand the thinking and there's no need for secrecy here.
12 This is not a -- a major legal issue. It's more of a family
13 issue.

14 MS. FRIEDMAN: We're looking for continuity here.

15 MR. MICHAELSON: We just need a, you know, a
16 continuity of care. We talked about that the -- the
17 accounting is incomplete. There are also -- we -- we
18 forwarded some information. There's a timeshare bill that's
19 not being addressed. It could be a potential issue. Robyn
20 conveys that she rents a condo she owns now for a thousand
21 dollars for a two bedroom. It's at Durango and the 215. So
22 it's much less than the HOA community.

23 Also, the cost of staying in the Kraft house, Mr.
24 Beckstrom may have it right in front of him right now, but I

1 believe just -- I -- I don't know if Your Honor is -- is --
2 has that in front of you, but it's -- it might be around
3 \$4,000 a month. So it's -- and soon in the next couple weeks.
4 So that can be kind of astronomically expensive to -- to stay
5 in the Kraft house.

6 We would just love to have more information. I
7 guess it'll come out and -- and Kim if she's going to petition
8 for fees or something, just the representation of her company
9 and the income and what she's doing.

10 MS. FRIEDMAN: I --

11 MR. MICHAELSON: If she's not --

12 MS. FRIEDMAN: I have concerns -- we have -- I have
13 concerns about that, that -- that there's being this
14 representation of this company existing and as we -- we have
15 concerns about the -- the kind of legitimacy of that and the
16 income that's derived from it yearly and -- and whether that
17 actually is something that is able to support her. Donna can
18 speak to this, but in our experience or what we've seen in the
19 past it was very piecemeal and was not providing an income to
20 be able to support her stably.

21 MR. MICHAELSON: That's -- okay, that's good. Yeah,
22 so we just want to reque -- the -- as you can see, hopefully
23 Your Honor there are options here. There's a lot at play.
24 Donna and her family have options. There's a lot of things

1 that can happen. But it just takes talking. And whoever's
2 going to be the guardian, it needs to -- to be in a position
3 to communicate with the family. And if they can't do that,
4 then, you know, that -- then -- then they're not able to be a
5 guardian. I mean, that -- that's the -- the thing about that.

6 And so right now we have a -- what is really a
7 crisis for June. I mean, we have loving people. All the --
8 the Court is very gracious to her, but there's a crisis here
9 and it's a time to try to -- to communicate on this about it
10 and just going alone or not talking -- I mean, even the Court
11 is having to take time to -- to pull out these details that
12 most people would say Your Honor, I'm going to file -- without
13 being asked, let me file a written plan of -- of how this is
14 going to work and -- and that sort of thing. So yeah, if --
15 if Kimberly's not working, then she hopefully has all day and
16 has had all day for -- for awhile. I know she provides care
17 but, she does have -- have a lot -- a good amount of time to
18 -- to do this.

19 MS. FRIEDMAN: And I'll help.

20 MR. MICHAELSON: Yeah, and Robyn will help, so --

21 THE COURT: Mr. Beckstrom, did you want to respond
22 to those things? Is it about 4,000 a month you think? Is
23 that a correct description about that fee as it increases?

24 MR. BECKSTROM: If it goes through April 11th, the

1 maximum it would be is \$4,000 a month. It goes to \$3,000 a
2 month as of I believe today going forward it's prorated daily.
3 So yeah, and that's -- that's why we raised the issue of do we
4 move somewhere locally temporarily -- temporarily.

5 I mean, on the other points, Judge, like we've been
6 through this. there's no secrecy here. If there was an
7 update, we had provided -- I provided an email to everyone
8 involved relaying the same. And, you know, the accounting is
9 coming. There's been a lot going on in this case. And I know
10 everyone has opinions on this but the only person who's been
11 doing the work is Kimberly.

12 So we're getting the documents together. We'll file
13 the lease with the Court. Anaheim may be a possibility. And
14 it sounds like there's no objection to it by anyone. So if
15 the Court wants us to go and explore that further, we can go
16 down that road, you know --

17 THE COURT: Well --

18 MR. BECKSTROM: -- I mean --

19 THE COURT: -- I guess -- Ms. Brickfield, I was
20 going to ask you this, because Ms. Brickfield I know -- I
21 mean, you -- you have a vast experience in guardianship. I --
22 I -- I'm concerned because I am babysitting -- I'm trying to
23 problem solve a move. But -- and I'm happy to do that, but my
24 worry is that this is like super unique. Right. This is not

1 what we do. A guardian -- and utilizes their decision making
2 power and -- and presents their proposal to me and then there
3 is an opportunity for objections. I -- I do this because I'm
4 concerned about the fast pace, right, and the limited income
5 that's coming in. The limited assets. Kathleen June needs to
6 be -- I think it's important that she move once. But if she
7 cannot, then she cannot. And if it has to be two moves, then
8 it has to be.

