

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 28 2023 03:40 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.

RESPONDENTS' APPENDIX

Volume 5

Tara Flanagan, as Personal Representative of the Estate of Thomas J.
Harris and Trustee of the Thomas J. Harris Trust

By and through her Legal Counsel

Wallace & Millsap

F. McClure Wallace

Nevada Bar No. 10264

510 W. Plumb Lane, Suite A

Reno, Nevada 89509

(775) 683-9599

mcclure@wallacemillsap.com

Respondents, the Estate of Thomas J. Harris and the Thomas J. Harris Trust, by and through Tara Flanagan, in her capacity as the Personal Representative of the Estate of Thomas J. Harris and Trustee of the Thomas J. Harris Trust by and through her Legal Counsel hereby submits her Appendix in compliance with Nevada Rule of Appellate Procedure 30.

TITLE	DATE	BATE	VOL.
Declaration of Trust Known as the Thomas J. Harris Trust, dated June 12, 2019	6/12/2019	RA 7-42	1
Docketing Statement	2/3/2023	RA 815-825	11
Emergency Stay Request; Emergency Verified Motion to Reconsider; Request for Calcification; Notice of Non Hearsay Proof of Thomas Joseph and Olga Harris Living Trust	6/22/2022	RA 148-212	2
Last Will & Testament of Thomas Joseph Harris	6/12/2019	RA 1-6	1
Letters Testamentary	4/22/2021	RA 60-61	1
Limited Opposition to Petitioner's Motion for a Decision on the Pleadings; Petitioner's Motion Declining Oral Argument filed by The Estate of Thomas J. Harris and The Thomas J. Harris Trust	12/15/2022	RA 615-620	9
Memorandum of Temporary Assignment	8/5/2022	RA 359	5
Minutes of Hearing	1/6/2023	RA 776	10
Motion to Dismiss filed by the Estate of Thomas J. Harris	10/6/2022	RA 367-459	6
Notice of Appeal	6/27/2022	RA 213-214	3
Notice of Appeal filed by Todd Robben	2/3/2023	RA 812-814	11
Notice of Entry of Order	7/15/2022	RA 256-262	3

Notice of Entry of Order	2/16/2023	RA 838-853	11
Notice of Hearing	4/15/2022	RA 102-105	1
Notice of Motion for Continuance and Motion for Continuance	5/23/2022	RA 138-139	2
Objection to Petitioner Todd Robben's Verified Petition to Invalidate The Thomas J. Harris Will and Trust; Petitioner's Request for Appointment of Counsel Pursuant to NRS 136.200; Emergency Request for Stay of Final Distribution; Peremptory Challenge to Judge Nathan Tod Young filed by The Estate of Thomas J. Harris	12/15/2022	RA 621-708	9
Opposition to Emergency Verified Motion to Reconsider; Request for Calcification (SIC); Notice of Non Hearsay Proof of the Thomas Joseph and Olga Harris Living Trust; Opposition to Emergency Stay Request	7/1/2022	RA 215-232	3
Opposition to Petitioner's Motion to Strike Respondent's Objection, Motion to Dismiss and Motion for Summary Judgment filed by The Estate of Thomas J. Harris and The Thomas J. Harris Trust	12/30/2022	RA 743-753	10
Order	7/13/2022	RA 253-255	3
Order Appointing Special Administrator	3/11/2021	RA 58-59	1
Order Appointing Successor Executor and Issuing Successor Letters Testamentary	7/27/2021	RA 98-101	1
Order Confirming Transfer to Department 1	7/26/2022	RA 357-358	5
Order Dismissing Appeal	7/8/2022	RA 251-252	3
Order Granting Motion for Summary Judgment; Motion to Dismiss; & Deeming Petitioner a Vexatious Litigant	2/8/2023	RA 826-837	11

