

**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 03:41 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 9

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.

<b>TITLE</b>	<b>DATE</b>	<b>BATE</b>	<b>VOL.</b>
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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BY  DEPUTY

1 Todd Robben  
2 In Pro per  
3 PO Box 4251  
4 Sonora, CA 95370  
5 Robben.ty@gmail.com  
6 (209)540-7713

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

9  
10 TODD ROBBEN,  
11 Petitioner

CASE NO.: 2022-PB-00119

12  
13 Vs.

PETITIONER'S REPLY IN SUPPORT  
OF MOTION TO STRIKE  
RESPONDENTS UNLAWFUL  
SURREPLY

14  
15 THE ESTATE OF THOMAS JOSEPH  
16 HARRIS; THOMAS J. HARRIS TRUST,  
17 Deceased,  
18 Respondent.

19  
20 Petitioner, Todd Robben was correct to move to strike the Respondents sur-  
21 reply because it was a sur-reply to their Motion for Summary Judgment.

22 The Petitioner did not file memorandum of points and authorities, or a sur-reply,  
23 he had simply filed a notice and affidavits and requested direction from the court as to  
24 any hearing in person or zoom to verify the affidavits in person with each witness. Or,  
25 the court can order the Petitioner to provide notarized affidavits from both California  
26 for Stephen James Robben and Todd Robben and Nevada for Mike Weston. The  
27

1 court can order all three notarized affidavits from Nevada and the court can accept  
2 what has been provided with are three witnesses that Todd Robben was indeed a  
3 beneficiary in the Olga and Thomas J. Harris Living Trust.  
4

5 The Respondent is the one who has overreacted and filed an unlawful sur-reply  
6 without requesting leave from the court. The Respondent is desperate because it  
7 knows this Petitioner has, without counsel and in pro se, won this case and proven he  
8 has standing, in an "interested person" and, indeed, he is a beneficiary and the  
9 Respondent conceded by not arguing anything about the Barefoot v. Jennings, 456 P.  
10 3d 447 - 2020 - Cal: Supreme Court , case.  
11

12 After case number 2021 PB00034 was decided and an order issued denying  
13 this Petitioner counsel on the grounds he is not an interested person pursuant to NRS  
14 § 132.185 this Petitioner filed a motion to reconsider and notice of appeal and to  
15 request the stay. Both were denied without reaching the merits of what an "interested  
16 person" is and is not pursuant to NRS 132.185 which states "Interested person"  
17 defined as **"Interested person means a person whose right or interest under an  
18 estate or trust may be materially affected by a decision of a fiduciary or a  
19 decision of the court.** The fiduciary or court shall determine who is an interested  
20 person according to the particular purposes of, and matter involved in, a proceeding."  
21 Based on this definition, **the Petitioner is indeed an Interested person pursuant to  
22 NRS 132.185.**

23 **Although not named in the trust or will as a beneficiary, as a matter of**  
24 **law, this Petitioner is legally a "Beneficiary" based "contingent" on his**  
25 **"present interest" and "future interest"** which are both vested and contingent and  
26 he would be the owner of an interest by assignment or other transfer from the Thomas  
27



1 J. Harris Trust ...or from the Thomas J. and Olga Harris Living Trust. See Barefoot v.  
2 Jennings, supra.

3 NRS 132.050 states “Beneficiary” defined. “Beneficiary,” as it relates to: 1.  
4 **“A trust, includes a person who has a present or future interest, vested or**  
5 **contingent, and the owner of an interest by assignment or other transfer”.**

6 Compare NRS 132.050 with the California equivalent Section 17200,  
7 subdivision (b)(3) contemplates the court’s determination of “the validity of a trust  
8 provision. “Plainly, the term “trust provision” incorporates any amendments to a trust.  
9 Section 24, subdivision (c) **defines a “beneficiary” for trust purposes, as “a**  
10 **person who has any present or future interest, vested or contingent.”** Assuming  
11 plaintiff’s allegations are true, ***she has a present or future interest***, making her a  
12 beneficiary permitted to petition the probate court under section 17200.” See Barefoot  
13 v. Jennings, supra.

14 The Nevada Supreme Court summarily dismissed the appeal because they  
15 claim this Petitioner lacks standing and is not a party to the action i.e. not named in  
16 the lawsuit/petition as a respondent/defendant or petitioner/plaintiff. The Nevada  
17 Supreme Court failed to even consider the facts before they were filed that shows the  
18 Petitioner is, in fact, named in the will/trust as being disinherited.

19 The Petitioner styled is argument in case number 2021 PB00034 as the same  
20 argument in Barefoot v. Jennings, infra.

21 **If this ruling stands, nobody in Nevada can petition the court for probate**  
22 **or presumed undue influence or fraud or lack of capacity if they are presumably**  
23 **not already a beneficiary.** This Petitioner was undisputedly “disinherited” albeit by  
24 way of presumed undue influence and undue influence.  
25  
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27  
28

1 A similar situation occurred in California in Barefoot v. Jennings, 456 P. 3d 447  
2 - Cal: Supreme Court 2020.<sup>1</sup>

3 In early November 2019, the California Supreme Court heard oral  
4 arguments in the Barefoot case, and in late January 2020, the California  
5 Supreme Court issued its opinion reversing the Court of Appeal decision.  
6 The California Supreme Court held as follows: **“We disagree with the  
7 Court of Appeal, and hold today that the Probate Code grants  
8 standing in Probate Court to individuals who claim that trust  
9 amendments eliminating their beneficiary status arose from  
10 incompetence, undue influence or fraud.”**

11 California probate Section 17200, subdivision (b)(3) contemplates the  
12 court’s determination of “the validity of a trust provision.” Plainly, the term  
13 “trust provision” incorporates any amendments to a trust. Section 24,  
14 subdivision (c) defines a “beneficiary” for trust purposes, as “a person who  
15 has any present or *future* interest, vested or *contingent*.” Assuming  
16 plaintiff’s allegations are true, she has a present or future interest, making  
17 her a beneficiary permitted to petition the probate court under section  
18 17200.[vii] (Emphasis added).

19 **The California Supreme Court held that with this interpretation, when  
20 a plaintiff claims to be a rightful beneficiary of a trust, if the  
21 challenged amendments are deemed invalid, then the plaintiff has  
22 standing to petition the Probate Court under Section 17200.**

23 **The Court added that this expansive reading of the standing  
24 requirement afforded to trust contests under Section 17200 “not only  
25 makes sense as a matter of judicial economy, but it also recognizes  
26 the probate court’s inherent power to decide all incidental issues  
27 necessary to carry out its express powers to supervise the  
28 administration of the trust.”**

29 Section 17200, subdivision (b)(3) contemplates the court’s determination  
30 of “the validity of a trust provision.” Plainly, the term “trust provision”  
31 incorporates any amendments to a trust. Section 24, subdivision (c)  
32 **defines a “beneficiary” for trust purposes, as “a person who has any  
33 present or future interest, vested or contingent.”** Assuming plaintiff’s  
34 allegations are true, ***she has a present or future interest***, making her a  
35 beneficiary permitted to petition the probate court under section 17200.[vii]  
36 (Emphasis added)..”

37 <sup>1</sup> Source: <https://keystone-law.com/legal-standing-trust-contests/>

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The Court cautioned, however, that its ruling in Barefoot did have certain limitations in its applicability, stating: “Our holding does not allow individuals with no interest in a trust to bring a claim against the trust. Instead, **we permit those whose well-pleaded allegations show that they have an interest in a trust — because the amendments purporting to disinherit them are invalid — to petition the probate court.**”

Thus, by so holding, the Supreme Court’s ruling could potentially exclude a Decedent’s heirs (who were not named as beneficiaries in any prior version of the Decedent’s estate plan, but who would otherwise have a beneficial interest through intestate succession in the event the Decedent did not have a valid estate plan) from filing a Section 17200 contest in Probate Court. Thus, any such contests currently pending by such heirs in Probate Court may be subject to attack based on the heirs’ lack of standing.

**Accordingly, the effect of the California Supreme Court’s decision was not to limitlessly expand the universe of potential litigants who can bring trust contest claims in the future, but rather, to confirm that Section 17200 can be used by disinherited beneficiaries as it had been in the past**, while leaving open this unresolved issue concerning a Decedent’s heirs.

**Cal. Prob. Code § 17200 Current through the 2022 Legislative**

**Session is the equivalent of NRS 164.015.** Cal. Prob. Code § Section 17200

- Petition concerning internal affairs or determine existence; internal affairs of trust

**(a) Except as provided in Section 15800, a trustee or beneficiary of a trust may petition the court under this chapter concerning the internal affairs of the trust or to determine the existence of the trust.**

=====

**There was no argument by the Respondent about the evidence being “hearsay”** as was the case in the other probate case 2021-pb00034 (In re: The Estate of Thomas J. Harris).

**There was no argument by the Respondent as to the presumed undue influence and/or undue influence** and the facts supporting these claims. The Respondent has conceded to those arguments.

The Respondent has, in a last ditch effort, grasping at the last thing it has left, the witnesses and affidavits to which the Petitioner discussed in the original petitioner under penalty of perjury and has only reinforced said witnesses and affidavits with proof of such facts and evidence.

The Respondent could have, but did not prove any affidavits or proof or  
even suggest that the Petitioner's claims can be rebutted by opposing  
witnesses or evidence. The Respondent has indeed conceded here and not urged  
any points to counter the Petitioner's facts and points of authorities. After all - "[a]  
point not urged in the trial court, unless it goes to the jurisdiction of that court, is  
deemed to have been waived and will not be considered on appeal." *Old Aztec*  
*Mine, Inc. v. Brown*, 97 Nev. 49, 52, 623 P.2d 981, 983 (1981.)

Respectfully signed under penalty of perjury,

7R

/s/ Todd Robben

November 21, 2022

**CERTIFICATE OF SERVICE**

I, Stephen James Robben, declare under penalty of perjury under the law of the State of Nevada that the following is true and correct copy of the filed document. That on November 21, 2022, service of the document was made pursuant to NRCP 5(b) by depositing a email to: F. McClure Wallace, counsel for Respondent, mcclure@wallacemillsap.com

DATED this 21 day of November, 2022

Submitted By: /s/ Stephen James Robben

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Douglas County  
District Court Clerk DOBBIE R. WILLIAMS  
CLERK

E.A. WILLIAMS DEPUTY

Case No. 2022-PB-00119

Dept. No. II

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) Oral Argument: Motion for Summary Judgment; Motion to Dismiss; and 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 Friday, January 6, 2023 at the hour of 9:00 a.m.<sup>1</sup>

DATED this 30<sup>th</sup> day of November, 2022.

/s/ Robert E. Estes

ROBERT E. ESTES  
SENIOR JUDGE

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

1 Copies served by mail on November 30th, 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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Todd Robben  
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District Court Clerk

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BY *[Signature]* DEPUTY

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

TODD ROBBEN,  
Petitioner

CASE NO.: 2022-PB-00119

Vs.

PETITIONER'S MOTION FOR A  
DECISION ON THE PLEADINGS;  
PETITIONER'S MOTION DECLINING  
ORAL ARGUMENT

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

Petitioner, Todd Robben, is in receipt of the November 30<sup>th</sup>, 2022 order  
setting a hearing for oral arguments on January 06, 2023 at 9:00am in this  
instant case.

**MEMORANDUM OF POINTS AND AUTHORITIES**

This Petitioner nor the Respondent has requested oral arguments  
pursuant to Ninth Judicial District Court Rule (NJDCR) 6(e) "Ninth Judicial District  
Court Rule (NJDCR) 6(e) states that decisions on all motions will be rendered



1 without oral argument unless oral argument is requested by the court or the  
2 parties. Moreover, District Court Rule 13(1) requires that all motions include a  
3 notice of the motion setting the matter on the court law and motion calendar. "  
4 Garrettson v. State, 967 P. 2d 428 - Nev: Supreme Court 1998.  
5

6 The Petitioner has made his best arguments on the pleadings and he is  
7 without counsel to present oral argument against the Respondent who is  
8 represented by counsel. The oral argument puts the Petitioner at a disadvantage  
9 since the court has not appointed counsel to the Petitioner pursuant to NRS  
10 136.200.  
11

12 With no tentative ruling this Petitioner is not clear on what if any issue  
13 needs to be narrowed down. The law and the facts are presenting in writing.  
14 Any issues with the Petitioner's witnesses or their affidavits can be resolved if the  
15 judge needs notarized affidavits.  
16

17 It appears the order allows for a telephonic hearing pursuant to SCR Rule  
18 IX which appears to address criminal remote telephonic hearings, not civil or  
19 probate.  
20

21 The Petitioner did request the Respondent to stipulate to a decision on the  
22 pleadings and they refused. At the hearing in the other case 2021 PB00034 the  
23 Respondent needed to judge to assist its losing argument with the judge  
24 interjecting that the Petitioner's proof/evidence was "hearsay". This was made by  
25 the judge, not the Respondent and thus the judge acted as a advocate amd  
26 lawyer for the Respondent and violated the Petitioner's due-process in doing so  
27  
28

1 since there was no prior argument asserted by the Respondent that the evidence  
2 was hearsay. In fact, the Respondent has conceded and not even argued that in  
3 this instant case knowing the Petitioner prevails on the merits.  
4

5 The Nevada Judicial Code of Conduct does state a judge must provide a  
6 reasonable accommodations for self-represented litigants. The Oral argument is  
7 causing a delay and driving up the costs for both parties with the Respondent  
8 paying lawyers fees and Petitioner having to take time and his two witnesses  
9 having to also take time to attend a hearing which can be avoided because  
10 everything is written in the pleadings. There is not bench or jury trial to decide  
11 facts so the hearing and oral argument are not needed. The Petitioner would  
12 only recite his pleadings as will the Respondent.  
13

14 **Nevada Judicial Code of Conduct Canon Rule 2.2.** Impartiality and  
15 Fairness. A judge shall uphold and apply the law, and shall perform all  
16 duties of judicial office fairly and impartially.