9 But Ms. Brickfield, I -- I don't know if -- would
10 weigh in, you know, to -- this is just very unique. This is
11 not normal, Ms. Brickfield.

12 MS. BRICKFIELD: No, Your Honor. I -- I agree with
13 you. It's -- it's not -- it's not normal. We have children
14 who are offering -- children who are caring for mom, children
15 who are offering to care for mom. One of my concerns in the
16 role you've given me is to the extent that there is a place
17 where June wants -- where June ends living where she is not
18 the primary owner or the primary tenant. We may have other
19 issues relating to a -- any child's ability to visit mom. I
20 like to -- I liked visiting my mother and her home and feeling
21 welcome and not being concerned about whether there are other
22 people there with whom I could not interact.

23 And so that to me is a primary concern that every
24 child feels free and welcome in mom. So let me -- let me just

1 start with that.

2 I have not talked to June specifically about the --
3 the issue of her relocation. I have had conversations with
4 two children so far. I'm expecting to have conversations with
5 other children. And if the Court wants, I expect to ask them
6 what their opinions are about the move as well.

7 But to me, that's a primary concern. I want to feel
8 welcome in my mother's home. I want my mother to feel that it
9 is her home. And if necessary, I want to be able to spend
10 time with my mother in that home without having to worry about
11 having to leave the home with her.

12 THE COURT: Right. This -- you know -- I -- I think
13 from the start Donna and Robyn have set -- don't have an
14 objection to mom moving to California. I mean, right? So --
15 and the question was, you know, about my jurisdiction and
16 ability to -- to hear the pending motions which I indicated
17 that I would. I will make a decision about visitation, but,
18 you know, the decision I make about visitation is impacted by
19 where June lives. Right. So if I'm going to make a certain
20 decision about visitation, it depend -- it -- I need to take
21 into consideration if Robyn lives five hours away or if Robyn
22 lives five miles away. Right.

23 And the type and duration and frequency of that
24 visitation is important. Right. So now if Donna lives 40

1 minutes away, you -- you know, that's different. And that is
2 why I would like to know where she's going to live before I
3 make this decision.

4 I think Donna and Robyn have been really clear. I
5 don't think it's any secret to them. And -- and it seems like
6 based on the facts Kim told me today that the ultimate goal is
7 this move to California, right, because for family, for June,
8 has a lot of family there. Also Robyn has a family there.
9 And Robyn's business is there.

10 So I -- I can understand, Mr. Beckstrom, the
11 inability to find rental properties, but I'm not sure that a
12 rental property is the appropriate setting for June to -- to
13 live the rest of her years. She has a very, very limited
14 income when I look at this accounting which was filed long ago
15 but I don't have a hearing date for.

16 So her income is very, very small. It's not going
17 to increase. Just -- it may make sense that that Anaheim
18 property is the only option. I understand she might not want
19 to live there. If it's -- is a written lease that is
20 month-to-month, I'm not sure what the eviction protocol is in
21 California, but an eviction process would be at the end of the
22 lease, right. It wouldn't be for nonpayment due to COVID.
23 Right. So I'm -- I'm not sure about those specific
24 regulations, but if you can have somebody out in 30 to 45

1 days, certainly that's very soon. That would allow her to
2 move one time.

3 And if that's acceptable for everybody and what I'm
4 not hearing is -- is an objection to this idea. And -- and we
5 still don't have a petition for relocation. Right. So I will
6 still deal with the issue of visitation. I would like to deal
7 with the issue of visitation after I know what the plan is for
8 June because I will waste a whole bunch of attorney time
9 dealing with and making an order about possible visitation and
10 hearing tons of arguments and then she's going to move in six
11 months or 45 days later and we're going to be back and we're
12 going to run the whole thing again.

13 So I would like to do it in order. We have spent an
14 inordinate amount of time in this case and I know that it is
15 necessary. But I also note that this is -- some of these
16 issues are such commonsense. Right. Like if we are moving to
17 California and if there is already a property and it's hard to
18 find rentals, this seems like we need to explore this further
19 and make some determinations and -- and change things and --
20 and make some priorities.

