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7 **LEGAL AID CENTER OF**
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13 *Attorneys for Appellant Kathleen June Jones*

Electronically Filed
Sep 29 2022 01:10 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

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

15 In the Matter of the Guardianship of the
16 Person and Estate of Kathleen June
17 Jones, An Adult Proposed Protected
18 Person.

Case No.: 84655

19 Kathleen June Jones,
20 Appellant,
21 vs.

22 Elizabeth Brickfield, Guardian Ad Litem
23 for Kathleen June Jones; Robyn
24 Friedman; Donna Simmons,
25 Respondents.

26 **APPELLANT'S OPPOSITION TO MOTION FOR EXTENSION OF TIME**
27 **TO FILE THE ANSWERING BRIEF ON APPEAL (First Request)**

28 Kathleen June Jones, Appellant, by and through counsel, Scott Cardenas,
Esq. and Elizabeth Mikesell, Esq., of the Legal Aid Center Of Southern Nevada,

1 Inc., hereby submits this Opposition to Motion for Extension of Time to File the
2 Answering Brief on Appeal (First Request).

3
4 Currently, the Answering Brief is due by October 15, 2022. Respondent now
5 requests an extension based on personal scheduling difficulties, and the resolution
6 of an issue that Respondent could have raised with the district court months ago.
7

8 I. ARGUMENT

9 *A. Respondent has not shown good cause for a 60-day extension.*

10 NRAP 31(b)(3)(B) provides that “[t]he court will grant an initial motion for
11 extension of time for filing a brief only upon a clear showing of good cause.” The
12 fact that counsel is engaged in other professional matters does not amount to good
13 cause for the purposes of extending time. *See Varnum v. Grady*, 90 Nev. 374, 376,
14 528 P.2d 1027, 1028–29 (1974) (concluding that counsel’s busy trial schedule was
15 not a sufficient basis to extend time). Here, Respondent asks for an extension to file
16 the Answering Brief for two main reasons.
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20 The first being that the district court is currently considering the guardian ad
21 litem’s motion to appoint counsel to represent her in the appeal, which Appellant
22 objected to before the district court. During the hearing on September 22, 2022, the
23 district court stated that it would issue a written order on the motion within two to
24 three weeks. However, the guardian ad litem’s own delay in filing such a motion is
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1 the reason why the district court's resolution of this issue is so close to the deadline
2 to file the Answering Brief.

3 The Notice of Appeal in this case was filed back on April 28, 2022, and this
4 appeal was docketed on May 03, 2022. However, the guardian ad litem waited until
5 August 10, 2022 to file her Motion for Appointment of Counsel for the Guardian Ad
6 Litem with the district court. *See Exhibit 1.* June opposed the motion because,
7 among other reasons, the guardian ad litem relies on a nonexistent statute as
8 authority for her request. The hearing on this motion was set for September 22, 2022,
9 and the guardian ad litem never requested that the time be shortened so that the
10 motion could be addressed sooner. It was Respondent's own delay in filing the
11 motion over 3 months after this appeal was commenced that has caused the district
12 court's decision to fall so closely to the deadline for the Answering Brief. If
13 Respondent, who is an attorney herself, believed that she needed counsel to represent
14 her in the appeal, she could have retained counsel on her own, or filed her motion
15 with the district court months ago when the appeal first commenced. Instead, she
16 waited until deadlines in the appeal were approaching to file her motion.
17 Respondent's own delay in filing the motion cannot serve as "good cause" for
18 extending time to file the Answering Brief.