17 **COMMENT**

18 [1] To ensure impartiality and fairness to all parties, a judge must be  
19 objective and open-minded.

20 [2] Although each judge comes to the bench with a unique  
21 background and personal philosophy, a judge must interpret and apply the  
22 law without regard to whether the judge approves or disapproves of the  
law in question.

23 [3] When applying and interpreting the law, a judge sometimes may  
24 make good-faith errors of fact or law. Errors of this kind do not violate this  
Rule.

25 [4] **It is not a violation of this Rule for a judge to make reasonable**  
26 **accommodations to ensure self-represented litigants the opportunity**  
27 **to have their matters fairly heard.**

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**Rule 2.5. Competence, Diligence, and Cooperation.**

(A) A judge shall perform judicial and administrative duties competently and diligently.

(B) A judge shall cooperate with other judges and court officials in the administration of court business.

**COMMENT**

[1] Competence in the performance of judicial duties requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary to perform a judge's responsibilities of judicial office.

[2] A judge should seek the necessary docket time, court staff, expertise, and resources to discharge all adjudicative and administrative responsibilities.

[3] Prompt disposition of the court's business requires a judge to devote adequate time to judicial duties, to be punctual in attending court and expeditious in determining matters under submission, and to take reasonable measures to ensure that court officials, litigants, and their lawyers cooperate with the judge to that end.

**[4] In disposing of matters promptly and efficiently, a judge must demonstrate due regard for the rights of parties to be heard and to have issues resolved without unnecessary cost or delay.** A judge should monitor and supervise cases in ways that reduce or eliminate dilatory practices, avoidable delays, and unnecessary costs.

1 **III. RELIEF REQUEST**

2 The Petitioner requests a reasonable accommodation<sup>1</sup> decision on the  
3 pleadings. Alternatively, the Petitioner requests a of at least a tentative order  
4 narrowing down the issues, if any.  
5

6  
7  
8 Respectfully signed under penalty of perjury,  
9

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12 

13 /s/ Todd Robben

14  
15 December 08, 2022  
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28 <sup>1</sup> Nevada Judicial Code of Conduct Canon Rule 2.2

1 **CERTIFICATE OF SERVICE**

2

3 I, Stephen James Robben, declare under penalty of perjury under the law of the

4 State of Nevada that the following is true and correct copy of the filed document. That

5 on December 08, 2022, service of the document was made pursuant to NRCP 5(b) by

6 depositing a email to: F. McClure Wallace, counsel for Respondent,

7 mcclure@wallacemillsap.com

8

9 DATED December 08, 2022

10

11 Submitted By: /s/ Stephen James Robben

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

1 Case No.: 22-PB-00119

2 Dept. No.: II

3 The undersigned affirms this document  
4 does not contain the social security number  
or legally private information of any person.

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District Court Clerk  
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CLERK  
BY E.A. WILLIAMS JTY  
2022 DEC 15 PM 4:14

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

8 TODD ROBBEN,  
9  
10 Petitioner;  
11  
12 vs.  
13 THE ESTATE OF THOMAS J.  
14 HARRIS and THE THOMAS J.  
15 HARRIS TRUST,  
16  
17 Respondents.

LIMITED OPPOSITION TO  
PETITIONER'S MOTION FOR A  
DECISION ON THE PLEADINGS;  
PETITIONER'S MOTION DECLINING  
ORAL ARGUMENT

17 The Honorable Tara Flanagan, in her capacity as Successor Trustee of the  
18 Thomas J. Harris Trust dated June 19, 2019 (the "Trust"), and as the Court-appointed  
19 Successor Executor of the Estate of Thomas Joseph Harris (the "Estate"),<sup>1</sup> by and  
20 through her attorneys of record, Wallace & Millsap LLC, respectfully presents this  
21 Limited Opposition to Petitioner's Motion for a Decision on the Pleadings; Petitioner's  
22 Motion Declining Oral Argument (the "Motion"). This Opposition is based on the  
23 following Points & Authorities, any exhibits attached thereto, any oral argument this  
24 Court wishes to entertain, and the papers and pleadings on file before the Court of  
25 utility in deciding Petitioner's Motion.

26  
27  
28 <sup>1</sup> The Trust and the Estate may be collectively referred to herein as the "Respondents."

1 POINTS & AUTHORITIES

2  
3 RELEVANT HISTORY

4 1. On or about July 20, 2022, Petitioner Todd Robben (the "Petitioner")  
5 filed his Verified Petition to Invalidate the Thomas J. Harris Will and Trust,  
6 Petitioner's Request for Appointment of Counsel Pursuant to NRS § 136.200,  
7 Emergency Request for Stay of Final Distribution, Preemptory Challenge to Judge  
8 Nathan Todd Young, Related Case Number: 2021 PB00034 (the "Petition"). The  
9 Court assigned this matter to the Honorable Robert Estes by and through  
10 Department II of this Honorable Court. *See generally* Court Docket.

11 2. On October 6, 2022, the Estate filed its Motion to Dismiss the Petition.  
12 The Estate's Motion to Dismiss the Petition has been fully briefed and has been  
13 submitted to the Court for decision. *Id.*

14 3. On October 6, 2022, the Trust filed a separate Motion for Summary  
15 Judgment. The Parties have fully briefed the Trust's Motion for Summary Judgment  
16 and have submitted that Motion to the Court for decision. *Id.*

17 4. Thereafter, on November 30, 2022, the Court issued an Order Setting  
18 Hearing, wherein the Court scheduled oral argument for January 6, 2023 on the  
19 Estate's Motion to Dismiss and the Trust's Motion for Summary Judgment. *Id.*

20 5. Most recently, on December 8, 2022, Petitioner filed his Motion  
21 requesting the Court rule on the briefing when deciding the Estate's Motion to  
22 Dismiss and the Trust's Motion for Summary Judgment. *Id.*

23 6. To date, the Court has not set an evidentiary hearing to consider the  
24 Petition. *Id.* Similarly, the Petitioner has not noticed an evidentiary hearing to  
25 consider his Petition.

26 ///

27 ///

28 ///

1 ORAL ARGUMENT ON THE TRUST'S AND ESTATE'S PENDING DISPOSITIVE MOTIONS

2 The Respondents do not oppose Petitioner's Motion to the extent it requests  
3 the Court rule on the Trust's Motion for Summary Judgment, as well as the Estate's  
4 Motion to Dismiss, without conducting oral argument. The Respondents' identified  
5 Motions have been fully briefed and are ripe for decision.

6 With that said, the Respondents recognize the Court's ability to order oral  
7 argument, and if the Court maintains the current January 6, 2023, hearing for the  
8 purpose of receiving oral argument on the Trust's Motion for Summary Judgment  
9 and the Estate's Motion to Dismiss, the Respondents will abide the Court's Order.  
10 See NJDCR 6(e).

11  
12 THE PETITIONER'S REQUEST FOR JUDGMENT ON THE PLEADINGS MUST BE DENIED

13 The Respondents oppose Petitioner's Motion to the extent it requests a  
14 judgment on the pleadings regarding the initial Petition filed in this matter.  
15 Specifically, if the Respondents' meritorious dispositive motions, or either of them,  
16 are not granted by the Court, an evidentiary hearing must be properly noticed and  
17 held on the Petition before any ruling on the Petition can be made. See NRS 164.005,  
18 164.015, 155.010 & 155.160. Stated otherwise, the Court cannot, as a matter of  
19 procedure or as a matter of law, rule on the Petition absent an evidentiary hearing  
20 as Petitioner seemingly requests.

21 Specifically, the initial Petition attempts to contest the validity of the Trust.  
22 As such, if the Trust's Motion for Summary Judgment is not granted an evidentiary  
23 hearing must be scheduled, and the Trust must receive proper notice of the hearing.  
24 See NRS 164.005, 164.015, 155.010. Moreover, any interested party may object to the  
25 Petition and the relief it requests in writing *at or before* a properly noticed hearing  
26 on the Petition, or may appear and object to the Petition orally at a properly noticed  
27 hearing on the Petition. See NRS 155.160. Thus, should the Court not grant the  
28 Trust's dispositive motion, the Petition cannot be ruled on before an evidentiary



1 hearing is properly noticed and held or else it would improperly eliminate the  
2 Respondents' right to object in writing, or orally at the hearing, to the Petition  
3 pursuant to NRS 155.160.

4 Similarly, the initial Petition attempts to contest the validity of the Last Will  
5 and Testament of Thomas J. Harris. As such, if the Estate's Motion to Dismiss is not  
6 granted an initial hearing must be scheduled, and the Petitioner must provide proper  
7 notice of the hearing to the Estate. *See* NRS 137, NRS 155.010. Likewise, and again,  
8 any interested party may object to the Petition and the relief it requests in writing *at*  
9 *or before* an evidentiary hearing on the Petition, or may appear and object to the  
10 Petition orally at a hearing on the Petition. *See* NRS 155.160. Thus, should the Court  
11 not grant the Estate's dispositive motion, the Petition cannot be ruled on before an  
12 initial hearing is properly noticed and held, as doing so would deny the Estate its  
13 right to object to the Petition *at or before* any such hearing. *Id.*

14 The Respondents' respective dispositive motions are meritorious, and if  
15 granted, will conclude this matter. However, in an abundance of caution the  
16 Respondents each confirm they do fully object to the Petition, and will provide their  
17 respective objections to the Petition in writing in advance of any initial hearing  
18 noticed on the Petition. *See* NRS 155.160. In this vein, the Petitioner's Motion states  
19 "[t]here is not bench or jury trial to decide facts so the hearing and oral argument are  
20 not needed." *See* Motion, pg. 3, ln. 11-12. The Petitioner's position is incorrect, as  
21 should the Respondents' dispositive motions not be granted, they will timely object to  
22 the Petition, this will become a contested matter where an evidentiary hearing will  
23 be scheduled, and the Petitioner will bear a significant burden of proof.

24 Therefore, the Respondents fully oppose any ruling on the pleadings by this  
25 Court on the initial Petition itself, as such a ruling cannot be made as a matter of law  
26 because it would violate the governing procedural statutes, and deny the Respondents  
27 of their statutorily protected right to object to the Petition at any point prior to, or at,  
28 an initial hearing in this matter on the Petition itself. *See* NRS 155.160.

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

DATED this 15<sup>th</sup> day of December 2022.

F. F. L. W. S.

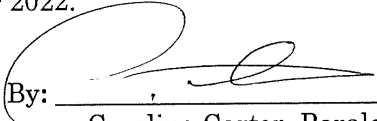
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**CERTIFICATE OF SERVICE**

The undersigned certifies the foregoing Opposition was served upon Petitioner Todd Robben via United States Mail at the address of P.O. Box 4251 Sonora, California 95370. The foregoing Opposition was placed in the mail for service on the date shown below.

Dated this 15<sup>th</sup> day of December 2022.

By:   
Caroline Carter, Paralegal

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

Case No. 2022-PB-00119

Dept. No. 1

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in her capacity Personal Representative  
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IN THE NINTH JUDICIAL DISTRICT COURT, STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

TODD ROBBEN,

Petitioner,

vs.

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

Respondents.

OBJECTION TO PETITIONER  
TODD ROBBEN'S VERIFIED  
PETITION TO INVALIDATE THE  
THOAMS J. HARRIS WILL AND  
TRUST; PETITIOINER'S REQUEST  
FOR APPOINTMENT OF  
COUNSEL PURSUANT TO NRS §  
136.200; EMERGENCY REQUEST  
FOR STAY OF FINAL  
DISTRIBUTION; PERMPATORY  
CHALLENGE TO JUDGE NATHAN  
TOD YOUNG

The Estate of Thomas J. Harris (the "Estate"), by and through its duly appointed Successor Executor, Tara M. Flanagan, presents its 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; Preemptory Challenge to Judge Nathan Todd Young (the "Petition"). Specifically, the Estate objects to the Petition

1 in full, and timely presents its objection in writing in advance of any initial hearing  
2 on the Petition in accordance with NRS 155.160.

3 INTRODUCTION / STATEMENT OF THE ISSUE

4 The Petition is properly dismissed against the Estate with prejudice, as fully  
5 set forth in the Estate's separate Motion to Dismiss filed in this matter on October 6,  
6 2022.