21 I'm worried that we're spinning our wheels and we're
22 not getting anywhere. I'm worried we're going to spend a
23 bunch of money. If The Willows condo is \$2500 a month, she
24 don't have \$2500 a month. So how does that work and how is

1 the rent going to be split? And who's paying for what
2 utilities? So I just have a lot of concerns.

3 I don't want to continue status checking this, but
4 time is of the essence. She only has a few -- but just this
5 window of making a decision and then filing a petition or
6 filing a notice of change and -- and allowing us to move
7 forward. So Mr. Beckstrom, I know you asked for a status
8 check in two weeks. Ms. Parra-Sandoval, how would you like to
9 proceed from here?

10 MS. PARRA-SANDOVAL: So Your Honor, I will actually
11 be out of office from March 15 to March 26th. So even if you
12 schedule something sooner, I won't be available; however,
13 another Legal Aid attorney would be able to cover if you
14 schedule something sooner than the two weeks.

15 THE COURT: So you're out. Let me make sure I
16 heard. So you're out the next two weeks. So I couldn't --

17 MS. PARRA-SANDOVAL: Yes.

18 THE COURT: -- do sooner than two weeks. You're --
19 you're leaving on Monday. You're out of --

20 MS. PARRA-SANDOVAL: Yes.

21 THE COURT: -- the office, right?

22 MS. PARRA-SANDOVAL: This --

23 THE COURT: Okay.

24 MS. PARRA-SANDOVAL: -- Monday.

1 THE COURT: Okay. For two weeks. So if I set it
2 over for two weeks, I would set it on the 26th and you
3 wouldn't be in the office. Okay.

4 MS. PARRA-SANDOVAL: No.

5 THE COURT: All right. Mr. Michaelson, Mr.
6 Beckstrom's asking for a two week status check. What's your
7 request procedurally?

8 MR. MICHAELSON: Just, I mean, I'm all in favor of
9 this. I -- I agree and echo what you're saying, Your Honor.
10 This is costing the clients thousands and thousands of
11 dollars. I mean, I -- honestly and it's against my own
12 interest to say it. I know it's kind of weird to say it, but
13 I'm ready to be done with this case. I mean, we -- the --
14 this is just ridiculous. I mean, we're -- we're saying -- the
15 -- the report that Mr. Beckstrom said he gave, his report in
16 his email, he's told you I gave them the report, what I --
17 what his report said, I don't have the report. That's what he
18 said. The email said I have nothing.

19 And so what we're saying is we're always portraying
20 like we're jerks, but we're saying we double checked while
21 you're consi -- conferring with them. It goes to \$4,000 a
22 month in the Kraft house in the -- on the 27th. So about 2 --
23 less than two weeks from today we'll be at \$4,000.

24 And -- and our concern is if Kimberly's not working

1 and has no income, let's just be real here. I respect her and
2 grateful for the care she's giving, but she is not going to
3 qualify for an apartment. That's not going to happen. And so
4 what we need to do is talk to the family who has other rental
5 properties that are a lot less, you know, and -- and just like
6 a normal family. It's time to talk.

7 I mean, the only reason we're even here with you
8 babysitting this is because they can't talk. And -- and maybe
9 you'll say well, they can't talk so they can't talk. So we
10 got to do it with the Court. But this can get resolved very
11 quickly with some just, you know, like I'm thinking you're
12 having to tease and pull out the plan when it could have been
13 presented more fully in writing so we can review it. But --
14 but we're getting -- the -- this is what we've been dealing
15 with for a long -- over a year now which is promises that
16 something will come forth but it never does. And then the
17 more we ask and the more we bring it up, we're portrayed like
18 impatient jerks.

19 MS. FRIEDMAN: She wasn't going to qualify --

20 MR. BECKSTROM: Your --

21 MR. MICHAELSON: You know --

22 MR. BECKSTROM: Your --

23 MR. MICHAELSON: -- so --

24 MR. BECKSTROM: -- Honor --

1 MR. MICHAELSON: So we --

2 MR. BECKSTROM: I could --

3 MR. MICHAELSON: -- we would just -- status check is
4 fine, but we -- we do -- would like to see some -- there is
5 power in this family to resolve this, but it takes a certain
6 humility and step back on the part of the guardian.