Order Granting Petition to Confirm First and Final Accounting, Request for Final Distribution, and Request for Payment of Professional's Fees and Costs	6/22/2022	RA 140-147	2
Order Granting Respondents' Motion to Continue Hearing	9/27/2022	RA 364-366	5
Order Setting Hearing	9/6/2022	RA 360-361	5
Order Setting Hearing	11/30/2022	RA 607-608	9
Order Shortening Time	9/19/2022	RA 362-363	5
Order to Proceed in Forma Pauperis	7/26/2022	RA 355-356	5
Order Transferring Case to Department I	7/26/2022	RA 353-354	5
Petition for Appointment of Successor Executor and for Issuance of Successor Letters Testamentary	6/25/2021	RA 67-74	1
Petition to Confirm First and Final Accounting, Request for Final Distribution, and Request for Payment of Professional's Fees and Costs	4/15/2022	RA 106-137	1
Petitioner Todd Robben's Objection to Respondent's Motion to Dismiss	10/21/2022	RA 471-514	7
Petitioner Todd Robben's Verified Objection to Respondent's Motion for Summary Judgment	10/21/2022	RA 515-556	7
Petitioner, Todd Robben's Notice and Affidavits in Support of the Pre-Existing Olga and Thomas J. Harris Living Trust with Petitioner Named Beneficiary	11/2/2022	RA 580-584	8
Petitioner, Todd Robben's Petition to Invalidate The Thomas J. Harris Will and Trust; Petitioner's Request for Appointment of Counsel Pursuant to NRS 136.200; Emergency Request for Stay of Final Distribution; Peremptory Challenge to Judge Nathan Tod Young filed by The Estate of Thomas J. Harris	7/26/2022	RA 263-352	4

Petitioner's First Amended Reply in Support of Motion to Strike Respondent's Objections, Motion to Dismiss and Motion for Summary Judgment	1/3/2023	RA 768-775	10
Petitioner's Motion for a Decision on the Pleadings; Petitioner's Motion Declining Oral Argument	12/8/2022	RA 609-614	9
Petitioner's Motion to Strike Respondent's Objections, Motion to Dismiss and Motion for Summary Judgment	12/23/2022	RA 717-725	10
Petitioner's Motion to Strike Respondent's Unlawful Surreply	11/7/2022	RA 591-595	8
Petitioner's Notice and Provisional Motion to Strike Respondent's Objections, Motion to Dismiss and Motion for Summary Judgment	1/3/2023	RA 754-767	10
Petitioner's Reply in Support of Emergency Stay Request & Emergency Verified Motion to Reconsider; Request for Clarification; Notice of Non Hearsay Proof of the Thomas Joseph and Olga Harris Living Trust	7/5/2022	RA 233-250	3
Petitioner's Reply in Support of Motion to Strike Respondents Unlawful Surreply	11/21/2022	RA 600-606	9
Petitioner's Verified Reply in Support of Motion for a Decision on the Pleadings; Petitioner's Motion Declining Oral Argument	12/23/2022	RA 726-742	10
Reply in Support of Motion to Dismiss	10/31/2022	RA 565-579	8
Request to Appear Remotely via Zoom for Court Appearance/Hearing	12/28/2022	RA 854-855	11
Resignation of Trustee and Acceptance by Successor Trustee of the Thomas J. Harris Trust dated June 12, 2019	5/17/2021	RA 62-66	1

Submission of Proposed Order Granting Motion for Summary Judgment; Motion to Dismiss; & Deeming Petitioner a Vexatious Litigant	1/10/2023	RA 800-811	11
The Thomas J. Harris Trust's Motion for Summary Judgment	10/6/2022	RA 460-470	7
The Thomas J. Harris Trust's Objection & Response to Todd Robben's Petition to Invalidate the Trust	12/15/2022	RA 709-716	10
The Thomas J. Harris Trust's Opposition to Motion to Strike	11/14/2022	RA 596-599	8
The Thomas J. Harris Trust's Reply Points & Authorities in Support of its Motion for Summary Judgment	10/31/2022	RA 557-564	8
The Thomas J. Harris Trust's Supplemental Brief to its Motion for Summary Judgment Addressing Fugitive Affidavits Filed by Petitioner Todd Robben	11/4/2022	RA 585-590	8
Thomas A. Harris's Response to Petition for Appointment of Successor Executor, Etc.	7/22/2021	RA 75-97	1
Transcript of January 6, 2023 Hearing	1/6/2023	RA 777-799	11
Verified Petition for Letters of Special Administration (NRS 140.010) and for Probate of Will and Issuance of Letters Testamentary (NRS 136.090)	3/10/2021	RA 43-57	1
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Case No. 2022-PB-00119

JUL 22 2022

2022 JUL 22 PM 4:26

Dept. No. II

Douglas County
District Court Clerk

BOBBIE R. WILLIAMS
CLERK

[Signature]
DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF DOUGLAS

TODD ROBBEN,

Petitioner,

vs.