7 Without undermining the merit of the Estate's Motion to Dismiss, the Estate  
8 files this objection to the Petition stating its full and complete objection to the  
9 contents of the Petition, and fully objecting to and opposing any and all relief  
10 requested by the Petition in this matter.

11 STATEMENT OF RELEVANT PROCEDURE CONCERNING THE ESTATE OF

12 THOMAS JOSEPH HARRIS

13 1. Thomas Joseph Harris (the "Decedent") died on December 30, 2019, as  
14 a resident of Douglas County, Nevada.

15 2. The Last Will and Testament of Thomas Joseph Harris was duly lodged  
16 with this Court on April 6, 2021.

17 3. The Decedent's Last Will and Testament (the "Decedent's Will" or the  
18 "Will") is a pour over will, identifying the Decedent's Trust as the beneficiary of his  
19 Will. The Decedent's Trust is The Declaration of Trust Known as the Thomas J.  
20 Harris Trust, dated June 12, 2019 (the "Decedent's Trust" or the "Trust").

21 4. The Decedent's Last Will and Testament nominated the following line  
22 of Executors: Jeff Robben, Scott Barton, and Tara Flanagan. *Id.*

23 5. On March 10, 2021, Scott Barton filed his Verified Petition for Letters  
24 of Special Administration and for Probate of Will and Issuance of Letters  
25 Testamentary before Department 1 of the Ninth Judicial District Court. Mr. Barton  
26 was the appropriate individual to seek appointment as the Personal Representative  
27 of the Estate because the first nominated executor, Jeff Robben, had passed away on  
28 November 11, 2020. Mr. Barton's initial petition seeking to administer the Estate

1 pursuant to the Decedent's Will was assigned case number 2021-PB-00034 (the  
2 "Estate Case").

3         6. On April 6, 2021, the Court in the Estate Case entered its Order  
4 Admitting Will to Probate and Issuing Letters Testamentary appointing Scott Barton  
5 to serve as the Personal Representative of the Estate, and resultingly, Letters  
6 Testamentary were issued to Scott Barton on April 22, 2021, after which Mr. Barton  
7 began administering the Estate. *See Exhibit 1.*

8         7. Several months thereafter, Mr. Barton notified The Honorable Tara  
9 Flanagan he was resigning as both the Personal Representative of the Decedent's  
10 Estate and as Trustee of the Decedent's Trust. Consistent with her nomination as  
11 the next named Executor of the Estate by the Decedent's Will, Ms. Flanagan filed her  
12 Petition for Appointment of Successor Executor and for Issuance of Letters  
13 Testamentary on June 25, 2021, in the Estate Case.

14         8. On July 27, 2021, the Court entered its Order Appointing Successor  
15 Executor and Issuing Successor Letters Testamentary, and on August 17, 2021  
16 Letters Testamentary were issued to Tara M. Flanagan. *See Exhibit 2.*

17         9. Pursuant to her appointment as the Successor Executor of the Estate,  
18 Ms. Flanagan (hereinafter the "Successor Executor" or the "Petitioner") continued the  
19 Estate's administration and worked to diligently conclude the administration of the  
20 Estate.

21         10. On April 14, 2022, the Successor Executor filed her Petition to Confirm  
22 First and Final Accounting, Request for Final Distribution, and Request for Payment  
23 of Professional's Fees and Costs (the "First and Final Petition") in the Estate Case.  
24 A hearing was scheduled on the Successor Executor's First and Final Petition for May  
25 24, 2022.

26         11. On May 23, 2022, Todd Robben appeared for the first time in the Estate  
27 Case through the filing of his Notice of Motion for Continuance and Motion for  
28

1 Continuance. Mr. Robben's request for a continuance was based on allegations  
2 concerning the validity of the Decedent's Will. *See Exhibit 3.*

3 12. A hearing was conducted in the Estate Case regarding the First and  
4 Final Petition on May 24, 2022. The Court heard the presentation of Mr. Robben, as  
5 well as multiple arguments from Counsel for the Estate, including but not limited to  
6 presentation of the fact Mr. Robben was not an "interested person" in the Estate as  
7 defined by Nevada law, and had no standing upon which to appear, to contest the  
8 validity to the Decedent's Will, or otherwise state any objection in the Estate Case.  
9 At the conclusion of the hearing, the Court granted Mr. Robben a brief continuance  
10 out of an "abundance of caution" to present any basis upon which he could be  
11 identified as an interested person in the Estate Case, continuing the hearing on the  
12 First and Final Petition to June 21, 2022.

13 13. Thereafter, on June 15, 2022 Mr. Robben filed a Request for  
14 Appointment of Counsel in advance of the June 21, 2022 continued hearing. *See*  
15 *Exhibit 4.*

16 14. A continued hearing was conducted on the First and Final Petition in  
17 the Estate Case on June 21, 2022. At the conclusion of the hearing, having heard  
18 arguments from Mr. Robben and Counsel for the Estate, the Court granted the  
19 Successor Executor's First and Final Petition in full and without exception.  
20 Moreover, the Court in the Estate Case ruled Mr. Robben was not an interested  
21 person to the proceeding, had produced no evidence upon which he could be found to  
22 be an interested person in the Estate Case, and as such had no basis to be appointed  
23 Counsel. As a result of the Court's ruling in the Estate case, Mr. Robben has no  
24 standing to appear in the Estate Case, and as such has no standing to contest the  
25 validity of the Last Will and Testament of Thomas J. Harris. *See Exhibit 5.*

26 20. The Court codified its ruling through entry of its written Order Granting  
27 the First and Final Petition in the Estate Case on June 22, 2022, wherein it  
28 specifically found as follows:

1 Finally, upon thorough review by the court, including review  
2 of Mr. Robben's written filings and hearing Mr. Robben's oral  
3 presentation at both the May 24, 2022 hearing as well as the  
4 June 21, 2022 continued hearing, the Court determines Mr.  
5 Robben is not an "interested person" in this Estate as defined  
6 by NRS 132.185, and as such has no standing to object to the  
7 [First and Final] Petition, be appointed Counsel, or otherwise  
8 appear in this proceeding. Specifically, the Court heard from  
9 Mr. Robben, and after giving him additional time, Mr. Robben  
10 was unable to present any legal basis or admissible evidence  
11 to potentially allow a determination he is an interested person  
12 in this Estate. Therefore, Mr. Todd Robben is not an  
13 interested person to this Estate, and as such has no standing  
14 to oppose or object to the Petition, or otherwise appear in these  
15 proceedings. *Id.* at p. 5-6, ¶ 32.

16 18. Thereafter, on June 22, 2022, Mr. Robben filed an Emergency Stay  
17 Request – Emergency Verified Motion to Reconsider seeking reconsideration of the  
18 Court's Order granting the Estate's First and Final Petition and concluding Mr.  
19 Robben was not an interested person and had no standing in the Estate Case. Mr.  
20 Robben also filed separate Supplemental Points and Authorities in Support of his  
21 Motion to Reconsider on June 23, 2022, and filed a Motion to Expedite Stay Request  
22 Pending Reconsideration on June 24, 2022 (these papers are collectively referred to  
23 hereafter as Mr. Robben's "Motion to Reconsider").

24 19. On July 1, 2022, the Estate filed its Opposition to Mr. Robben's Motion to  
25 Reconsider, to which Mr. Robben filed a Reply brief on July 5, 2022.

26 20. Separately, Mr. Robben sought to appeal the Court's July 22, 2022 Order  
27 in the Estate Case, filing a Notice of Appeal with the Nevada Supreme Court on June  
28 27, 2022. The Appeal was assigned Appeal No.: 84948. *See Exhibit 6.*



1           21.    Thereafter, on July 8, 2022, the Nevada Supreme Court filed its Order  
2 Dismissing Appeal, dismissing in its entirety Mr. Robben's appeal in the Estate Case.  
3 *See Exhibit 7.*

4           22.    Additionally, on July 13, 2022, the District Court entered its Order  
5 denying Mr. Robben's Motion to Reconsider and all filings associated with Mr.  
6 Robben's Motion to Reconsider. As a result, Mr. Robben's efforts to, in any way,  
7 oppose or object to any aspect of the administration of the Decedent's Estate,  
8 including any contest of the Decedent's Will, was forever foreclosed and concluded.  
9 *See Exhibit 8.*

10          23.    Now, by and through his initial Petition in this matter, filed in or around  
11 July 20, 2022, Mr. Robben identifies the Estate of Thomas J. Harris as a Respondent  
12 for purposes of contesting the validity of the Decedent's Will.

13          24.    The Estate filed its Motion to Dismiss the Petition in this matter against  
14 the Estate, with prejudice on October 6, 2022. The Motion to Dismiss is fully briefed  
15 and pending before the Court.

16          25.    Separately, the Trust filed a Motion for Summary Judgment seeking  
17 dismissal of the Petition with prejudice on October 6, 2022. The Motion for Summary  
18 Judgment is fully briefed and pending before the Court.

19          26.    The Estate now files its Objection to the Petition.

20                   **NARRATIVE RESPONSE & OBJECTION TO THE**  
21                   **RELIEF REQUESTED BY THE PETITION**

22           The Estate presents this full and general Objection to the entirety of the  
23 Petition, as well as its objection to all relief requested by the Petition. *See NRS*  
24 *155.160.* This Objection is presented in accordance with the meritorious legal  
25 arguments presented in the Estate's separately filed Motion to Dismiss, the relevant  
26 factual history presented above, and the legal presentation presented below.

27           In filing this Objection, the Estate will endeavor to follow the order of the  
28 presentation of the Petition's allegations pertinent to the Estate.

1 **I. OBJECTION TO THE BEGINNING PORTION OF THE PETITION**

2 The Petition begins by making broad, unsupported allegations regarding the  
3 validity of the Decedent's Will, all of which are objected to and denied by the Estate.  
4 *See generally* Petition, pgs. 2-5.

5 Namely, the Estate objects to any and all allegations contesting the validity of  
6 the Will, which has already been conclusively determined to be valid in the Estate  
7 Case. *See Exhibits 1, 5 & 7.* In as much, the Estate denies and objects to any  
8 allegations of undue influence related to the Decedent's Will or the Decedent's Estate,  
9 as well as to the application of any statutory burden shifting based on wholly  
10 unsubstantiated allegations unrelated to the Decedent's Will or the Decedent's  
11 Estate.

12 **II. OBJECTION TO THE "INTRODUCTION" OF THE PETITION**

13 The "Introduction" of the Petition does not specifically reference the Decedent's  
14 Will or Estate. *See generally* Petition, pgs. 5-7. However, the Estate maintains its  
15 general objection to the Petition, including the "Introduction" section of the Petition  
16 in an abundance of caution.

17 By and through the "Introduction" section of the Petition, the Estate notes  
18 Petitioner alleges his Petition is timely. The Estate denies and opposes this  
19 statement, and identifies the Petition is not only untimely, but time-barred, as  
20 presented in detail in the Estate's separately filed Motion to Dismiss. *See generally*  
21 Estate's Motion to Dismiss; *see also* NRS 137.080.

22 The "Introduction" section of the Petition also references the Estate Case,  
23 noting this Court's ability to review the proceedings in the Estate Case in full wherein  
24 the Court ruled the Petitioner is not an "interested person in the Estate, with no  
25 standing to make any allegations regarding the validity of the Decedent's Will." *See*  
26 **Exhibit 5.** The Estate notes it has no opposition to this Court accessing, considering,  
27 and reviewing the proceedings in the Estate Case.

28

1 **III. PETITIONERS REQUEST TO DISQUALIFY JUDGE YOUNG**

2 The Petition next seeks to disqualify Judge Nathan Young from presiding over  
3 this matter. The Petition's request to disqualify Judge Young is now moot, as this  
4 matter was assigned to Department II of the Ninth Judicial District Court and is  
5 being presided over by the Honorable Robert Estes.

6 However, the Estate maintains its general objection to the Petition, and denies  
7 and opposes all allegations and comments in the Petition contending Judge Young  
8 acted with any bias or unfairness in presiding over the Estate Case. To the contrary,  
9 Judge Young reviewed multiple filings and heard multiple presentations by the  
10 Petitioner, after careful consideration of which Judge Young determined the  
11 Petitioner has no interest in the Estate and no standing to appear in the Estate Case.  
12 *See generally* Docket in Estate Case; *see also* **Exhibit 5**. Judge Young's ruling was  
13 sustained by the Nevada Supreme Court, which dismissed the Petitioner's appeal of  
14 Judge Young's final Order. *See* **Exhibit 7**.

15 **IV. THE PETITIONER IS NOT AN INTERESTED PERSON TO THE DECEDENT'S**  
16 **ESTATE**

17 The Petition goes on to make arguments about the Petitioner's status as an  
18 interested person. As set forth above, the Petitioner was conclusively found to not be  
19 an interested person in the Estate by final orders issued in the Estate Case. *See*  
20 **Exhibits 5 & 7**. The preclusive effects of the Orders issued in the Estate Case bar  
21 the Petitioner from attempting to relitigate this adjudicated issue before this Court.  
22 Moreover, the rulings in the Estate Case correctly applied governing Nevada law –  
23 the Petitioner is not an “interested person” in the Estate, and as such cannot contest  
24 the validity of the Decedent's Will in this matter. *See* **Exhibit 5**.