7 MS. FRIEDMAN: And how are they going to qualify for
8 an apartment?

9 MR. BECKSTROM: Judge, I -- I mean, I've been fine
10 on the issue, okay, and -- and I want the Court to be clear
11 and remember the timeline here. There hasn't been a waste of
12 time and we're in full agreement with the Court on the pros of
13 the Anaheim property. But the Court can appreciate and
14 understand that if we came back and just said well, we didn't
15 look at anything else, we're just going to move into this
16 property, that wouldn't -- that would have been met with
17 criticism too. So there was a week-and-a-half spent looking
18 for property which is not unreasonable. And the result's been
19 reported.

20 So, you know, there's been a lot of attack here but
21 no one's delaying this and no one wants to babysit this any
22 less than us. So, I mean, we can status check it in a week if
23 the Court desires to move it quicker. We certainly do. And
24 if there's no update, we can email everyone including the

1 Court and maybe push it out another week.

2 But there -- there's absolutely a universal desire
3 to get this done. And, I mean --

4 MR. MICHAELSON: I would be in favor of next week.

5 THE COURT: So I'm -- I'm a little bit at my wit's
6 end. I am going to set it for next week. I -- I want you to
7 -- ot know that I'm like growing extraordinarily impatient.
8 If I could, and I want you guys to consider this, I would lock
9 -- well, other than COVID regulations. I would like to lock
10 everybody in the same conference room with me and for me to
11 mediate all issues and come up with a universal resolution. I
12 got a lot to say and I think there's a lot that needs to be
13 said that can't be said on the record.

14 And I'm -- I'm worried about that, like the -- it
15 just continues to build this pressure of the past, right, when
16 we just need to problem solve what's going on right now, setup
17 a specific plan for moving forward. These issues are super
18 interrelated. And if I could draw up a creative plan that
19 gave everybody and empowered everybody to get what they want,
20 which I think is palpable, it's on the surface here, right.

21 And Ms. Brickfield, I don't know if you see it and
22 you visualize it and it's like -- you know, it's like the Loch
23 Ness Monster, right, like parts of it keep coming up and it's
24 so obvious. But I -- I can't do it. Right.

1 So first consider waiving the issue of me doing a
2 settlement conference and -- and just handling it. Right.
3 But -- and then there's no cost to the estate and I'll be
4 done. But Ms. Parra-Sandoval's got to be in town for that. I
5 -- I can't -- I can't do that with her out of town even if
6 there -- there's another attorney standing in for her.

7 I also am going to need a full day. I'm going to do
8 it in the courtroom because I'm going to be upset so I'm going
9 to have to move around a little bit. I can't scream and yell
10 at my home all day long or my coworkers here will go crazy.
11 So I want you to think about that.

12 If that doesn't work, which I concede may not work,
13 and -- and nobody may be interested in waiving, I am happy to
14 give you any senior judge. I am happy to beg any private
15 attorney to resolve this universally and waive their fees or
16 set up a creative payment plan. If you can agree on the
17 person and you can beg and borrow or Ms. Brickfield can beg
18 them to -- to do it, wonderful. You need me to beg them to do
19 it, I will do it. But it appears that we just need to spend
20 the time that it's going to take to resolve all of these
21 issues and for somebody just to get it done.

22 I will see everybody back on Friday. This is what I
23 want to know from you. Number one, will you waive and let me
24 do a settlement conference. I'll set it on a priority basis.

1 Number two, if you don't want to waive, which I'm never going
2 to hold against you, listen, I -- I absolutely get that
3 there's a -- a lot of interest and there's a lot going on. So
4 I'm not going to take it personally at all. I say this only
5 because I'm happy to do the heavy lifting. Second, if you
6 don't want to waive and you don't want me to do it, is there a
7 senior judge who you might consider to handle it. Even a
8 senior who doesn't have their commission yet. Or is there a
9 privately -- some private attorney that you can agree on or,
10 you know, senior justice or somebody doing private mediation
11 that you can agree on.

12 And then I want an update, Mr. Beckstrom, from kind
13 of where we're at. I -- I need really to give me an idea of
14 what the rules are in California to have the eviction
15 moratorium and does it cover end of lease evictions or does it
16 just cover nonpayment of rent.

17 MR. BECKSTROM: Yes, Your Honor. Yeah, and --
18 and --

19 THE COURT: I -- I don't know.

20 MR. BECKSTROM: Yeah, I do know. I practice out
21 there. So no, I'm -- I'm in agreement with the Court that we
22 could evict. I mean, it may take 45 days. I think that's the
23 time frame you're looking at. So certainly that's an option.
24 And to the Court's -- we'll just save you the time. We -- we

1 would waive and welcome the conference. We would appreciate
2 it.