ORDER TRANSFERRING CASE TO
DEPARTMENT I

THE ESTATE OF THOMAS JOSEPH
HARRIS TRUST,

Respondent.

So that all matters involving the same individual, entity, or
family are heard in the same department pursuant to Ninth Judicial
District Court Rule 2(c) and good cause appearing,

IT IS HEREBY ORDERED that this case be transferred to
Department I of the Ninth Judicial District Court for all further
proceedings.

IT IS SO ORDERED.

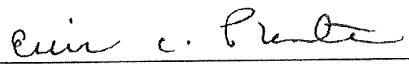
DATED this 22nd day of July, 2022.

[Signature]
THOMAS W. GREGORY
DISTRICT JUDGE

THOMAS W. GREGORY
DISTRICT JUDGE
NINTH JUDICIAL
DISTRICT COURT
P.O. BOX 218
MINDEN, NV 89423

1 Copies served by mail on July 22nd, 2022, addressed to:

2 Todd Robben
3 P.O. Box 4251
4 Sonora, California 95370


Erin C. Plante

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THOMAS W. GREGORY
DISTRICT JUDGE
NINTH JUDICIAL
DISTRICT COURT
P.O. BOX 218
MINDEN, NV 89423

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Your Name: Todd Robben
Address: PO Box 4251
City, State, Zip Sonora, CA
Telephone: 209-540-7713robben.ty@gmail.com
Email Address: _____
Self-Represented

JUL 22 2022

2022 JUL 26 AM 11:24

Douglas County
District Court Clerk

BOBBIE R. WILLIAMS
CLERK

[Signature]
DEPUTY

**DISTRICT COURT
DOUGLAS COUNTY, NEVADA**

TODD ROBBEN

Plaintiff,

vs.

THE THOMAS J. HARRIS TRUST et al

Defendant.

CASE NO: 2022-PB-0019

DEPT: II

Order to Proceed in Forma Pauperis

Upon consideration of the movant's Application to Proceed in Forma Pauperis (*judge will check one box*),

☐ **Denied.** The Court finds that the applicant is not indigent, therefore, IT IS HEREBY ORDERED that the applicant's request to proceed In Forma Pauperis is DENIED.

☒ **Granted.** The Court finds that there is not sufficient income, property, or resources with which to maintain the action, and good cause appearing therefore,

IT IS HEREBY ORDERED that applicant's request to proceed In Forma Pauperis is GRANTED and (*your name*) Todd Robben shall be permitted to proceed with this action pursuant to the terms of this Order.

IT IS FURTHER ORDERED that if the above-named party prevails in this action, the Court shall enter an order pursuant to NRS 12.015 requiring the opposing party to pay the Court, within five (5) days, the costs which would have been incurred by the prevailing party, and those costs must then be paid as provided by law.

IT IS FURTHER ORDERED that the above-named party shall be permitted to commence or defend the action without costs. The Clerk of Court shall file or issue any necessary writ, process, pleading, or paper without charge.

IT IS FURTHER ORDERED that the Sheriff or other appropriate officer within this State shall make personal service of any necessary writ, pleading, or paper without charge.

IT IS FURTHER ORDERED that this Order shall not apply to costs for transcripts or recordings of court proceedings. A separate application and order shall be required to waive any such fees.

IT IS FURTHER ORDERED that this Order shall expire one year from the date the Order is filed. The party shall be required to reapply for any further waiver after this Order expires.

DATED this 26 day of July, 2022


DISTRICT COURT JUDGE

Respectfully Submitted:

(Signature) T.R.

(Printed Name) Todd Robben

In Proper Person

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Case No. 2022-PB-00119

JUL 26 2022

2022 JUL 26 AM 8:54

Dept. No. II

Douglas County
District Court Clerk

BOBBIE R. WILLIAMS
CLERK

[Signature]
BY *[Signature]* DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF DOUGLAS

TODD ROBBEN,

Petitioner,

vs.

ORDER CONFIRMING TRANSFER TO
DEPARTMENT I

THE ESTATE OF THOMAS JOSEPH
HARRIS TRUST,

Respondent.