25 NRS 132.185 defines an “interested person” as a “person whose right or  
26 interest under an estate or trust may be materially affected by a decision of the court.  
27 The fiduciary or court shall determine who is an interested person according to the  
28 particular purpose of, and matter involved in, a proceeding.” NRS 132.390 goes onto

1 establish “a person may not claim to have a right or interest under an estate after the  
2 entry of an order of the court declaring the right or interest invalid.”

3 Here, the Petitioner is disinherited from the Decedent’s valid Will, and as the  
4 Decedent’s step-son is not an intestate heir of the Decedent’s Estate. *See generally*  
5 NRS Ch. 134. Thus, the Petitioner is neither a beneficiary nor an heir of the Estate,  
6 and has no interest of any kind in the Estate which could be affected by a decision of  
7 this or any Court. *Id.*; *see also Exhibit 5*. As such, and although this section of the  
8 Petition again refers almost exclusively to the Trust, the Decedent’s Estate objects to,  
9 denies, and opposes any allegation the Petitioner is an “interested person” in the  
10 Estate, and again identifies the Petitioner is barred from bringing any such  
11 allegations in this proceeding. Stated otherwise, the Petitioner has been determined  
12 to have no interest in the Estate, and as such cannot attempt to relitigate the validity  
13 of the Decedent’s Will in this matter. *See Exhibits 5 & 7*.

14 Next, as it relates to this section of his Petition, the Petitioner alleges “[t]he  
15 NRS 132.185 issue was never decided on the merits in any court and does not preclude  
16 adjudication in this case on the grounds of *res judicata*.” This statement is factually  
17 and legally incorrect. At the risk of being duplicitous to the Estate’s separately filed  
18 Motion to Dismiss, the Estate identifies the Petitioner was determined to not be an  
19 “interested person” in the Estate Case by final orders with a preclusive effect barring  
20 him from making such allegations and claims in this matter. Specifically, a valid  
21 final judgement was entered in the Estate Case regarding Mr. Robben’s attempt to  
22 contest the Decedent’s Will. In the Estate Case, the Court issued its Order Granting  
23 the First and Final Petition on June 22, 2022. *See Exhibit 5*. NRCP 41(b) states  
24 “any dismissal not under this rule – except one for lack of jurisdiction, improper  
25 venue, or failure to join a party under Rule 19 – operates as an *adjudication on the*  
26 *merits*.” (emphasis added). The Court’s June 22, 2022 Order was entered after  
27 multiple hearings where the Court considered Mr. Robben’s attempt to contest the  
28 validity of the Decedent’s Will, and is a final order regarding Mr. Robben’s ability to

1 contest the Decedent's Will or otherwise object to the administration of the Decedent's  
2 Estate. Specifically, the Court's June 22, 2022 Order in the Estate Case dismissing  
3 Mr. Robben from the Estate Case was not a dismissal for lack of jurisdiction, improper  
4 venue, or failure to join a party under Rule 19 and as such is an "adjudication on the  
5 merits" under NRCP 41(b). See Exhibit 5, p. 5-6, ¶ 32. Moreover, the Court's June  
6 22, 2022 Order in the Estate Case was upheld after Mr. Robben's subsequent Motion  
7 to Reconsider was denied, and Mr. Robben's appeal of the Court's June 22, 2022 Order  
8 was dismissed by the Nevada Supreme Court. See NRCP 41(b); see also Exhibits 7  
9 & 8. Furthermore, the United States Supreme Court has interpreted the phrase  
10 "adjudication on the merits" to preclude the refiling of the same claim in the same  
11 court. *Five Star Capital Corp. v. Rudy*, 124 Nev. 1048, 1058, 194 P.3d 709, 715 (2008)  
12 citing to *Semtek Int'l Inc. v. Lockheed Martin Corp.*, 531 U.S. 497, 506, 121 S.Ct 1020  
13 (2001). As both the Estate Case and this matter were filed in the Ninth Judicial  
14 District Court of the State of Nevada, it is "clearly proper to give preclusive effect" to  
15 the Orders issued in the Estate Case. *Id.* Consequently, "the NRS 132.185" issue  
16 was decided on the merits, enacting a preclusive effect barring the Petitioner from  
17 his current efforts to relitigate the validity of the Decedent's Will before this Court.  
18 *Id.*; see also *Alcantara ex rel. Alcantara v. Wal-Mart Stores, Inc.*, 130 Nev. at 257; see  
19 also NRCP 41(b). Therefore, the Petitioner "may not claim to have a right or interest  
20 in the [Estate]" because final orders were entered in the Estate Case "declaring [his  
21 alleged] right or interest invalid." See 132.390.

22 In presenting this flawed argument, the Petitioner goes on to reference NRS  
23 30.040. NRS 30.040 allows a person "interested" in certain written instruments to  
24 seek declaratory relief regarding the construction or validity of the instrument.  
25 Consistent with prior analysis, this statute is inapplicable. Specifically, NRS 30.040  
26 requires a person to be "interested" in the instrument at issue. With regard to the  
27 Estate, the instrument would be the Decedent's Will. Mr. Robben has already been  
28 held to not be an interested person to the Decedent's Estate, and to lack standing to

1 question the validity of the Decedent's Will. *See Exhibits 5 & 7; see also* NRS  
2 132.390. Stated plainly, Mr. Robben has no legal interest in the Decedent's Estate or  
3 the Decedent's Will upon which he could request any relief regarding the construction  
4 or validity of the Decedent's Will. As such, and for additional reasons set forth in this  
5 objection, NRS 30.040 is inapplicable to the Decedent's Estate in this matter.

6 Despite Mr. Robben's efforts to relitigate this previously decided issue, the fact  
7 remains he is not an "interested person" in the Decedent's Estate under NRS 132.185,  
8 and as such, has no basis upon which to obtain any audience with, or relief from, this  
9 Court

10 **V. NRS 134 IS INAPPLICABLE TO THIS MATTER**

11 Moving forward, the Petition cites to NRS 134.210. NRS 134.210 sets forth  
12 one of Nevada's laws of intestate succession. The reason for this reference in the  
13 Petition is unclear since the Petitioner only refers to the Trust in reference to this  
14 statute. Still, regardless of the purpose behind the Petitioner's reference to NRS  
15 134.210 – it is wholly inapplicable to this matter.

16 Step-children are not intestate heirs of a decedent under Nevada's laws of  
17 intestate succession. *See* NRS Ch. 134. Similarly, NRS 134.210 only allows for  
18 distribution under intestacy when a surviving spouse dies intestate and without  
19 leaving any heirs. Here, the Decedent died testate, having had his valid Will  
20 admitted to probate in the Estate Case, where the Decedent's Estate was fully  
21 administered by and through the terms of his valid Will. *See Exhibits 1 & 5.* As  
22 such, NRS 134.210 is inapplicable to the Decedent's Estate because the Decedent did  
23 not die intestate.

24 **VI. PETITIONER CANNOT BE APPOINTED COUNSEL**

25 The Petition goes onto request the Court appoint him Counsel pursuant to NRS  
26 136.200. NRS 136.200(1) states "[i]f a will is offered for probate and it appears there  
27 are minors or unborn members of a class who are interested, or if it appears there are  
28 other interested persons who reside out of the county and are unrepresented, the

1 court may, whether there is a contest or not, appoint an attorney for them.” Here,  
2 Mr. Robben is unable to be appointed Counsel pursuant to NRS 136.200 because 1)  
3 there is no will being admitted to probate in this matter, and 2) Mr. Robben has been  
4 determined to not be an interested person in the Decedent’s Estate.

5 First, appointment of Counsel under NRS 136.200 requires the matter to  
6 involve a will being admitted to probate. See NRS 136.200(1). In this matter no will  
7 is being admitted to probate. The Last Will and Testament of Thomas Harris was  
8 previously admitted to probate and administered in a separate proceeding before  
9 Department 1 of the Ninth Judicial District Court in Case No. 2021-PB-00034.  
10 Resultingly, NRS 136.200 is wholly inapplicable to this matter.

11 Second, by final order of the Court in the Estate Case, Mr. Robben has been  
12 ruled to *not* be an “interested person” regarding the Decedent’s Estate or the  
13 Decedent’s Will, again making him unable to receive an appointment of Counsel  
14 under NRS 136.200.

15 For these reasons, Mr. Robben’s request for the immediate appointment of  
16 Counsel is unlawful and cannot be granted.

17 **VII. THE PETITION PRESENTS NO ADMISSIBLE EVIDENCE AND IS BASED ON**  
18 **INCORRECT LEGAL ANALYSIS**

19 The Petition concludes with several pages of unsupported, hearsay allegations  
20 almost exclusively related to the Trust. Most notably, throughout the Petition  
21 Petitioner alleges the Decedent’s Trust is invalid due to the Decedent being unduly  
22 influenced. Relying on this bald and unsupported allegation, the Petitioner argues  
23 the Trust is to be presumed invalid under NRS 155.096(2), shifting the burden to the  
24 Trustee of the Trust to prove its validity. The Petitioner’s argument is incorrect.  
25 While NRS 155.097 does allow a transfer instrument to be presumed invalid upon  
26 the fulfillment of certain criteria, the application of this presumption and the  
27 associated burden shifting provided for in NRS 155.097 can only be made by a ruling  
28 of the Court after a demonstration of admissible evidence subject to argument and

1 opposition. The Petitioner cannot simply assert bald allegations of undue influence  
2 without the presentation of any admissible evidence in hopes of escaping his burden  
3 of proof in this matter.

4 Therefore, although the Petition's allegation of undue influence and arguments  
5 related to NRS 155.097 appear aimed at the Trust, the Estate makes clear its denial  
6 of, and objection to, these bald unsupported allegations contained in the Petition.  
7 Moreover, the Estate identifies the Petitioner's legal arguments are incorrect, as any  
8 burden shifting allowed under NRS 155.097 can only be made by the Court after a  
9 proper evidentiary presentation by the Petitioner. In this matter, consistent with his  
10 deficient efforts in the Estate Case, the Petitioner has made nothing more than  
11 unsupported allegations absent any admissible evidentiary support.

12 Moreover, the only possible evidence the Petitioner even refers to is  
13 inadmissible hearsay and does not provide any legal or factual credibility to the  
14 baseless assertions in the Petition, which he is barred from even bringing in this case.

15 **VIII. SUMMARY**

16 Therefore, the Estate states the following in summary of its general objection  
17 to the Petition:

18 1. The Estate denies and objects to the Petitioner's claims he is an interested  
19 person in the Estate.

20 2. The Estate denies and objects to any and all allegations of undue influence  
21 regarding the Will or the Estate.

22 3. The Estate denies and objects to any and all allegations contesting the  
23 validity of the Will.

24 4. The Estate objects to the Court taking judicial notice of Exhibit A to the  
25 Petition because the request does not comport with NRS 47.130-47.140.

26 5. Petitioner's request for a peremptory challenge against the Honorable  
27 Nathan Tod Young is moot as Judge Young no longer presides over this matter.

28



1           6. The Estate denies and objects to Petitioner's allegation that Judge  
2 Young's orders are null and void. The Executor further denies and objects to any  
3 statement regarding bias or impropriety alleged against Judge Young.

4           7. The Estate denies Petitioner has a right to appointment of Counsel under  
5 NRS 136.200.

6           8. To the extent any allegation of theft in the Petition related to the Estate,  
7 the Estate denies any assets were stolen from the Estate and, therefore, Petitioner's  
8 request for an accounting of alleged stolen assets should be denied.

9           9. The Successor Executor denies she, or her legal counsel, have committed  
10 theft or fraud from the Estate and asserts this statement is made in violation of NRC  
11 11, meriting sanctions against the Petitioner as deemed appropriate by the Court.

12           10. The Estate denies Petitioner has a prima facie case of undue influence  
13 regarding the Will of the Estate.

14           11. The Estate denies the Petition is timely filed.

15           12. The Estate denies Petitioner is entitled to notice of any Estate proceeding  
16 because he is not an interested person in the Estate.

17           13. The Estate denies any transfer of the Settlor's assets were the product of  
18 fraud or theft. The Estate re-iterates Petitioner has no standing to pursue said claims  
19 regardless because even if he prevailed, he would receive nothing from the Estate as  
20 he is not an intestate beneficiary of the Estate, rendering this entire proceeding  
21 nothing more than advisory without any benefit or damage inuring to Petitioner.

22           14. The Estate denies Petitioner is an interested person in the Estate because  
23 he is not a beneficiary of the Will, nor is he an intestate beneficiary of the Estate of  
24 Thomas J. Harris, which the Court has already determined in Case No. 2021-PB-  
25 00034.

26           15. The Estate denies Petitioner may seek Declaratory Relief under NRS  
27 34.040 related to the Will.

28

1           16. The Estate denies any step-child of Thomas J. Harris would be an  
2 intestate beneficiary of his Estate.

3           17. The Estate denies the Petitioner is entitled to an accounting of the Estate  
4 because he is not a beneficiary or interested person of the Estate.

