

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE
ESTATE OF THOMAS JOSEPH
HARRIS, DECEASED.

Case No. 86096
Electronically Filed
Aug 25 2023 12:15 PM
Elizabeth A. Brown
Clerk of Supreme Court

TODD ROBBEN,

Appellant,

vs.

THE ESTATE OF THOMAS
JOSEPH HARRIS; AND THE
THOMAS J. HARRIS TRUST,

Respondents.

**NOTICE OF ABUSIVE LITIGATION TACTICS AND
MOTION FOR SANCTIONS**

COMES NOW, the Estate of Thomas J. Harris ("the Estate") and the Thomas J. Harris Trust (the "Trust"), by and through its Counsel F. McClure Wallace of the law firm Wallace & Millsap, and hereby places the Court on notice of abusive litigation tactics perpetrated by Appellant Todd Robben. Specifically, Mr. Robben has engaged in veiled threats of physical violence or other harm toward Counsel for the Respondents during the pendency of this matter before the District Court and before this Court. Most recently, Mr. Robben sent correspondence to Counsel

on August 24 and 25, 2023, wherein he again makes veiled threats of violence or other harm toward Counsel. See Affidavit of F. McClure Wallace attached as **Exhibit 1** and Exhibit A-D attached thereto.

Respondents respect Mr. Robben's right to represent himself in this matter. However, when representing himself, or as a party to this matter, Mr. Robben must act within the bounds of appropriate decorum. Therefore, Respondents move the Court to exercise its discretion to issue sanctions the Court deems appropriate prevent abusive and threatening communication, or other conduct, by Mr. Robben. Respondents desire to preserve the civility befitting of this Court and request the same standard be applicable to Mr. Robben.

Therefore, in an effort of candor to the tribunal, as well as fairness to the Respondents and their Counsel, this notice is presented to advise the Court of Appellant's abusive litigation tactics and to request the application of sanctions this Court deems appropriate.

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DATED this 25th day of August 2023.

By: /s/ F. McClure Wallace.

F. McClure Wallace, Esq., NSB 10264

Patrick R. Millsap, Esq., NSB 12043

Wallace & Millsap

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Reno, Nevada 89509

(775) 683-9599

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patrick@wallacemillsap.com

Attorneys for Tara M. Flanagan, as

Personal Representative for the

Estate of Thomas J. Harris, and

as Successor Trustee of the

Thomas J. Harris Trust

CERTIFICATE OF SERVICE

I, the undersigned, declare under penalty of perjury, that I am an employee of *WALLACE & MILLSAP* that I am over the age of eighteen (18) years, and that I am not a party to, nor interested in this action. On this date, I caused to be served a true and correct copy of the foregoing document on all parties to this action by placing an original or true copy thereof in a sealed envelope placed for collection and mailing by the United States Postal Service, at Reno, Nevada postage paid, following the ordinary course of business practices as follows:

Todd Robben
P.O. Box 4251
Sonora, California 95370

DATED this 25th day of August 2023.

By: /s/ Caroline Carter.

Employee of Wallace & Millsap

Exhibit 1

Exhibit 1

Wallace & Millar

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AFFIDAVIT OF F. MCCLURE WALLACE, ESQ.

State of Nevada)
County of Washoe) ss:

F. McClure Wallace, being first duly sworn, deposes and under penalty of perjury avers as follows:

I am an attorney at law admitted to practice before the Courts of the State of Nevada, and counsel of record for the Honorable Tara M. Flannigan in her capacity as the Successor Trustee of the Thomas J. Harris Trust and as the Court appointed Successor Executor of the Estate of Thomas J. Harris in the matter of Todd Robben vs. The Thomas J. Harris Trust and the Estate of Thomas J. Harris, in Nevada Supreme Court Appeal No. 86096.

This Affidavit is based on my personal knowledge, except for those matters stated on information and belief, and as to those items I believe them to be true.

This Affidavit is made in support of the Notice of Abusive Litigation Tactics and Request for Sanctions, filed on August 25, 2023, and represents my testimony if called on to present same in court. All statements of fact in the Notice of Abusive Litigation Tactics and Request for Sanctions are true and correct to the best of my knowledge.

Attached hereto as **Exhibit A**, is a true and correct copy of an email I received from Todd Robben on August 24, 2023 at 4:18 pm, through my law firm's email. I have no reason to believe that Exhibit A is anything other than what it purports to be.

Wallace & McClure

1 Attached hereto as **Exhibit B**, is a true and correct copy of an email I received
2 from Todd Robben on August 24, 203 at 3:56 pm, through my law firm's email. I have
3 no reason to believe that Exhibit B is anything other than what it purports to be.


4 Attached hereto as **Exhibit C**, is a true and correct copy of an email I received
5 from Todd Robben on August 24, 2023 at 10:05 am, through my law firm's email. I
6 have no reason to believe that Exhibit C is anything other than what it purports to
7 be.

8 Attached hereto as **Exhibit D**, is a true and correct copy of an email I received
9 from Todd Robben on August 25, 2023 at 8:28 am, through my law firm's email. I
10 have no reason to believe that Exhibit D is anything other than what it purports to
11 be.