3 MR. MICHAELSON: Your Honor, and we --

4 THE COURT: We --

5 MR. MICHAELSON: -- would waive and welcome --
6 welcome you doing that.

7 THE COURT: Ms. Brickfield.

8 MS. BRICKFIELD: I agree, Your Honor. I'm happy to
9 waive.

10 THE COURT: All right. Ms. Parra-Sandoval, I know
11 you didn't talk to your client about this.

12 MS. PARRA-SANDOVAL: No. And so, you know, I would
13 be happy to also waive and welcome a conference with you. I
14 don't know what my client would say to that, but if everyone
15 is in agreement at this point, it would be wrong of me to say
16 no.

17 MR. BECKSTROM: I just think you're more up-to-date
18 on -- on the issues, Your Honor, and it's -- you have a better
19 overview of everything. So I think you hit the nail on the
20 head there.

21 THE COURT: I'm really happy right now. I just want
22 to get this done. All right. This is what we're going to do.
23 I'm going to see you on Friday the 19th for a status check at
24 1:00 o'clock.

1 MS. BRICKFIELD: Your -- you --

2 THE COURT: Yeah.

3 MS. BRICKFIELD: It's Elizabeth Brickfield. There's
4 one more piece of information. I was hoping Mr. Beckstrom
5 could at least find out for us. My understanding is that
6 there is a lot of equity in that house. And it may be that if
7 we can find out the -- the amount of the -- any mortgage and
8 the equity that that might also open some possibilities in the
9 short and the long run for June. Right. The -- the reality
10 is if this is going to be her residence, then it's protected
11 from -- from creditors or it would be protected from Medicaid
12 and Medi-Cal and -- and if it's not, then it won't be. So
13 that's something that should be taken into consideration.

14 And also if there is an objection to her living
15 there, it may simply be that this -- that we need to just find
16 out what the real estate market is like, how much equity there
17 is, and whether that opens a series of options long and short
18 term.

19 THE COURT: All right. I -- thank you, Ms.
20 Brickfield. Mr. Beckstrom, if you can get that information
21 for Friday, that would be great. You don't need an exact
22 dollar amount for us, but an approximation would be wonderful.
23 I'm going to tell you right now I've got next week -- or it
24 would be -- I'm sorry, March 23rd or March 24th. Counsel, I'm

1 going to ask for your availability. I'm going to start at
2 8:30 with you. And I want to go until we get it done. And
3 we're going to be putting the resolution on the record.

4 So to that extent, I -- I certainly don't think --
5 oh, Counsel, you're not in town then; is that right? Ms.
6 Parra-Sandoval, you're still not back by then, is that right?

7 MS. PARRA-SANDOVAL: That's right.

8 THE COURT: Okay.

9 MS. PARRA-SANDOVAL: I --

10 THE COURT: So I don't -- no, no, no. I -- I don't
11 think having a substitute for you is -- is a good idea at all.
12 I -- I need for you to be there. So I can do the 30th,
13 Counsel. Mr. Michaelson, are you available on the 30th,
14 Tuesday the 30th?

15 MR. MICHAELSON: I think I am. Let me just check.
16 I'm just pulling it up here.

17 THE COURT: It -- it is the week before Easter.

18 MR. MICHAELSON: Yeah, I'm -- I'm available.

19 THE COURT: Ms. Brickfield?

20 MS. BRICKFIELD: I'm available.

21 THE COURT: Mr. Beckstrom?

22 MR. BECKSTROM: I have a hearing at 9:00 a.m., so as
23 long as the Court doesn't mind me stepping out I can take it.

24 THE COURT: Sure. Who's the hearing in front of?

1 MR. BECKSTROM: I believe it's in front of Judge
2 Delaney.

3 THE COURT: Okay. Do you think it's going to be a
4 -- a -- it's not like 10 motions in limine and a summary
5 judgment?

6 MR. BECKSTROM: A motion to amend in a sex abuse
7 case, so we'll see. It shouldn't be too long. More than half
8 an hour.

9 THE COURT: Okay. And I think we can probably work
10 with Mr. Beckstrom coming in and out anyway. I -- I -- that
11 -- that works and it's okay if that's okay with you, Mr.
12 Beckstrom?