5           18. The Estate denies the Trust or Will of Thomas J. Harris is the product of  
6 undue influence perpetrated on the Decedent by any person.

7           19. The Estate lacks knowledge or information sufficient to form a belief  
8 about the statements made in the Petition related to the personal life, medical history  
9 and career of Jeff D. Robben, and based upon this lack of knowledge denies the same  
10 in and abundance of caution.

11           20. The Estate denies any and all allegations of conspiracy to defraud  
12 Petitioner from Trust or Estate Assets.

13           21. The Successor Executor of the Estate denies any unlawful conduct alleged  
14 against her personally, or any violation of judicial ethics.

15           22. The Estate denies any statements of wrongdoing alleged in the prior  
16 Estate Case and further posits Petitioner is barred from making such allegations in  
17 this Case as all probate related issues alleged by Petitioner were litigated in a  
18 separate matter – 2021-PB-00034.

19           23. The Estate denies all factual allegations in the Petition not specifically  
20 and expressly admitted herein. The Estate denies and objects to all forms of relief  
21 requested in the Petition. The Estate posits the Petition must be summarily  
22 adjudicated against Petitioner for reasons addressed separately in motion practice  
23 before the Court.

24           **WHEREFORE**, the Estate objects to the Petition in this matter in full, and  
25 respectfully request the following relief from this Court:

- 26           A. Dismissal of the Petition with prejudice and/or judgment in favor of the  
27 Estate and against Todd Robben on all claims, theories, or requests for  
28 relief in the Petition;

- 1 B. Reimbursement of attorney's fees as allowed by law, statute, rule,  
2 common law, equity, and/or the inherent powers of the Court;
- 3 C. Reimbursement of costs as allowed by law, statute, rule, common law,  
4 equity, and/or inherent powers of the Court;
- 5 D. For any other relief this Court deems appropriate or just.

6  
7 **AFFIRMATIVE DEFENSES**

- 8 1. Petitioner lacks standing to bring his claims, causes of action and requests  
9 for relief alleged in his July 20, 2022 Petition.
- 10 2. Petitioner is not an interested person or beneficiary of the Estate.
- 11 3. Petitioner is estopped from seeking the relief demanded in the Petition.
- 12 4. The Petition is barred by the doctrine of issue preclusion, claim  
13 preclusion, and/or res judicata.
- 14 5. The Petition is barred by estoppel.
- 15 6. The Petition is barred by the applicable statute of limitations.
- 16 7. There is no subject-matter jurisdiction over this matter by this Court.
- 17 8. Petitioner cannot obtain the relief he requests because it is unlawful  
18 and/or illegal.
- 19 9. Petitioner's claims are barred by the statute of frauds.
- 20 10. Petitioner's claims are barred by laches and/or unclean hands.
- 21 11. The Estate reserves the right to include additional affirmative defenses  
22 at any point in this litigation as evidence becomes available for review and inspection  
23 giving rise to additional affirmative defenses.
- 24 12. The Estate reserves the right to amend this document and assert  
25 additional affirmative defenses at trial to conform to the evidence presented at trial,  
26 which is not fully known at this preliminary phase of litigation.
- 27 13. The Estate asserts any affirmative defense listed in NRCP 8 to the extent  
28 applicable in this proceeding, and does not intend to waive any affirmative defenses

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

1 by electing not to assert said defense in this preliminary response and objection to  
2 the Petition.

3 AFFIRMATION

4 The undersigned affirms this document does not contain the social security  
5 number or legally private information of any person.

6 DATED this 15th day of December, 2022.

7  
8 By: 

F. McClure Wallace, Esq.

Nevada Bar No.: 10264

Wallace & Millsap

510 W Plumb Ln., Ste. A

Reno, Nevada 89509

(775) 683-9599

mcclure@wallacemillsap.com

Attorneys for Tara M. Flanagan

in her capacity as the

Personal Representative of the

Estate of Thomas Harris

CERTIFICATE OF SERVICE

The undersigned certifies the foregoing document was served upon Petitioner Todd Robben via United States Mail at the address of P.O. Box 4251 Sonora, California 95370. The foregoing Motion was placed in the mail for service on the date shown below.

Dated this 15th day of December, 2022.

By: 

Caroline Carter, Paralegal

LIST OF EXHIBITS

- 1
- 2 Exhibit 1 - Order Admitting Will to Probate and Issuing Letters Testamentary;  
3 Letters Testamentary issued to Scott Barton
- 4 Exhibit 2 - Order Appointing Successor Executor, and Issuing Successor Letters  
5 Testaments; Letters Testamentary issued to Tara M. Flanagan
- 6 Exhibit 3 - Notice of Motion for Continuance & Motion for Continuance
- 7 Exhibit 4 - Petitioner's Request for Appointment of Counsel
- 8 Exhibit 5 - Order Granting Petition to Confirm First & Final Accounting,  
9 Request for Final Distribution, and Request for Payment of  
10 Professional Fees and Costs
- 11 Exhibit 6 - Notice of Appeal
- 12 Exhibit 7 - Order Dismissing Appeal
- 13 Exhibit 8 - Order
- 14
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# Exhibit 1

# Exhibit 1

1 Case No.: 2021-PB00034

2 Dept. No.: 1

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APR 02 2021

Douglas County  
District Court Clerk

FILED

2021 APR -6 PM 4:23

BOBBIE R. WILLIAMS  
CLERK

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

6 IN AND FOR THE COUNTY OF DOUGLAS

8 IN RE:

9 THE ESTATE OF THOMAS JOSEPH  
10 HARRIS,

11 Deceased.

ORDER ADMITTING WILL TO  
PROBATE AND ISSUING LETTERS  
TESTAMENTARY

14 The Petitioner, Scott Barton, having proved to the satisfaction of the Court that the time  
15 for hearing the verified Petition for Probate of Will and Issuance of Letters Testamentary (the  
16 "Petition") was, by the Clerk, set for April 6, 2021, and that notice of said hearing has been duly  
17 given as required by law, and the Court having reviewed the evidence finds that the facts alleged  
18 in said Petition are true and correct, and that said Petition for the Probate of Will and Issuance of  
19 Letters Testamentary should be granted.

20 The Court finds as follows:

21 1. Thomas Joseph Harris died on December 30, 2019, in the County of Washoe,  
22 State of Nevada, and at the time of his death was a resident of the County of Douglas, State of  
23 Nevada.

24 2. Said Decedent left personal property located within the state of Nevada at a value  
25 in excess of Three Hundred Thousand Dollars (\$300,000).

26 3. Decedent left a Last Will and Testament dated June 12, 2019 and such Will has  
27 been filed with the Clerk of this Court, as provided by law.

28 4. Decedent's Will dated June 12, 2019, was duly executed in all particulars as  
required by law, and at the time of the execution of this Will, the Decedent was of sound mind,

Case No. 2021-PB00034

1

Order

RA - 641



1 over the age of eighteen (18) and was not acting under undue influence or duress.

2 5. Decedent's Will appoints Scott Barton as Executor thereof, and Scott Barton has  
3 consented to act as Executor. The Will provides that no bond shall be required of Scott Barton.  
4 Scott Barton is qualified for and entitled to Letters Testamentary pursuant to the laws of the State  
5 of Nevada.

6 6. IT IS HEREBY ORDERED, the Will of the Decedent dated June 12, 2019, is  
7 admitted to probate as the Last Will and Testament of said Decedent.

8 7. IT IS FURTHER ORDERED that Scott Barton be appointed Executor of said  
9 estate, to serve without bond, and that Letters Testamentary shall issue to him upon his taking the  
10 oath required by law.

11 DATED: April 6, 2021

12   
13 DISTRICT JUDGE

14 Submitted by:

15 Abigail G. Stephenson (NV Bar 13593)  
16 BLANCHARD, KRASNER & FRENCH  
17 5470 Kietzke Lane, Suite 200  
18 Reno, Nevada 89511  
19 (775) 384-0022  
20 Attorneys for Petitioner  
21  
22  
23  
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Case No.: 2021-PB00034

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District Court Clerk

BOBBIE R. WILLIAMS  
CLERK

06 C. WALKER DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF DOUGLAS

IN RE:

THE ESTATE OF THOMAS JOSEPH  
HARRIS,

Deceased.

LETTERS TESTAMENTARY

The Last Will and Testament of Thomas Joseph Harris, deceased, having been duly admitted to probate in our Court, Scott Barton who is named therein, was, by our Court on the 6th day of April, 2021 duly appointed Personal Representative, who, having qualified as such, is hereby authorized to act by virtue thereof. In testimony whereof, I have officially signed these letters and affixed hereto the Seal of said Court this 22 day of April, 2021.

Bobbie R. Williams, CCE, CMP, Clerk

C. WALKER

DEPUTY CLERK

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OFFICIAL OATH

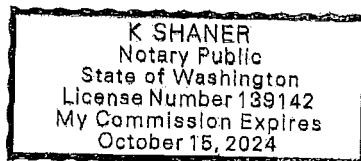
STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF CLARK )

I, Scott Barton, whose mailing address is 12505 NE 246th Court, Brush Prairie, WA 98606, solemnly affirm that I will faithfully perform according to the law the duties of the office of Executor of the Estate of Thomas Joseph Harris, deceased, and that all matters stated in any petition or paper filed with the Court by me are true of my own knowledge, or if any matters are stated on information and belief, I believe them to be true.

  
SCOTT BARTON

SUBSCRIBED AND AFFIRMED before me  
on April 9<sup>th</sup>, 2021.


  
NOTARY PUBLIC



(SEAL)

CERTIFIED COPY

The document to which this certificate is attached is a full, true and correct copy of the original in file and of record in my office.

DATE 04/22/2021  
BOBBIE R. WILLIAMS, Clerk of Court  
of the State of Washington for the County of Douglas,  
By  Deputy

# Exhibit 2

# Exhibit 2

1 CASE NO.: 2021 PB00034

2 DEPT NO.: I

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JUN 25 2021

Douglas County  
District Court Clerk

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BOBBIE R. WILLIAMS  
CLERK

BA. PONCE DEPUTY

3  
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7 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
8 IN AND FOR THE COUNTY OF DOUGLAS

9 IN RE:

10 THE ESTATE OF THOMAS JOSEPH  
11 HARRIS,

12 Deceased  
13

14 [PROPOSED]  
15 ORDER APPOINTING SUCCESSOR EXECUTOR  
16 AND ISSUING SUCCESSOR LETTERS TESTAMENTARY

17 Tara M. Flanagan, by and through her counsel of record, F. McClure Wallace  
18 and Patrick R. Millsap of Wallace & Millsap, petitioned this Court for appointment  
19 of Tara M. Flanagan as Successor Executor of the Estate of Thomas Joseph Harris  
20 ("Decedent").

21 The Court finds as follows:

22 The Decedent's Last Will and Testament was admitted to probate and  
23 Letters Testamentary were issue to Scott Barton on April 6, 2021.

24 Scott Barton, was appointed and qualified, but has resigned prior to  
25 completing the administration of the Estate.

26 There is a need to appoint a Successor Executor to complete the  
27 administration of the Estate.  
28

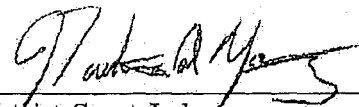
1 Tara M. Flanagan was nominated by the Decedent in his Will to serve as  
2 Successor Executor and has consented to serve.

3 Notice was served on all interested beneficiaries, and no objections to the  
4 appointment of Tara M. Flanagan as Successor Executor have been filed with this  
5 Court.  
6

7 **THEREFORE, IT IS ORDERED** that TARA M. FLANAGAN, has leave to  
8 qualify as Successor Executor by taking the required oath, and upon so doing,  
9 Successor Letters Testamentary shall issue.

10 **IT IS FURTHERED ORDERED** that the Letters Testamentary previous  
11 issued to Scott Barton are hereby rescinded.  
12

13 SO ORDERED this 27 day of July 2021.

14  
15   
16 District Court Judge

17 Submitted by:

18  
19 **WALLACE & MILLSAP**

20  
21 F. MCCLURE WALLACE, ESQ.

22 State Bar No. 10264

23 PATRICK R. MILLSAP, ESQ.

24 State Bar No. 12043

25 WALLACE & MILLSAP LLC

26 510 West Plumb Lane, Suite A

27 Reno, Nevada 89509

(775) 683-9599 Telephone

(775) 683-9597 Fax

28 *Attorneys for Petitioner*

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AUG 17 2021

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CASE NO.: 2021 PB00034

Douglas County  
District Court Clerk

DEPT NO.: I

2021 AUG 17 PM 3:56

BOBBIE R. WILLIAMS  
CLERK

BY A. PONCE DEPUTY

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

IN RE:

THE ESTATE OF THOMAS JOSEPH  
HARRIS,

Deceased.

LETTERS TESTAMENTARY

On the July 27, 2021, the Court entered its *Order Appointing Successor Executor and Issuing Successor Letters Testamentary* appointing TARA M. FLANAGAN, as Successor Executor of the Estate of THOMAS JOSEPH HARRIS.

Tara M. Flanagan, who having duly qualified is hereby authorized to act and has the authority and shall perform the duties of Executor of the Estate of Thomas Joseph Harris, including the authority vested by the Court's Order of July 27, 2021.