THIS CASE was transferred to Department I on July 22, 2022
based upon that department's assignment to case number 2021-PB-
00034. *See, Order Transferring Case to Department I.*

On July 25, 2022, the Court Clerk delivered the casefile back
to Department II with a post-it note stating, "Peremptory Yes."
However, a peremptory challenge of Department I has not been filed
and Department I has not been disqualified. The only documents on
file are an *Application to Proceed in Forma Pauperis* and the July
22, 2022 *Order Transferring Case to Department I.*

Should there be legal cause in the future to transfer the
case from Department I, the undersigned is disqualified based upon
work performed while employed by the Douglas County District
Attorney's Office on cases involving Petitioner. Nevada Code of

THOMAS W. GREGORY
DISTRICT JUDGE
NINTH JUDICIAL
DISTRICT COURT
P.O. BOX 218
MINDEN, NV 89423

le

1 Judicial Conduct, Rule 2.11.


2 The Order Transferring Case to Department I is confirmed.

3 IT IS SO ORDERED.

4 DATED this 26th day of July, 2022.

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THOMAS W. GREGORY
DISTRICT JUDGE

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10 Copies served by mail on July 26th, 2022, addressed to:

11

Todd Robben

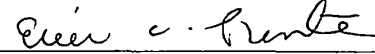
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P.O. Box 4251

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Sonora, California 95370

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Erin C. Plante

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Douglas County
District Court Clerk

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BOBBIE R. WILLIAMS
CLERK

--FILED--
Administrative Office of the Courts
Date: 8/5/2022

By: Armani Johnson

**SUPREME COURT OF THE STATE OF NEVADA
ADMINISTRATIVE OFFICE OF THE COURTS**

IN THE MATTER OF THE ASSIGNMENT OF
A SENIOR JUDGE

Order No. 23-00084

MEMORANDUM OF TEMPORARY ASSIGNMENT

WHEREAS, the Honorable Thomas W. Gregory, District Judge, Department 2,
Ninth Judicial District Court, will be unavailable and no other Judge in the District is
available, now therefore,

IT IS HEREBY ORDERED that the Honorable Robert E. Estes, Senior Judge, shall
hear any and all matters in the matter of *Todd Robben v. The Estate of Thomas Joseph
Harris; Thomas J. Harris Trust*, Case Number 2022-PB-00119, and shall have authority
to sign any orders arising out of this assignment. During this time, the Honorable
Robert E. Estes, Senior Judge, may preside over any other matters as requested by the
Chief or Presiding Judge.

ENTERED this 5th day of August 2022.

NEVADA SUPREME COURT

By: , Justice

Copy: The Honorable Robert E. Estes, Senior Judge
The Honorable Thomas W. Gregory, District Judge, Ninth Judicial District Court

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FILED

Case No. 2022-PB-00119

Douglas County
District Court Clerk

Dept. No. II

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BOBBIE R. WILLIAMS
CLERK

C. WALKER

BY _____ DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF DOUGLAS

TODD ROBBEN,

Petitioner,

vs.

ORDER SETTING HEARING

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

Respondent.

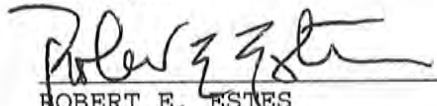
The above-entitled matter is set for:

(XX) Petition Hearing: Petitioner Todd Robben's Verified
Petition to Invalidate the Thomas J. Harris Will and Trust;
Petitioner's Request for Appointment of Counsel Pursuant to NRS
136.200; Emergency Request for Stay of Final Distribution;
Peremptory Challenge to Judge Nathan Tod Young

Time Allowed: 2 hours

TO COMMENCE on Thurs., October 13, 2022 at the hour of 9:00 a.m.¹

DATED this 6th day of September, 2022.


ROBERT E. ESTES
SENIOR JUDGE

¹ Parties, counsel and witnesses shall appear in-person except as provided by
Nevada Supreme Court Rule Part IX.

1 Copies served by mail on September 6th, 2022, addressed to:

2 Todd Robben
3 P.O. Box 4251
4 Sonora, California 95370

5 F. McClure Wallace, Esq.
6 510 West Plumb Lane
7 Reno, Nevada 89509

Erin C. Plante
Erin C. Plante

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Wallace & Milligan

510 W Plumb Ln., Reno, Nevada / (775) 683-9599

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SEP 15 2022

Douglas County
District Court Clerk

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BOBBIE R. WILLIAMS
CLERK

BY W. Williams DEPUTY

1 Case No. 2022-PB-00119

2 Dept. No. II

3

4 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

5

IN AND FOR THE COUNTY OF DOUGLAS

6

TODD ROBBEN,

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Petitioner,

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vs.