19 Second, Respondent states that her running for an upcoming State Assembly
20 election creates a hardship for her to undertake this appeal. However, as this Court
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1 made clear in *Varnum*, counsel's other professional obligations cannot serve as good
2 cause to extend time. This Court issued its Exemption From Settlement Program –
3 Notice to File Documents on May 04, 2022, which provided the briefing deadlines,
4 so Respondent has known for almost five months when the Answering Brief would
5 be due. This was more than enough time for Respondent to balance any other
6 professional obligations.
7

8
9 Accordingly, Respondent has failed to show good cause for extending the
10 time to file the Answering Brief, so the Motion for Extension of Time to File the
11 Answering Brief on Appeal should be denied outright. However, if this Court is
12 inclined to grant any extension, it should be much less than the lengthy 60-day
13 extension requested. If any extension is to be granted at all, it should be something
14 more modest like 14 days, which could have been granted telephonically.
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18 II. CONCLUSION

19 Therefore, this Court should deny the Motion for Extension of Time to File
20 the Answering Brief on Appeal, or at the very least, grant an extension that is much
21 less than the lengthy 60-day extension requested.
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1 DATED this 29 day of September, 2022.
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4 **LEGAL AID CENTER OF**
5 **SOUTHERN NEVADA, INC.**

6 /s/ Scott Cardenas

7 Scott Cardenas, Esq.

8 Nevada Bar No. 14851

9 Elizabeth Mikesell, Esq.

10 Nevada Bar No. 08034

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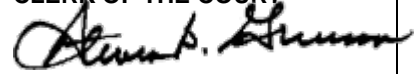
18 *Attorneys for Appellant Kathleen*
19 *June Jones*
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Elizabeth Mikesell, Las Vegas, NV, as counsel for Appellant
Scott Cardenas, Las Vegas, NV, as counsel for Appellant
Jeffrey Sylvester, Las Vegas, NV, as counsel for Respondent
John Michaelson, Henderson, NV, as counsel for Respondent
Elizabeth Brickfield

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EXHIBIT 1



MOT

DAWSON & LORDAHL PLLC

Elizabeth Brickfield, Esq. NSB #6236

9130 West Post Road, Suite 200

Las Vegas, Nevada 89148

Telephone: (702) 476-6440

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ebrickfield@dlnevadalaw.com

Guardian Ad Litem for Kathleen June Jones

**DISTRICT COURT
CLARK COUNTY, NEVADA**

In the Matter of the Guardianship of:

KATHLEEN JUNE JONES,

Protected Person.

Case No.: G-19-052263-A

Dept. No.: B

HEARING REQUESTED

Date of Hearing:

Time of Hearing:

NOTICE: PURSUANT TO EDCR 5.502(a): YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THIS MOTION WITH THE CLERK OF THE COURT AND TO PROVIDE THE UNDERSIGNED WITH A COPY OF YOUR RESPONSE WITHIN 10 DAYS OF YOUR RECEIPT OF THIS MOTION. FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF THE COURT WITHIN 10 DAYS OF YOUR RECEIPT OF THIS MOTION MAY RESULT IN THE REQUESTED RELIEF BEING GRANTED BY THE COURT WITHOUT A HEARING PRIOR TO THE SCHEDULED HEARING DATE

**MOTION FOR APPOINTMENT OF COUNSEL FOR
GUARDIAN AD LITEM**

ELIZABETH BRICKFIELD, ESQ., ("Petitioner") DAWSON AND LORDAHL PLLC, as GUARDIAN AD LITEM for KATHLEEN JUNE JONES, Protected Person, moves this Court for its order allowing the appointment of DOREEN SPEARS HARTWELL, ESQ. of HARTWELL THALACKER, LTD. as Counsel to



1 represent the Guardian Ad Litem and to pay such Counsel from the Protected Person's
2 estate or other third party. This motion is made and based on NRS 159.344 and NRS
3 159.183, and supported by the Verification of Elizabeth Brickfield, Esq.
4

5 Dated this 10th day of August 2022.
6

7 **DAWSON & LORDAHL PLLC**

8 /s/ Elizabeth Brickfield

9 Elizabeth Brickfield, Esq. NSB #6236

10 9130 West Post Road, Suite 200

11 Las Vegas, Nevada 89148

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14 ebrickfield@dlnevadalew.com

15 *Guardian Ad Litem for Kathleen June Jones*
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1 **NOTICE OF HEARING**

2 NOTICE IS HEREBY GIVEN that Elizabeth Brickfield, Esq., Guardian ad
3 Litem for the protected person, Kathleen June Jones, by and through Dawson &
4 Lordahl PLLC, has filed with this Court a *MOTION FOR APPOINTMENT OF*
5 *COUNSEL FOR GUARDIAN AD LITEM*. A hearing in this matter has been set for
6 _____, to be held at the _____, Department _____,
7 Courtroom _____.