13 MR. BECKSTROM: Yeah, that's fine with me.

14 THE COURT: I would set up Mr. Michaelson a
15 BlueJeans feed for Donna and any other family members from out
16 of state so they don't feel like they need to come in -- in
17 town.

18 MR. MICHAELSON: And -- and, Your Honor -- and this
19 may be totally out of the course, but is it possible to do
20 something in person or is that not going to fly?

21 THE COURT: I think we may be able to. And I
22 anticipated this week a new admin order from our chief. It
23 didn't come this week, but it should be coming next week.
24 This is going to change our rules and -- and roll us back a

1 few -- a few steps. So I think that we can do it in person.
2 If -- I'm going to ask you next week how many humans you want
3 to have there in person. And I'm going to take count because
4 I have us -- for every room in the courtroom we have a -- a
5 maximum. I'm giving the six feet distance. If I need to get
6 another courtroom, I need to get a conference room, if I need
7 to get something else, I will make that happen.

8 I also have space at the convention center that's
9 leased by the District Court. I will reserve the space at the
10 convention center if I need to. I do think that some of this
11 has to happen in person. I need to see your eyeballs or maybe
12 you need to see my eyeballs. Mr. Michaelson.

13 MR. MICHAELSON: Your Honor -- oh, Robyn has a
14 venue. She does events that has -- can hold 50. So, I mean,
15 that's that. But it sounds like you've got venue as well.
16 But we -- we have a place that we can social distance and --

17 MS. FRIEDMAN: I could do internet.

18 MR. MICHAELSON: -- can do that, so --

19 MS. FRIEDMAN: -- internet.

20 THE COURT: So you know they don't like me, Mr.
21 Michaelson, going on -- going anywhere without my whole crew.
22 It -- it starts to get a little dicey. The great thing about
23 the convention center is we already have our same computer
24 system and security. We have an advanced team that speaks --

1 not because of my days in the guardianship court, be -- but
2 from my days before I have some specific security risks. So
3 we'll be staying in the courtroom or in a convention center if
4 we can. But thank you. I appreciate the offer. I just -- I
5 -- I bring a lot of baggage with me. So I -- I apologize.
6 I'm not always the best guest.

7 Mr. Beckstrom, I think that date will work for us
8 then. I am going to ask you all to talk to your clients about
9 who you want to be there and who you want to be joining us by
10 video. That video feed will be live and I can operate that in
11 a courtroom so we can see on a big screen. It's no problem
12 for me. But talk to your -- to your people about that and
13 we'll -- we'll come up with a decision.

14 We're going to start at 8:30. We're going to let
15 Mr. Beckstrom go and -- and handle his -- his hearings. Maybe
16 he has to stand in the hallway on his phone or -- or maybe
17 he'll go to the courtroom. I don't know. But I will direct
18 your attention to that new order when we see it. But expect a
19 law -- phone call Counsel from my law clerk telling you about
20 that new order when it comes from the chief next week and what
21 the rules that will be able to operate are and then I'll find
22 a space. All right?

23 MS. SIMMONS: Your Honor, thank you so much for --
24 for doing this for our family. I appreciate it.

1 MR. BECKSTROM: Can we get the --
2 THE COURT: Anytime.
3 MR. BECKSTROM: -- date one more time, Judge? Is
4 there a --
5 THE COURT: Anytime.
6 MR. BECKSTROM: -- status check or --
7 THE COURT: Yeah, I'm going to status check you next
8 week, the 19th at 1:00 p.m. And then we're set for the 30th
9 at 8:30. Place to be determined and will be impact by a new
10 admin order from our chief. But I will make it happen. All
11 right?
12 MS. BRICKFIELD: Thank you.
13 MR. BECKSTROM: Thank you, Your Honor.
14 THE COURT: This hearing -- this hearing remains
15 sealed. So the minutes will be sealed until further order.
16 Thank you.
17 MR. BECKSTROM: Thank you.
18 MS. BRICKFIELD: Thank you.
19 (PROCEEDINGS CONCLUDED AT 3:26:01)
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ATTEST: I do hereby certify that I have truly and
correctly transcribed the digital proceedings in the above-
entitled case to the best of my ability.