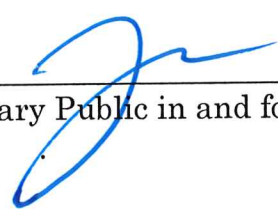
12 I have also received additional threatening and concerning emails and voice
13 messages from Mr. Robben in the past.

14 Affiant sayeth further naught.

15 DATED this 25th day of August 2023.

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F. McClure Wallace, Esq.

21 SUBSCRIBED and SWORN to before
22 me this 25th day of August 2023.

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Notary Public in and for the State of Nevada

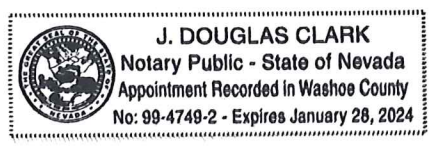


Exhibit A

From: Ty Robben <robben.ty@gmail.com>
Sent: Thursday, August 24, 2023 4:18 PM
To: McClure Wallace <McClure@wallacemillsap.com>
Subject: RE: Filed Notice NOTICE OF INTENT TO OPPOSE MOTION FOR SANCTIONS IF ORDERED

You are clearly suicidal... You met me, you know my history and I gave you a chance buddy... The legal filings make it clear you stole the money with the others.. taunting me and inciting me lie you do, and think you're somehow immune from justice is, well, hmm... you'll just have to find out. And you will, trust me. You better hope that the court makes the right decision. But whatever happens you will be "removed" and no longer be able to fuck others when I am done with you you little fucking puck. You'll see.

On Thu, Aug 24, 2023 at 3:56 PM Ty Robben <robben.ty@gmail.com> wrote:

Look punk you conceded. You are a fucking joke and lost that motion punk

I see your filing and you stole the money, my money and you're going to be schooled and be an example of what happens, and should happen to scumbags like you who steal, and the people of Nevada are going like what they see on the news when you get what is coming your way. ...And it is coming. Most people feel what is going to happen to will be righteous. I don't even care. You stole from the wrong guy and you'll see what happens.

08/24/2023	Notice/Incoming	Filed Notice NOTICE OF INTENT TO OPPOSE MOTION FOR SANCTIONS IF ORDERED	23-27691
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[Combined Case View](#)

Exhibit B

From: Ty Robben <robben.ty@gmail.com>
Sent: Thursday, August 24, 2023 3:56 PM
To: McClure Wallace <McClure@wallacemillsap.com>
Subject: RE :Filed Notice NOTICE OF INTENT TO OPPOSE MOTION FOR SANCTIONS IF ORDERED

Look punk you conceded. You are a fucking joke and lost that motion punk

I see your filing and you stole the money, my money and you're going to be schooled and be an example of what happens, and should happen to scumbags like you who steal, and the people of Nevada are going like what they see on the news when you get what is coming your way. ...And it is coming. Most people feel what is going to happen to will be righteous. I don't even care. You stole from the wrong guy and you'll see what happens.

08/24/2023	Notice/Incoming	Filed Notice NOTICE OF INTENT TO OPPOSE MOTION FOR SANCTIONS IF ORDERED	23-27691
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[Combined Case View](#)

Exhibit C

From: Ty Robben <robben.ty@gmail.com>
Sent: Thursday, August 24, 2023 10:05 AM
To: McClure Wallace <McClure@wallacemillsap.com>
Subject: Fwd: ROBBEN v TJ HARRIS reply in support of sanctions

Mr. Wallace:

I gave you the last chance to explain yourself and I am telling you to return the money and get the issue resolved.

If you think you're going to just get away with this, you are very, very wrong as you will find out.

----- Forwarded message -----

From: **john flynn** <fly2salsa@gmail.com>
Date: Thu, Aug 24, 2023 at 8:12 AM
Subject: Fwd: ROBBEN v TJ HARRIS reply in support of sanctions
To: <mcclure@wallacemillsap.com>, <robben.ty@gmail.com>

----- Forwarded message -----

From: **Ty Robben** <robben.ty@gmail.com>

Date: Thu, Aug 24, 2023, 8:09 AM

Subject: ROBBEN v TJ HARRIS reply in support of sanctions

To: john flynn <fly2salsa@gmail.com>

Exhibit D

From: Ty Robben <robben.ty@gmail.com>
Sent: Friday, August 25, 2023 8:28 AM
To: McClure Wallace <McClure@wallacemillsap.com>
Subject: Fwd: MOTION TO STRIKE AND FURTHER SANCTIONS REQUESTED AGAINST FRED WALLACE

Fred:

I filed the motion to strike your crap. You look exactly like that child molestor that got what he deserved. You probslby are a peddophile too and bad things happen to people like you Fred... Very bad things...

----- Forwarded message -----

From: **john flynn** <fly2salsa@gmail.com>
Date: Fri, Aug 25, 2023 at 8:24 AM
Subject: Fwd: MOTION TO STRIKR AND FURTHER SANCTIONS REQUESTED AGAINST FRED WALLACE
To: <mcclure@wallacemillsap.com>, <robben.ty@gmail.com>