In testimony of which I have this date signed these Letters and affixed the seal of the Court.

Dated this 17 day of August 2021.

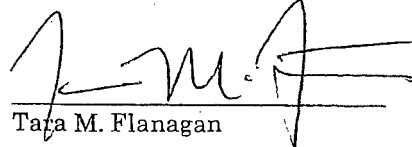
CLERK OF COURT

By: A. PONCE  
Deputy Clerk

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OATH

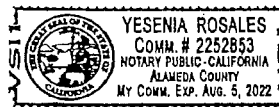
I, TARA M. FLANAGAN as Successor Executor of the Estate of THOMAS JOSEPH HARRIS whose mailing address is in care of Wallace & Millsap LLC, 510 W. Plumb Lane, Suite A, Reno, Nevada 89509 solemnly affirms that I will faithfully perform according to law, the duties of Successor Executor.

  
Tara M. Flanagan

State of California )  
County of Alameda ) ss

Subscribed and sworn to before me this  
10 day of August 2021.

Y Rosales  
NOTARY PUBLIC





# Exhibit 3

# Exhibit 3

Todd Robben  
In Pro per  
PO Box 4251  
Sonora, CA 95370  
[Robben.ty@gmail.com](mailto:Robben.ty@gmail.com)  
(209)540-7713

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN RE: THE ESTATE OF THOMAS  
JOSEPH HARRIS,

Deceased

CASE NO.: 2021 pb00034

DEPARTMENT: 1

NOTICE OF MOTION FOR  
CONTINUANCE AND MOTION FOR  
CONTINUANCE

This notice and motion for continuance is made by Todd C. Robben, the stepson of Thomas J. Harris. Todd C. Robben only recently learned of the death of Thomas J. Harris and Jeff D. Robben. This motion will be filed and made orally at the petition hearing on May 24<sup>th</sup> at 1:00pm in Department 1. This motion is made on the following points and authority.

MEMORANDUM OF POINTS AND AUTHORITY

Todd C. Robben was not notified of the death of Thomas J. Harris or Jeff D. Robben or any wills or trusts until the beginning on May 2022. Pursuant to local rule DCR 9 and NRS 155.160, Todd C. Robben objects to any final distribution and

1 requests a continuance to obtain counsel and file legal arguments and affidavits  
2 showing Jeff D. Robben had undue influence over Thomas J. Harris to which let to the  
3 disinheritance of Todd C. Robben in the last will and testament of Thomas J. Harris  
4 and Thomas J. Harris trust.

5 There appears to be no affidavit and reason as to why Todd C. Robben was  
6 disinherited. Nevada also mandate mandatory mediation pursuant to NRS 164.930.

7 In addition to undue influence, there appears to be fraud, embezzlement,  
8 misappropriation and theft of assets and they manner of how the trust was managed.  
9 See NRS 155.007 and NRCP Rule 60.

10  
11 **RELIEF REQUEST**  
12

13 Todd C. Robben objects to the final distribution and requests a continuance of  
14 up to six months to obtain legal counsel and evidence.  
15

16  
17 Respectfully signed under penalty of perjury,  
18

19 /s/ Todd Robben  
20

21 05/23/2022  
22  
23  
24  
25  
26  
27  
28

# Exhibit 4

# Exhibit 4

1 Todd Robben  
2 In Pro per  
3 PO Box 4251  
4 Sonora, CA 95370  
5 Robben.ty@gmail.com  
6 (209)540-7713

7 **IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

9  
10 IN RE: THE ESTATE OF THOMAS  
11 JOSEPH HARRIS,

12  
13 Deceased

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**CASE NO.: 2021 PB00034**

**DEPARTMENT: 1**

**PETITIONER'S REQUEST FOR  
APPOINTMENT OF COUNSEL  
PURSUANT TO NRS § 136.200**

16  
17  
18 Petitioner, Todd Robben, respectfully requests the Court to appoint counsel  
19 pursuant to NRS § 136.200 since the Petitioner is an interested person pursuant to  
20 NRS § 132.185 and a non resident of Douglas County, Nevada.

21 The Petitioner is indigent and this Court has granted indigent status to file this  
22 motion without any filing fee. This petition is based on the following points and  
23 authority.

24 **MEMORANDUM OF POINTS & AUTHORITY**

25  
26 Petitioner, Todd Robben, requests the Court to appoint counsel in this  
27 civil/probate matter for good cause and pursuant to NRS § 136.200 since the  
28

1 Petitioner is an interested person who resides outside the county. The Petitioner, a  
2 "non-resident" of Douglas County, Nevada, Petitioner resides in Tuolumne County,  
3 California. "being non-residents — Judge Waters appointed appellant Flangas as their  
4 counsel pursuant to NRS 136.200." Matter of Estate of Herrmann, 677 P. 2d 594 -  
5 Nev: Supreme Court 1984

6 **NRS136.200 Appointment of attorney to represent minors, unborn**  
7 **members of interested class or nonresidents; retention of other**  
8 **counsel.**

9 If a will is offered for probate and it appears there are minors or unborn  
10 members of a class who are interested, or if it appears there are other  
11 interested persons who reside out of the county and are unrepresented,  
12 the court may, whether there is a contest or not, appoint an attorney for  
13 them.

14 Petitioner, Todd Robben, the step-son of Thomas J. Harris and son of Olga  
15 Harris is an "interested person" pursuant to NRS 132.185 "Interested person"  
16 defined. "Interested person" means a person whose right or interest under an estate  
17 or trust may be materially affected by a decision of a fiduciary or a decision of the  
18 court. The fiduciary or court shall determine who is an interested person according to  
19 the particular purposes of, and matter involved in, a proceeding.

20 The Petitioner is indigent, the Court has granted Petitioner indigent status. At  
21 the hearing on May 24<sup>th</sup>, 2022 in this instant case, the Court granted the Petitioner's  
22 request for a continuance, "in an abundance of caution", and gave the Petitioner to  
23 June 21<sup>st</sup>, 2022 to obtain counsel.

24 The Petitioner being indigent and the short notice on top of holiday schedules  
25 for lawyers and COVID-19 and a long list of various "conflicts" of interests the  
26 Petitioner has been unable to secure legal counsel and counsel willing to work Pro  
27 Bono or on contingency.

1 The Nevada Supreme Court has identified NRS 136.200 as a "statutory right" to  
2 appointment of counsel in other types of civil cases. "there is no statutory right to  
3 appointment of counsel for appellate review in this type of civil case as there is in  
4 criminal cases and other types of civil cases. ...NRS 136.200" Casper v. Huber, 456  
5 P. 2d 436 - Nev. Supreme Court 1969

6 This Petitioner requests the Court to grant the request and appoint a reputable  
7 and conflict free attorney "in an abundance of caution"... The Petitioner has a *prima*  
8 *facie* case of undue influence based on the undisputed facts that Jeff D. Robben, the  
9 brother of the Petitioner, was 1: The caretaker of Thomas J. Harris; 2: The Financial  
10 advisor for Thomas J. Harris; 3: Helped create the current Thomas J. Harris trust; 4.  
11 Had "undue influence" and "presumed undue influence" of Thomas J. Harris; 5: Jeff  
12 D. Robben influenced Thomas J. Harris to disinherit based on the animus and  
13 vexation of Jeff D. Robben.

14 "A rebuttable presumption of undue influence is raised if the testator and the  
15 beneficiary shared a fiduciary relationship, but undue influence may also be proved  
16 without raising this presumption." In re Estate of Bethurem, 313 P. 3d 237, 241 (2013),  
17 at 329. "The essence of a fiduciary or confidential relationship is that the parties do  
18 not deal on equal terms, since the person in whom trust and confidence is reposed  
19 and who accepts that trust and confidence is in a superior position to exert unique  
20 influence over the dependent party." Hoopes v. Hammargren, 725 P. 2d 238, 242  
21 (1986) quoting Barbara A. v. John G., 145 Cal.App.3d 369, 193 Cal.Rptr. 422, 432  
22 (1983).

23 "Once raised, a beneficiary may rebut such a presumption by clear and  
24 convincing evidence." Betherum, at 241. The highest standard of proof, "beyond a  
25 reasonable doubt," exists only in criminal litigation. In civil litigation, "clear and  
26 convincing evidence" is the highest evidentiary standard. "Clear and convincing  
27 evidence" is "evidence establishing every factual element to be highly probable, or as  
28

1 evidence [which] must be so clear as to leave no substantial doubt." In re Discipline of  
2 Drakulich, 908 P. 2d 709, 715 (1995)(internal quotations and citations omitted).

3 Thus, the Defendants' must meet a difficult, nearly impossible burden, after the  
4 burden shift. The burden shift occurs when the contesting party establishes the  
5 existence of a fiduciary of confidential relationship.

6 Under NRS 155.097(2), estate planning documents and other beneficiary  
7 designations are presumptively invalid as a result of undue influence, fraud or duress  
8 under the following circumstances, where the beneficiary:

- 9
- is the person who drafted the document or instrument.
  - 10 • is the caregiver of the person executing the document or instrument.
  - 11 • "materially participated in formulating the dispositive provisions" of the
  - 12 instrument or document.

13 In addition to the fact Jeff D. Robben was the caretaker, financial advisor and  
14 helped draft the Thomas J. Harris trust, the Petitioner has at least three affidavits to  
15 support facts proving Jeff D. Robben influenced Thomas J. Harris to disinherit based  
16 on the animus and vexation of Jeff D. Robben. Petitioner indents to include all  
17 beneficiaries, administrators and lawyers of the Thomas J. Harris Trust and Thomas J.  
18 Harris and Olga Harris Trust. Additionally, the pleading/filings in a federal lawsuit  
19 2:13-cv-00238-MCE-DAD UNITED STATES DISTRICT COURT EASTERN DISTRICT  
20 OF CALIFORNIA describe the animus and vexation of Jeff D. Robben against his  
21 brother, Todd Robben, the Petitioner. The complaint named Jeff D. Robben as one of  
22 the defendants and the following facts:

23 On or about October 18, 2012 Plaintiff Todd Robben was out on bail,  
24 which was bonded and insured by defendant Bail Bonds Inc (BBI) of  
25 Fallon, Nevada, a Nevada Corporation dba Justin Brothers Bail Bonds,  
26 herein "Justin Bros." Defendants Richard Justin is the President and  
27 Treasurer, and employee of said Nevada Corporation, Dennis Justin is  
the employee and agent of Justin Bros. and co-participant in the events  
complained of herein.



1 On or about the same said date the brother of plaintiff Jeff Robben acting  
2 as an officious intermeddler implored and insisted to his mother (also the  
3 mother of plaintiff) who was assuring the bond to withdraw her assurance  
4 out of a black heart and with the vile intent to vex, annoy, inflict emotional  
5 distress, and injure plaintiff (his own brother) as much as possible;  
6 Defendant Jeff Robben knowingly and falsely asserted that plaintiff was  
7 both suicidal and homicidal to their mother and to defendants Justin Bros.  
8 and Richard and Dennis Justin. This caused plaintiff to lose his bail bond  
9 when his mother withdrew her assurance, at the insistence of officious  
10 intermeddler Defendant Jeff Robben. The said withdrawal off assurance  
11 started a chain reaction where tortfeasors Justin Bros. and their  
12 owner/actors Richard Justin and Dennis Justin, employees and agents of  
13 (BB1)/ Justin Bros. crossed the state line from Carson City, Nevada where  
14 their office is located and entered the state of California, City of South  
15 Lake Tahoe ,went to plaintiff's residence without any legal authority, or  
16 warrant pursuant to California Penal Code Section 847.5, but under color  
17 of state law(either California or Nevada or both) went to plaintiff's home,  
18 broke down his home's front door with brute force, assaulted and battered  
19 plaintiff with a taser gun, shooting him no less than three times with said  
20 device, and beating him. Plaintiff was further brutalized under color of law.  
21 He was handcuffed and brutally taken from his home into unlawful custody  
22 under color of law. Plaintiff never consented to this touching which was  
23 both painful and injurious both physically and mentally to plaintiff.

24  
25 Untimely, the federal civil case was dismissed with the Plaintiff settling with the  
26 various defendants including Jeff D. Robben with an understanding/contract that the  
27 Petitioner was not to be disinherited.

28 The Petitioner has the right to challenge the validity of the trust pursuant to  
NRS 30.040 Questions of construction or validity of instruments, contracts and  
statutes:

1. Any person interested under a deed, written contract or other  
writings constituting a contract, or whose rights, status or other legal  
relations are affected by a statute, municipal ordinance, contract or  
franchise, may have determined any question of construction or validity  
arising under the instrument, statute, ordinance, contract or franchise and  
obtain a declaration of rights, status or other legal relations thereunder.

1 The Petitioner also alleges fraud and the failure of the Thomas J. Harris  
2 trust to notify the Petitioner of any disinheritance or even the death of Thomas J.  
3 Harris and anything related to the will, trust, instruments and probate of the  
4 Thomas J. Harris trust.