8 For details of the Petition please review the Court file or contact Petitioner's
9 attorney at the address show below.

10 Dated this ____ day of August 2022.

11 **DAWSON & LORDAHL PLLC**

12
13 /s/ Elizabeth Brickfield

14 Elizabeth Brickfield, Esq. NSB #6236

15 9130 West Post Road, Suite 200

16 Las Vegas, Nevada 89148

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20 *Guardian Ad Litem for Kathleen June Jones*



1 **POINTS AND AUTHORITEIS IN SUPPORT OF MOTION**

2 This case arises from contentious litigation in the District Court on issues of
3 family visitation, communication, and interaction, and has been appealed several
4 times to the Nevada Supreme Court. The Court entered an Order appointing
5 ELIZABETH BRICKFIELD, ESQ. of DAWSON AND LORDAHL PLLC as
6 Guardian Ad Litem for the Protected Person on February 16, 2021, pursuant to NRS
7 159.0455. Guardian Ad Litem Ms. Brickfield filed a Notice of Intent to Seek Fees and
8 Costs from the Guardianship Estate on February 22, 2021. Ms. Brickfield filed her
9 Report regarding her meeting and conversations with the protected person on March
10 29, 2021. On October 27, 2021, Ms. Brickfield filed a Petition for Approval of
11 Guardian Ad Litem's Fees and Costs, supported by detailed billing statement and
12 declarations. Ms. Brickfield requested fees of \$5,710.00 and costs of \$3.50. The Court
13 granted the requested Guardian Ad Litem fees on December 9, 2021. Counsel for the
14 Protected Person appealed the Court's Order Granting Guardian Ad Litem Fees on
15 April 28, 2022, which is currently pending before the Nevada Supreme Court.
16 Considering the highly complex and contentious nature of this case, Ms. Brickfield,
17 as Guardian Ad Litem for the Protected Person, moves this court to appoint DOREEN
18 SPEARS HARTWELL, ESQ. of HARTWELL THALACKER, LTD. as Counsel to
19 defend the Guardian Ad Litem for the Protected Person.
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26 Ms. Hartwell is an attorney with over 20 years of experience practicing law in
27 Nevada in the areas of business and commercial litigation, including employment law,
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1 trade secrets, non-compete claims, real estate, trust-probate matters, as well as issues
2 arising out of a variety of other business-related disputes. Ms. Hartwell is the Chair
3 for the Lawyer Representative Coordinating Committee for the Ninth Circuit Court of
4 Appeals, and former Lawyer Representative for the Nevada United States District
5 Court. She graduated from the Chamber of Commerce's Leadership Las Vegas
6 Program in 2010, is a past president of the Las Vegas Chapter of the National Bar
7 Association and is the current chair of the Las Vegas National Bar Association's
8 Attorneys in the Schools Program. In 2021, Ms. Hartwell was named to Lawdragon's
9 list of 500 Leading U.S. Corporate Employment Lawyers. She is listed as Best
10 Lawyers in America (Las Vegas)® and Mountain States Super Lawyers for
11 Commercial Litigation. Ms. Hartwell is AV Preeminent rated by Martindale-
12 Hubbell®, has also been recognized by her peers as one of Nevada's Legal Elite®
13 since 2012. She is the chairperson of the Pro Bono Advisory Council for the Legal
14 Aid Center of Southern Nevada and was appointed to the Nevada Supreme Court's
15 Access to Justice Commission in February 2014 and remains a member of the
16 commission today.