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10 THE ESTATE OF THOMAS JOSEPH
HARRIS, THOMAS J. HARRIS
TRUST,

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Respondent.

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ORDER SHORTENING TIME

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Having considered Respondents *Ex Parte Application* for Order Shortening
Time filed on September 15, 2022, as well as Respondents' Motion to Continue
Hearing filed on September 15, 2022, and all other papers and pleadings on file
herein,

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IT IS SO ORDERED:

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1. The time to brief and submit Respondents' Motion to Continue Hearing is hereby shortened.
2. Any oppositions to Respondents Motion for a Continuance must be filed by September 22, 2022 and replies thereto must be filed by September 26, 2022.

DATED: September 19, 2022

[Signature]
DISTRICT COURT JUDGE

126

1 Copies served by mail on September 19th, 2022, addressed to:
2 Todd Robben
3 P.O. Box 4251
4 Sonora, California 95370
5 F. McClure Wallace, Esq.
6 510 West Plumb Lane
7 Reno, Nevada 89509

8 Erin C. Plante
9 Erin C. Plante

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SEP 27 2022

Douglas County
District Court Clerk

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BOBBIE R. WILLIAMS
CLERK

BY *[Signature]* DEPUTY

1 Case No. 2022-PB-00119

2 Dept. No. II

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5 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

6 IN AND FOR THE COUNTY OF DOUGLAS

7 TODD ROBBEN,

8 Petitioner,

9 vs.

10 THE ESTATE OF THOMAS JOSEPH
11 HARRIS, THOMAS J. HARRIS
12 TRUST,

13 Respondent.
14

15 ORDER GRANTING RESPONDENTS' MOTION TO CONTINUE HEARING

16 Tara M. Flanagan, in her capacity as the Successor Trustee of the Thomas J.
17 Harris Trust, dated June 19, 2019 (the "Trust") and as the Court-appointed Successor
18 Executor of the Estate of Thomas Joseph Harris (the "Estate"),¹ by and through her
19 attorneys of record, Wallace & Millsap LLC, moved this Court for an order continuing
20 the initial hearing in this matter currently scheduled for October 13, 2022 (the
21 "Motion"). Having considered all applicable moving papers on file herein, including
22 any and all briefing of the Motion, as well as the affidavit of Counsel presented in
23 support of the Motion, the Court now enters the following order, good cause
24 appearing:

25 As identified in the Motion, Counsel for the Respondents is unavailable to
26 appear on October 13, 2022, the date previously scheduled by the Court for the
27 hearing on the initial Petition in this matter. Counsel for the Respondents has also

28 ¹ The Trust and Estate may be collectively referred to as the "Respondents."

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RA - 364

Wallace & Millage
510 W Plumb Ln., Reno, Nevada / (775) 683-9599

1 advised the Court of forthcoming filings which will shape the nature of the initial
2 hearing in this matter, and as such warrants additional time to be fully briefed in
3 advance of the initial hearing in this matter. *See generally Wesley v. State*, 112 Nev.
4 503, 511, 916 P.2d 793, 799 (1996) (the decision to grant or deny continuances is
5 within the sound discretion of the district court and will not be disturbed absent a
6 clear abuse of discretion).

7 By and through the contents of the Respondents' Motion to Continue, and
8 associated affidavit of Counsel, the Court notes Counsel's calendaring conflict with
9 the hearing scheduled for October 13, 2022 predated the scheduling of the hearing,
10 and as such is presented in good faith and not for the purpose of undue delay to these
11 proceedings.

12 Consequently, the Court finds good cause to **ORDER** the following:

- 13 1. The hearing scheduled for October 13, 2022 regarding Mr. Robben's initial
14 Petition in this matter is VACATED and CONTINUED to a future date.
- 15 2. The Parties or their Counsel are to work with the Court to reschedule the
16 hearing on a mutually agreeable date, or otherwise shall appear on a date to
17 be rescheduled by the Court after November 1, 2022.

18 **IT IS SO ORDERED.**

19
20 DATED this 27th day of September, 2022

21 By: 
22 District Court Judge

1 Copies served by mail on September 27th, 2022, addressed to:

2 Todd Robben
3 P.O. Box 4251
4 Sonora, California 95370
5 F. McClure Wallace, Esq.
6 510 West Plumb Lane
7 Reno, Nevada 89509

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