5  
6 Since NRCP Rule 60 includes provisions for fraud and other things like  
7 surprises, there is no limiting Petitioner's ability to challenge the validity of the  
8 Thomas J. Harris trust. The Petitioner can successfully render the current  
9 Thomas J. Harris trust null and void to which the original Thomas J. Harris and  
10 Olga Harris Trust would be controlling and to which the Petitioner is a  
11 beneficiary.

12  
13 The Petitioner is interested in pursuing an amicable resolution to this  
14 matter using the court/legal system. The Petitioner feels there is settlement  
15 potential since the facts, and as a matter of law, create a presumption of undue  
16 influence by Jeff D. Robben over Thomas J. Harris to disinherit the Petitioner and  
17 also transfer assets including the home of Thomas J. Harris in Minden, Nevada  
18 into the name and/or trust/instrument of Jeff D. Robben. The entire contents of a  
19 Wells Fargo safe deposit box in the name of Thomas J. Harris and may include  
20 Olga Harris is missing. Said safe deposit box contained various assets including  
21 stock certificates, property, and other legal documents.

22  
23  
24 This Petitioner demands a full accounting and paper trails of all assets of  
25 Thomas J. Harris, Olga Harris and Jeff Robben and any and all trusts and sus-  
26 trusts, shell trusts or corporations, etc.

1 This Petitioner's intent is not to have the current beneficiaries of the  
2 Thomas J. Harris trust lose anything. The lawyer for the trust, F. McClure  
3 Wallace, has the authority to encourage the trust manager/trustee to settle the  
4 matter in an amicable fashion.  
5

6 The lawyer, F. McClure Wallace has been unethical in his conduct before  
7 this very court when he denied existence of the Thomas J. Harris and Olga  
8 Harris trust.  
9

10 Since there appears to be evidence and eyewitnesses to these facts, the  
11 Petitioner is starting the process of working with the proper authorities in various  
12 jurisdictions to pursue any and all criminal matters. This includes the Douglas Co.  
13 Sheriff and D.A. Mark Jackson who remembers Todd Robben from a set of previous  
14 false charges:  
15

16 Source: <http://www.nevadaappeal.com/news/crime/10985994-113/robben-charges-jackson-carson>  
17

18 and

19 [https://www.mtdemocrat.com/news/da-protester-charged-with-trying-to-solicit-](https://www.mtdemocrat.com/news/da-protester-charged-with-trying-to-solicit-murder/comment-page-2/)  
20 [murder/comment-page-2/](https://www.mtdemocrat.com/news/da-protester-charged-with-trying-to-solicit-murder/comment-page-2/)  
21

22 and here

23 [https://www.mtdemocrat.com/news/charges-dropped-da-protester-out-of-](https://www.mtdemocrat.com/news/charges-dropped-da-protester-out-of-prison/)  
24 [prison/](https://www.mtdemocrat.com/news/charges-dropped-da-protester-out-of-prison/)  
25

26 All charges against South Tahoe resident Ty Robben have now been  
27 dropped in jailhouse HIT MAN to kill corrupt Carson City Judge Tatro and  
28

1 Slander/Libel/Internet Stalking by Geoff Dornan  
2 gdornan@nevadaappeal.com

3 Douglas County District Attorney Mark Jackson, the special prosecutor  
4 named to handle the cases, previously dismissed libel and harassment  
5 charges.

6 He served notice Thursday that he was dropping the charge **Ty Robben**  
7 **AKA "Top Ramen"** (new 'jail name' obtained at the Carson City jailhouse  
8 since it sounds like his name) **tried to hire a hit man to kill Justice of**  
9 **the Peace John Tatro.**

10 Mark Jackson was brought in after the **Carson City DA's office was**  
11 **disqualified** from handling the case.

12 **"Based on a full and complete review of all the evidence and the**  
13 **existing constitutional, statutory and case law, I filed a notice of**  
14 **dismissal today in the Carson Township Justice Court," Jackson**  
15 **said in a statement.**

16 He said that means Robben's \$50,000 bail has been lifted, and all  
17 pending charges against him have been dismissed.  
18 "It is my understanding that Mr. Robben is in the process of being  
19 released from the Carson City Jail," Jackson said. Robben stopped by the  
20 Tahoe Daily Tribune Friday and said he was hoping to restore his life and  
21 family. He thanked his attorneys for their work to get him released.

22 **"Thank you to Mark Jackson for standing up and supporting the U.S.**  
23 **Constitution," Robben said.**

24 Two weeks ago, Jackson dismissed the other case against Robben, which  
25 accused him of libel and stalking and two counts of attempting to  
26 intimidate Tatro and his family. He did so stating that Nevada's libel law  
27 was "unconstitutionally vague." The stalking charge, he said, simply didn't  
28 have enough evidence to support it.

Robben has been battling the state and criminal justice system since he  
was terminated by the Taxation Department.

He was angry with Tatro for his conviction on charges of disorderly  
conduct centered on his attempt to — allegedly — serve papers on behalf  
of a friend on then-NDOT Director Susan Martinovich.  
Robben said Judge Tatro and Assistant DA Mark "Freddie" Krueger must  
resign and criminal charges must be filed against Judge Tatro for filing a

1 false report against me. Thank you Douglas County DA Mark Jackson  
2 for respecting the US Constitution and my 1st & 14th Amendment rights in  
3 these matters and the honor to respect the law(s) and look at the facts  
unbiased.

4 Robben also posted a story and photos of an alleged requirement for  
5 Judge Tatro to take a breathalyzer test prior to taking the bench everyday.  
6 Special thanks Attorney Jarrod Hickman and to the entire State of  
7 Nevada Public Defenders office including the folks behind the scenes  
answering my numerous phone calls from jail.

8 Are you aware of the ruling in Times v. Sullivan (1964) which states this, in  
part:

9 As Americans we have a profound national commitment to the principle  
10 that debate on Public Issues should be uninhibited, robust, and wide open.  
11 And that it may well include vehement, caustic, and sometimes  
unpleasantly sharp attacks on government and public officials.

12 The Petitioner has been subject to vexation by the Thomas J. Harris trust  
13 administrator, Tara M. Flanagan who has abuse her position as a California  
14 Superior Court Judge in volition the state judicial ethics & canons to have the  
15 Alameda County authorities attempt to intimate this Petitioner from his legal  
16 rights to pursue his claims and expose the corruption. According to Cal. Judicial  
17 Canon 2: A Judge Shall Avoid Impropriety and the Appearance of Impropriety in  
18 All of the Judge's Activities A. Promoting Public Confidence B. Use of the  
19 Prestige of Judicial Office.

22 ccording to Cal. Judicial Canon 4: A Judge Shall So Conduct the Judge's  
23 Quasi-Judicial and Extrajudicial Activities as to Minimize the Risk of Conflict with  
24 Judicial Obligations

- 26 A. Extrajudicial Activities in General  
27 B. Quasi-judicial and Avocational Activities  
28 C. Governmental, Civic, or Charitable Activities

1       **D. Financial Activities**  
2       **E. Fiduciary Activities**  
3       **F. Service as Arbitrator or Mediator**  
4       **G. Practice of Law**  
5       **H. Compensation and Reimbursement**

6       There has been a total break-down and failure to communicate by Tara M.  
7       Flanagan, F. McClure Wallace and Scott Barton. Tara M. Flanagan knows of the  
8       fraud and theft conducted by Scott William Barton Cal. State BAR # 160262, a  
9       California lawyer. Pursuant to California Judicial Canon III, D II: (2) Whenever a  
10      judge has personal knowledge that a lawyer has violated any provision of the  
11      Rules of Professional Conduct, the judge shall take appropriate corrective action.

12      “Silence can only be equated with fraud where there is a legal or moral  
13      duty to speak or where an inquiry left unanswered would be intentionally  
14      misleading.” United States v. Prudden, 424 F.2d 1021 p. 1032.(5th Cir. 1970),  
15      cert. denied, 400 U.S. 831, 91 S.Ct. 62, 27 L.Ed.2d 62 (1970).

16      In an effort to carry out any litigation in this case, a court appointed lawyer  
17      is requested to act as an intermediary and legal counsel. The Petitioner cannot  
18      be subjected to false claims of harassment or threats to harm anyone. An honest  
19      lawyer will be able to work with the opposing counsel to obtain an amicable  
20      solution and justice for any criminal wrongdoings.

21      In an abundance of caution, and in the interests and furtherance of justice,  
22      the Petitioner has a “statutory right” to counsel in this matter and the Court has  
23      an opportunity to remedy the situation simply by appointing counsel to which any  
24      25  
26  
27  
28

1 costs, fees, etc can be paid back by the Petitioner upon a successful resolution  
2 and the inclusion of attorneys fees and costs.

3  
4 In good faith, this Petition is holding back evidence, facts and the names  
5 of certain individuals to preserve confidentiality upon the Courts decision on  
6 appointing counsel. Once counsel is appointed, the evidence can be disclosed to  
7 the Defendants' counsel and/or the court.

8  
9 If the Court decides against appointing counsel, the Petitioner will pursue  
10 this case in pre per. The Petitioner reserves all rights including using extra-  
11 judicial remedies, common law liens, salvage liens and any and all other tolls and  
12 resources to accomplish justice and a fair remedy

13  
14 Respectfully signed under penalty of perjury,

15  
16  
17 /s/ Todd Robben

18 June 15, 2022  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

CERTIFICATE OF MAILING

I, Stephen James Robben, declare under penalty of perjury under the law of the State of Nevada that the following is true and correct copy of the filed document. That on (month) June (day) 15th, 2022, service of the document was made pursuant to NRCP 5(b) by depositing a email to: F. McClure Wallace, counsel for Respondent, mcclure@wallacemillsap.com

DATED this 15th day of June, 2022

Submitted By: /s/ Stephen James Robben



# Exhibit 5

# Exhibit 5

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

1 CASE NO.: 2021 PB00034

2 DEPT NO.: I

RECEIVED

JUN 22 2022

Douglas County  
District Court Clerk

FILED

2022 JUN 22 AM 11:04

DOUGLAS COUNTY  
CLERK

M. CARNEY

3  
4  
5 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
6 IN AND FOR THE COUNTY OF DOUGLAS

7  
8 IN RE:

9 THE ESTATE OF THOMAS JOSEPH  
HARRIS,

10 Deceased  
11

12 ORDER GRANTING PETITION TO CONFIRM FIRST AND FINAL  
13 ACCOUNTING, REQUEST FOR FINAL DISTRIBUTION, AND REQUEST  
14 FOR PAYMENT OF PROFESSIONAL'S FEES AND COSTS

15 Tara M. Flanagan, in her capacity as the Court appointed Personal  
16 Representative (aka "Successor Executor") of the Estate of Thomas Joseph Harris  
17 (the "Estate"), by and through her counsel of record, F. McClure Wallace and Patrick  
18 R. Millsap of Wallace & Millsap, has presented her Petition to Confirm First and  
19 Final Accounting, Request for Final Distribution and Request for Payment of  
20 Professional Fees and Costs (the "Petition").

21 The Court conducted a properly noticed hearing on the Petition on May 24,  
22 2022. The Court received no objections to the Petition. However, also on or about  
23 May 24, 2022, Mr. Todd Robben filed a *Notice of Motion for Continuance and Motion*  
24 *for Continuance* requesting up to a six-month continuance of the matter. Based on  
25 the presentations of Mr. Robben and Counsel for the Estate at the hearing, the Court  
26 granted Mr. Robben a short extension to demonstrate a basis upon which he could  
27 assert any standing in this matter, continuing the hearing on the Petition to June 21,  
28 2022. Thereafter, Mr. Robben filed a *Request for Appointment of Counsel* on June 15,

1 2022. The Court then conducted a continued hearing for approval of the Petition on  
2 June 21, 2022. Again, the Court received no objections to the Petition beyond the  
3 filings and presentation of Mr. Robben. Counsel for the Estate argued in favor of  
4 granting the Petition and presented legal arguments in opposition to Mr. Robben's  
5 filings and oral presentation, namely that Mr. Robben is not an interested person in  
6 this matter as defined by NRS 132.185, and as such lacks standing to object to the  
7 Petition or be appointed counsel by the Court pursuant to NRS 136.200.

8 Having considered the Personal Representative's Petition, Mr. Todd Robben's  
9 filings, and having heard the presentation of the Personal Representative by and  
10 through her Counsel, as well as the presentation of Mr. Todd Robben, appearing in  
11 *pro per*, the Court finds as follows:

12 FINDINGS AND ORDER

13 1. Thomas Joseph Harris (the "Decedent") died on December 30, 2019, as  
14 a resident of Douglas County, Nevada.

15 2. The Decedent's death was caused by a motor vehicle accident in Washoe  
16 County, Nevada on or about December 19, 2019. The Decedent was not at fault for  
17 the motor vehicle accident.

18 3. The Last Will and Testament of Thomas Joseph Harris was duly lodged  
19 with this Court on April 6, 2021.

20 4. The Decedent's Last Will and Testament is a pour over will, identifying  
21 the Decedent's Trust as the beneficiary of his Will. The Decedent's Trust is The  
22 Declaration of Trust Known as the Thomas J. Harris Trust, Dated June 12, 2019 (the  
23 "Decedent's Trust" or the "Trust").