Adrian Medrano

Adrian N. Medrano

FILED

JUN 14 2022

Alana A. Williams
CLERK OF COURT

1 TRANS

2
3 COPY

4
5 EIGHTH JUDICIAL DISTRICT COURT

6 FAMILY DIVISION

7 CLARK COUNTY, NEVADA

8
9 In the Matter of) CASE NO. G-19-052263-A
10 the Guardianship of:) DEPT. B
11 KATHLEEN JONES,) APPEAL NO(s). 81414, 81799
12 Protected Person(s).) 81799-COA, 82974, 83967,
84655

13
14 BEFORE THE HONORABLE LINDA MARQUIS

15 TRANSCRIPT RE: HEARING

16 THURSDAY, DECEMBER 09, 2021

1 APPEARANCES:

2 Guardian of Person and
3 Estate, Petitioner: ROBYN FRIEDMAN
4 Guardian of Person and
5 Estate, Petitioner: JOHN P. MICHAELSON, ESQ.
6 2200 Paseo Verde Parkway
7 Suite 160
8 Henderson, Nevada 89052
9
10 Petitioner, Temporary
11 Guardian: DONNA SIMMONS
12 For Petitioner, Temporary
13 Guardian: JOHN P. MICHAELSON, ESQ.
14 2200 Paseo Verde Parkway
15 Suite 160
16 Henderson, Nevada 89052
17
18 Protected Person: KATHLEEN JUNE JONES
19 For the Protected Person: MARIA L. PARRA-SANDOVAL, ESQ.
20 725 E. Charleston Blvd.
21 Las Vegas, Nevada 89104
22
23 Other: RICHARD POWELL
24 For Other: TY E. KEHOE, ESQ.
25 871 Coronado Center Dr., #200
 Henderson, Nevada 89052

Guardian Ad Litem: ELIZABETH BRICKFIELD, ESQ.
 9130 W. Post Rd., #200
 Las Vegas, Nevada 89148

1 LAS VEGAS, NEVADA

THURSDAY, DECEMBER 09, 2021

2 PROCEEDINGS

3 (THE PROCEEDING BEGAN AT 11:50:37.)

4 THE CLERK: We're on the record.

5 THE COURT: This is the matter of the guardianship of
6 Kathleen Jones, G-19-052263-A. I'm Judge Linda Marquis, via
7 BlueJeans.

8 Also joining us, Ms. Parra-Sandoval.

9 MS. PARRA-SANDOVAL: Good morning, Your Honor. This is
10 Maria Parra-Sandoval, bar number 13736, from Legal Aid
11 Center, on behalf of Kathleen June Jones.

12 THE COURT: Ms. Brickfield.

13 MS. BRICKFIELD: Good mor- good morning, Your Honor.
14 Elizabeth Brickfield, guardian ad litem for Kathleen June
15 Jones.

16 THE COURT: Mr. Michaelson.

17 MR. MICHAELSON: Good morning, Your Honor, John
18 Michaelson on behalf of Robyn Friedman and Donna Simmons.

19 THE COURT: Also joining us, Mr. Kehoe.

20 MR. KEHOE: Yes...

21 THE COURT: Mr. Kehoe.

22 MR. KEHOE: ...good morning, Your Honor. Yes, good
23 morning, Your Honor. Ty Kehoe for Rick Powell, who is also
24 on the phone.

25 THE COURT: We have two telephone numbers joining us.

1 First telephone number starts with area code 206. Will you
2 tell me your name for the record?

3 Mr. Kehoe, do you know if that's your client?

4 MR. KEHOE: It is, Your Honor.

5 THE COURT: All right. So Mr. Kehoe's client is joining
6 us from telephone number starting 206.

7 Also from telephone number 714 -- starting 714,
8 your name for the record.

9 Mr. Michaelson, is that...

10 MR. MICHAELSON: Yes.

11 THE COURT: ...your client, Ms. Simmons?

12 MR. MICHAELSON: I believe that's Donna Simmons. And she
13 may have stepped away for a moment. We'll try to text her.
14 Also it's...

15 MS. DONNA SIMMONS: I'm here. I'm here.

16 MR. MICHAELSON: ...(indiscernible).

17 Okay.

18 THE COURT: Ms. Simmons (indiscernible)...

19 MR. MICHAELSON: Terry Friedman may join us.

20 THE COURT: Ms. Simmons, can you hear us all right?

21 MS. DONNA SIMMONS: I am. I'm trying to get through my
22 work quiet.

23 THE COURT: Okay. Thank you so much. I just wanted to
24 make sure you had a connection.

25 Also joining us, Robyn Friedman. Is that right,

1 Robyn? Can you hear us all right?

2 I see her joining us, Mr. Michaelson; but I also
3 see that she's muted.

4 MR. MICHAELSON: Okay. I will -- I will try to raise her
5 here.

6 THE COURT: This is Ms. Brickfield's petition for
7 approval of fees. I reviewed the objection filed on November
8 18th. Are there any other objections today?