22 As one of the founding members of Hartwell Thalacker, Ltd., Ms. Hartwell
23 remains committed to providing pro bono legal services to deserving individuals
24 through the Legal Aid Center of Southern Nevada. She has received various awards
25 for her pro bono work, including the 2014 "Pro Bono Attorney of the Year" Award
26 from the LACSN, 2008 Attorney of the Year from the Las Vegas Chapter of the
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1 National Bar Association, 2008 Bank of America Local Hero Award, 2005 Judge
2 Sally Loehrer Pro Bono Service Award, and 2001 Myrna Williams Children's Pro
3 Bono Award. Ms. Hartwell's full biography is attached hereto as "Exhibit 1".
4

5 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

6 Under Nevada law, a Guardian Ad Litem is entitled to reasonable compensation
7 from the estate of the protected person proposed protected person. NRS 159.0455(3);
8 NRS 159.344(10). Compensation and expenses must be paid from the protected
9 person's estate unless compensation and expenses are provided by a third party
10 voluntarily or by court order. NRS 159.183. The Court has discretion under the statute
11 to specify the source of the fees, whether it be from the protected person, her estate,
12 or other third party voluntarily, pursuant to NRS 159.0485 and NRS 159.183.
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16 Pursuant to NRS 159.140(2), an attorney may be appointed by the court to
17 represent any interested person or attorney in the proceeding. The court has the
18 jurisdiction and authority to fix and adjudicate fees and costs due to an attorney from
19 his or her client for services performed by the attorney in connection with the
20 proceedings. NRS 159.140(3).
21

22 WHEREFORE, Petitioner prays that this Court enter its orders as follows:
23

- 24 1. Approving Petitioner's request for appointment of DOREEN SPEARS
25 HARTWELL, ESQ. of HARTWELL THALACKER, LTD. as Counsel for
26 the Petitioner appointed as Guardian Ad Litem for Protected Person
27 KATHLEEN JUNE JONES.
28



1 2. For such other and further relief as the Court may deem just and proper.

2 Dated this 10th day of August 2022.

3
4
5 Respectfully Submitted by:

6 **DAWSON & LORDAHL PLLC**

7
8 /s/ Elizabeth Brickfield

9 Elizabeth Brickfield, Esq. NSB #6236

10 9130 West Post Road, Suite 200

11 Las Vegas, Nevada 89148

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15 *Guardian Ad Litem for Kathleen June Jones*



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Dated this 10th day of August 2022.

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1 **CERTIFICATE OF SERVICE**

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3 I hereby certify that on the 10th day of August 2022, I caused copies of the
4 foregoing **MOTION FOR APPOINTMENT OF COUNSEL FOR GUARDIAN**
5 **AD LITEM** to be served through the Court's electronic filing system or by depositing
6 the same in the United States mail in Las Vegas, Nevada, first class postage prepaid,
7 addressed to the following parties:
8
9

10 John P. Michaelson, Esq.
11 Jeffrey R. Sylvester, Esq.
12 Kelly L. Easton
13 jeff@sylvesterpolednak.com
14 john@michaelsonlaw.com
15 kellye@sylvesterpolednak.com
16 *Co-Counsel for Guardian,
Robyn Friedman, and Interested
Party, Donna Simmons*

17 Kathleen June Jones
18 1315 Enchanted River Drive
19 Henderson, NV 89102
20 *Protected Person*

21 Donna Simmons
22 donnamsimmons@hotmail.com

23 Perry Friedman
24 friedman@cs.stanford.edu

25 Courtney Simmons
26 765 Kimbark Avenue
27 San Bernardino, CA 92407
28

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Scott Simmons
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/s/ Deborah L. Pressley
An employee of Dawson & Lordahl PLLC



Exhibit “1”

Exhibit “1”

Hartwell Thalacker, Ltd.

Attorneys at Law



Phone: 702-850-1074

Email: info@hartwellthalacker.com

Exclusive Member:



[Home](#) » [Our Attorneys](#) » Doreen Spears Hartwell

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Who Are We?

We are dedicated, client-focused lawyers who serve as trusted advisors and advocates for companies in human resources, employment law, and business litigation matters. Our personal approach to client service emphasizes listening closely to clients to understand their goals and working collaboratively to achieve excellent legal results in an efficient and affordable manner.