9 I'll start with Mr. Kehoe. Mr. Kehoe, do you have
10 any objections or are you just observing today?

11 MR. KEHOE: No objections, Your Honor, just observing.

12 THE COURT: Thank you so much.

13 Mr. Michaelson, any objections?

14 MR. MICHAELSON: No, we're in support of the guardian ad
15 litem being compensated.

16 THE COURT: Are there any other individuals on the line
17 that want to weigh in as to the petition by the guardian ad
18 litem for fees?

19 Ms. Parra-Sandoval, before I allow Ms. Brickfield
20 to respond to your objection, do you have anything else you'd
21 like to add to your objection?

22 MS. PARRA-SANDOVAL: Yes, Your Honor, so when I looked up
23 Rule 8 of the guardianship rules, it's (breaking up -
24 indiscernible) under J that a guardian ad litem that seeks --
25 seeks compensation for services provided is only entitled to

1 compensation upon compliance with NRS 159, Dewey 44, et al.

2 And when we look at that statute, 344 5(g). You
3 know, it -- it states that the Court may only award
4 compensation at an attorney rate for time spent performing
5 services that require an attorney, compensation at a
6 paralegal rate for time spent for providing those paralegal
7 services, et cetera.

8 And we can only infer from this that Ms.
9 Brickfield, who's the GAL, should be compensated at a GAL
10 rate for her time spent performing GAL services. Ms.
11 Brickfield should be compensated. And I don't have an issue
12 with that except it should not be at the attorney rate
13 because she did not provide legal services.

14 I do request the Court to make findings on the
15 record determining how the GAL benefitted June and why the
16 GAL is or should be paid at the attorney rate for nonlegal
17 services, which is contrary to 159.344 5(g).

18 THE COURT: Thank you.

19 Ms. Brickfield. Oh, Ms. Brickfield, you're muted.
20 Sorry.

21 MS. BRICKFIELD: Thank you, Your Honor. I apologize for
22 that. I believe that I was appointed the guardian ad litem
23 in this matter because of my 25 years of expertise in this
24 area as an attorney. I performed the services that the Court
25 requested me do -- to do in the most efficient manner that

1 could be done possible.

2 The petition that we filed was filed using the
3 services of a paralegal in my office. And again that would
4 be legal work in and of itself. I believe that the rate I've
5 -- I've used is a reasonable rate. I believe it is
6 consistent with guardian ad litem of my expertise,
7 background experience in this area. And I just simply defer
8 to the Court.

9 THE COURT: Thank you so much.

10 Anyone else want to be heard on this issue.

11 Mr. Michaelson, you're muted. I don't -- I don't
12 know if you want to weigh in or not.

13 MR. MICHAELSON: Just briefly, Your Honor. I -- I mean,
14 we asked -- the Court has the ability to ask anyone that it
15 wants to. I mean, there's some guidelines there but who can
16 be a guardian ad litem. But in this case, you're bringing in
17 someone because of her expertise. (Indiscernible) what
18 matters that she's a lawyer in this context. And we think
19 that she should be paid for her services.

20 Also especially in this case where there's been
21 doctoring of evidence and things like that, it's puzzling why
22 anybody would object to a relatively small amount. But so
23 much benefit, especially when legal aid's hands are tied
24 because of their model, they can only do strictly, extremely
25 strictly client directive work according to her attorney, the

1 legal aid attorney. And so that means there needs in many
2 cases to be someone else to work on best interest. And the
3 Court needs to allow in certain cases especially on a
4 guardian ad litem that is an attorney and it is using
5 attorney judgement to -- to do their work.

6 THE COURT: Thank you.

7 Thank you, everybody. I'm gonna grant the request
8 and approve the fees today. I'll issue a written order with
9 findings detailing, I think, the 19 factors under the statute
10 that are required. And I'll prepare that order. Thank you,
11 everyone.

12 MS. BRICKFIELD: Thank you, Your Honor.

13 MR. MICHAELSON: Your Honor.

14 (THE PROCEEDING ENDED AT 11:58:46.)

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17

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

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SHERRY JUSTICE,
Court Recorder/Transcriber