[Click here to find out.](#)

Client Reviews

Doreen is Professional, Responsive, and a Real Pleasure to Work With

"Doreen Hartwell worked with our company to negotiate a legal agreement

Doreen Spears Hartwell



Member

Phone: 702-850-1076

Email: Doreen@HartwellThalacker.com

Doreen Spears Hartwell co-founded Hartwell Thalacker, Ltd. in 2014 with Laura Thalacker, a friend and accomplished attorney with whom she worked for over 14 years at Nevada's then-largest law firm. Doreen has practiced in the area of business and commercial litigation in Nevada since 2000. Her litigation practice includes employment law, trade secret, non-compete claims, real estate, trust-probate matters and a wide range of other business-related disputes. Doreen has

successfully defended employers in cases involving wrongful termination, breach of contract, discrimination and/or harassment in violation of Title VII, the ADA, the ADEA or state employment statutes. She also has substantial experience in successfully bringing breach of contract, trade secret, non-compete and trust and probate claims on behalf of her clients.

Doreen is the Chair for the Lawyer Representative Coordinating Committee for the Ninth Circuit Court of Appeals, and is a former Lawyer Representative for the Nevada United States District Court. She is a 2010 graduate of the Chamber of Commerce's Leadership Las Vegas program, a past president of the Las Vegas Chapter of the National Bar

won our largest contract ever with a major, well-known firm. Doreen is professional, responsive, intelligent, knowledgeable, insightful, and a real pleasure to work with." Related

- David Hollensteiner, CEO of Day and Night Building Maintenance

[Read All Client Reviews](#)

In 2021, Doreen was named to Lawdragon's list of 500 Leading U.S. Corporate Employment Lawyers. She is listed in both Best Lawyers in America (Las Vegas)® and Mountain States Super Lawyers for Commercial Litigation. Doreen, who has an AV Preeminent rating by Martindale-Hubbell®, has also been recognized by her peers as one of Nevada's Legal Elite® since 2012.

Doreen is the chairperson of the Pro Bono Advisory Council for the Legal Aid Center of Southern Nevada (LACSN) (<https://www.lacsn.org>). She was appointed to the Nevada Supreme Court's Access to Justice Commission in February 2014 and remains a member of the commission today. As one of the founding members of Hartwell Thalacker, Ltd., Doreen remains committed to providing bono legal services to deserving individuals through the LACSN. Doreen has received various awards for her pro bono work, including the 2014 "Pro Bono Attorney of the Year" Award from the LACSN, 2008 Attorney of the Year from the Las Vegas Chapter of the National Bar Association, 2008 Bank of America Local Hero Award, 2005 Judge Sally Loehrer Pro Bono Service Award, and 2001 Myrna Williams Children's Pro Bono Award.

Since 2004, Doreen has served as a supervising attorney for the Clark County Law Foundation's Trial by Peers Program (TBP). TBP is a juvenile diversion program run where students prosecute or defend students accused of misdemeanor offenses in the courtroom before actual judges and juries of their peers. TBP is an excellent program with a 25+ year history and which has served as a model for juvenile diversion programs around the country. (<https://www.clarkcountylawfoundation.org/trial-by-peers/>).

Doreen, who is originally from Connecticut, attended Fairfield University where she earned a B.A. in English with a minor in Spanish. In 2000, Doreen obtained her J.D. from McGeorge School of Law with honors and moved to Las Vegas to begin her distinguished legal career.

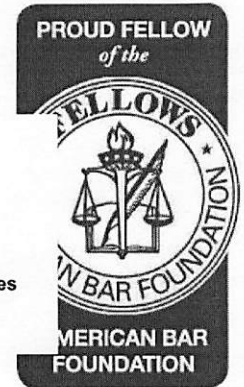




Doreen M. Spears
Hartwell

Laura J. Thalacker

Women Mountain States



Senior Professional
Issuer: HRCI
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Credly

Hartwell Thalacker, Ltd. is a management-side Employment Law and Business Litigation law firm based in Las Vegas, Nevada. The attorneys at Hartwell Thalacker, Ltd. provide high quality, cost-effective legal services to employers and businesses located in Nevada, throughout the U.S. and worldwide in matters such as Human Resources Compliance and Strategic Counseling, Employment Law, Labor Employment Litigation, and Business Litigation.