24 5. The Decedent's Last Will and Testament identified the following line of  
25 Executors: Jeff Robben, Scott Barton, and Tara Flanagan.

26 6. On March 10, 2021, Scott Barton filed his *Verified Petition for Letters of*  
27 *Special Administration (NRS 140.010) and for Probate of Will and Issuance of Letters*  
28 *Testamentary (NRS 136.090)*. Mr. Barton was the appropriate individual to seek

1 appointment as the Personal Representative of the Estate because the first  
2 nominated executor, Mr. Robben, had passed away on November 11, 2020.

3 7. On April 6, 2021, this Court entered its *Order Admitting Will to Probate*  
4 *and Issuing Letters Testamentary* appointing Scott Barton to serve as the Personal  
5 Representative of the Estate. Consistent with the Court's Order, Letters  
6 Testamentary were issued to Scott Barton on April 22, 2021.

7 8. Upon information and belief, pursuant to his appointment as the  
8 Estate's Personal Representative, Scott Barton began his efforts to administer the  
9 Decedent's Estate. Namely for purposes of this Petition, Mr. Barton continued Mr.  
10 Robben's previously initiated efforts to prosecute the wrongful death claims related  
11 to the Decedent's death, including retaining Ms. Julie Throop, Esq. to represent the  
12 Estate regarding the wrongful death of the Decedent.

13 9. By and through its retained litigation Counsel, the Estate was able to  
14 reach a pre-litigation resolution of all claims regarding the wrongful death of the  
15 Decedent, as discussed in greater detail below.

16 10. Thereafter, and before completing the negotiated settlement or gaining  
17 Court approval of the settlement on behalf of the Estate, Scott Barton notified Tara  
18 Flanagan he was resigning as the Personal Representative of the Estate.

19 11. Consistent with her nomination as the next named executor of the  
20 Estate by the Decedent's Will, Ms. Flanagan filed her *Petition for Appointment of*  
21 *Successor Executor and for Issuance of Letters Testamentary* on June 25, 2021.

22 12. On July 27, 2021, the Court entered its *Order Appointing Successor*  
23 *Executor and Issuing Successor Letters Testamentary*, and on August 17, 2021, the  
24 Court issued Letters Testamentary to Tara M. Flanagan.

25 13. Pursuant to her appointment as the Personal Representative of the  
26 Estate, on August 30, 2021, Ms. Flanagan filed her Petition to Approve Settlement  
27 (the "Petition"), seeking this Court's confirmation of the settlement negotiated by Mr.  
28 Barton and Ms. Throop on behalf of the Estate regarding the Decedent's death, as

1 well as authorizing Ms. Flanagan, in her capacity as the Estate's Personal  
2 Representative, to complete all remaining steps necessary to effectuate the  
3 settlement for the benefit of the Estate.

4 14. Thereafter, the Court held a hearing on September 9, 2021 on the  
5 Personal Representative's Petition. The hearing was attended by Thomas A. Harris,  
6 Counsel for Mr. Thomas A. Harris, the Personal Representative, Counsel for the  
7 Personal Representative, and the Estate's wrongful death Counsel, Julie Throop, Esq.  
8 At the hearing the Judge heard from all Counsel regarding the issue of Ms. Throop's  
9 attorney fees as raised by Mr. Thomas A. Harris by and through his Counsel. At the  
10 conclusion of the hearing, Mr. Harris withdrew any objection he had previously  
11 presented to Ms. Throop's fees incurred as wrongful death Counsel for the Estate. As  
12 a result, there is no objection before the Court to the Petition to Approve the  
13 Settlement filed by the Personal Representative, nor any objection to the settlement  
14 placed before the Court for confirmation.

15 15. On September 9, 2021 the Court entered its *Order Granting Petition to*  
16 *Approve Settlement.*

17 16. Pursuant to the Court's *Order Granting Petition to Approve Settlement*  
18 Tara M. Flanagan, in her capacity as the Estate's Personal Representative, finalized  
19 the settlement for the benefit of the Estate and deposited all settlement proceeds in  
20 the Estate's bank account. The Court finds Ms. Flanagan's efforts in this regard to  
21 have been dutifully and properly fulfilled.

22 17. On April 15, 2022, the Personal Representative filed the subject *Petition*  
23 *to Confirm First and Final Accounting, Request for Final Distribution, and Request*  
24 *for Payment of Professional's Fees and Costs.*

25 18. Shortly thereafter, the Estate's Inventory and Record of Value was  
26 appropriately filed.

27 19. As reported in the Personal Representative's Petition, Notice to  
28 Creditors was properly filed on April 22, 2021, and published in the Record Courier

1 on April 29, May 6, and May 13, 2021. Proof of Publication of the Notice to Creditors  
2 was filed with the Court on May 20, 2021. No creditor's claims were filed against the  
3 Estate.

4 20. All tax returns appropriately required of the Decedent have been filed.  
5 A final estate tax return will be filed. There is no known liability due on this return.

6 21. The Administrator has received no other communication or inquiry from  
7 any other taxing authority or any other claimant.

8 22. The acts of the Tara Flanagan, in her capacity as the Successor  
9 Executor, are ordinary, necessary, and reasonable without exception.

10 23. After all administrative expenses, legal expenses, and claims have been  
11 paid, all remaining assets, including any after discovered assets, will be distributed  
12 to the Estate's sole beneficiary, the Thomas J. Harris Trust, dated June 12, 2019.

13 24. The time necessary for the Successor Executor to complete the tasks  
14 required of her has been ordinary, necessary, and reasonable.

15 25. The gross value of the Estate for computing the Petitioner's Commission  
16 is \$620,000.00.

17 26. Pursuant to NRS 150.020, the Petitioner is entitled to \$13,550.00 in  
18 ordinary compensation.

19 27. Counsel has rendered valuable services to the Petitioner.

20 28. The rates charged by Wallace & Millsap LLC are ordinary, necessary,  
21 and reasonable.

22 29. The services performed by Wallace & Millsap LLC are appropriate,  
23 necessary, and reasonable without exception.

24 30. Wallace & Millsap LLC has requested the sum \$20,638.00 in attorney's  
25 fees.

26 31. Wallace & Millsap LLC has requested the sum of \$994.78 for costs  
27 advanced.

28 32. Finally, upon thorough review by this court, including review of Mr.

1 Robben's written filings and hearing Mr. Robben's oral presentation at both the May  
2 24, 2022 hearing as well as the June 21, 2022 continued hearing, the Court  
3 determines Mr. Robben is not an "interested person" in this Estate as defined by NRS  
4 132.185, and as such has no standing to object to the Petition, be appointed Counsel,  
5 or otherwise appear in this proceeding. Specifically, the Court heard from Mr.  
6 Robben, and after giving him additional time, Mr. Robben was unable to present any  
7 legal basis or admissible evidence to potentially allow a determination he is an  
8 interested person in this Estate. Therefore, Mr. Todd Robben is not an interest  
9 person to this Estate, and as such has no standing to oppose or object to the Petition,  
10 or to otherwise appear in these proceedings.  
11

12 WHEREFORE, as a result of the foregoing, considering the *Petition to*  
13 *Confirm First and Final Accounting, Request for Final Distribution, and Request for*  
14 *Payment of Professional's Fees and Costs* filed by the Personal Representative,  
15 considering Mr. Todd Robben's *Notice of Motion for Continuance and Motion for*  
16 *Continuance*, and hearing the presentation of Counsel and Mr. Robben, the Court  
17 having good cause ORDERS as follows:

- 18 A. The First and Final Accounting of the Estate is approved without  
19 exception.
- 20 B. The acts of the Personal Representative with respect to the  
21 administration of the Estate are confirmed without exception
- 22 C. It was proper to generally administer this Estate.
- 23 D. There were no known prior distributions.
- 24 E. The Personal Representative's requested ordinary fees and costs are  
25 necessary and reasonable in all respects.
- 26 F. The Personal Representative is authorized and directed to pay herself  
27 \$13,550.00 in ordinary fees.  
28

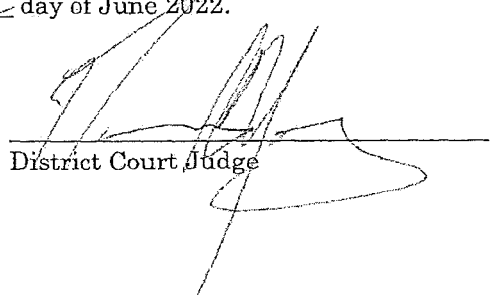
- 1 G. All actions and services rendered by Counsel for the Personal  
2 Representative were reasonable and appropriate.
- 3 H. Counsel for the Personal Representative's requested fees and costs were  
4 necessary and reasonable in all respects.
- 5 I. The Personal Representative is authorized and directed to pay the law  
6 firm of Wallace & Millsap LLC, the sum of \$20,638.00 as compensation  
7 for legal services rendered, and to be rendered by said attorney and  
8 paralegal for the benefit of the Estate.
- 9 J. The Personal Representative is authorized and directed to pay the law  
10 firm of Wallace & Millsap LLC, the sum of \$994.78 for costs advanced  
11 and to be advanced in this Estate, for a total payment of fees and costs  
12 in the amount of \$21,632.78.
- 13 K. The Personal Representative is authorized and directed to holdback  
14 \$5,000.00 for completion of all the Estate's tax needs, including paying  
15 the final accounting fees of the Estate.
- 16 L. After all administrative expenses and professional fees are paid, the  
17 Personal Representative is authorized and directed to distribute the  
18 Estate's remaining assets, including any after discovered assets to The  
19 Declaration of Trust Known as the Thomas J. Harris Trust, Dated June  
20 12, 2019, by and through Tara Flanagan as Successor Trustee.
- 21  
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1 M. The Personal Representative shall complete any and all remaining task  
2 necessary to complete the administration of this Estate, at which time  
3 the Executor shall request her discharge from this Court.

4 N. Mr. Todd Robben is not an interested person in this matter, has no  
5 standing in the proceedings, and as such his Request for Appointment  
6 of Counsel is denied.

7  
8  
9 IT IS SO ORDERED this 27 day of June 2022.

10  
11  
12   
District Court Judge

13 Submitted by:

14  
15 WALLACE & MILLSAP

16 /s / F. McClure Wallace

17 F. MCCLURE WALLACE, ESQ.

18 State Bar No. 10264

19 PATRICK R. MILLSAP, ESQ.

20 State Bar No. 12043

21 WALLACE & MILLSAP LLC

22 510 West Plumb Lane, Suite A

23 Reno, Nevada 89509

(775) 683-9599 Telephone

(775) 683-9597 Fax

24 Attorneys for Petitioner  
25  
26  
27  
28

Exhibit 6

Exhibit 6

1 Todd Robben  
2 In Pro per  
3 PO Box 4251  
4 Sonora, CA 95370  
5 Robben.tv@gmail.com  
6 (209)540-7713

RECEIVED FILED

JUN 27 2022 JUN 27 PM 3:42

Douglas County BOBBIE R. WILLIAMS  
District Court Clerk CLERK

Electronically Filed  
JUN 29 2022 04:09 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

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

8  
9  
10 IN RE: THE ESTATE OF THOMAS  
11 JOSEPH HARRIS,

12  
13 Deceased

CASE NO.: 2021 PB00034

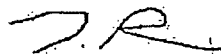
NOTICE OF APPEAL

DEPARTMENT: 1

JUDGE: Nathan Tod Young

14  
15  
16  
17 Petitioner, Todd C. Robben appeals the decision, order and judgment pursuant  
18 to NRS §§ 155.190 from Judge Nathan Tod Young on June 21, 2022<sup>1</sup> denying  
19 Petitioner counsel and granting the final accounting and final distribution in the above  
20 titled case.

21 Respectfully,

22 

23  
24 /s/ Todd Robben

25 06/27/2022

26  
27 <sup>1</sup> The order appears to be dated June 22, 2022.

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CERTIFICATE OF MAILING

I, Stephen James Robben, declare under penalty of perjury under the law of the State of Nevada that the following is true and correct copy of the filed document. That on June 27, 2022, service of the document was made pursuant to NRCP 5(b) by depositing a email to: F. McClure Wallace, counsel for Respondent, mcclure@wallacemillsap.com

DATED this 27 day of June, 2022

Submitted By: /s/ Stephen James Robben

RECEIVED

Form 2. Case Appeal Statement

JUN 28 2022

FILED

No. 2021-PB-00034

Douglas County, Dept. No. 1  
District Court Clerk

2022 JUN 28 AM 10:06

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

IN RE: THE ESTATE OF  
THOMAS JOSEPH HARRIS,  
Deceased

BY: [Signature] DEPUTY

CASE APPEAL STATEMENT

1. Name of appellant filing this case appeal statement:  
Todd Robben.
2. Identify the judge issuing the decision, judgment, or order appealed from:  
Nathan Tod Young.
3. Identify each appellant and the name and address of counsel for each appellant:  
Todd Robben - P.O. Box 4251, Sonora CA 95370.
4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent (if the name of a respondent's appellate counsel is unknown, indicate as much and provide the name and address of that respondent's trial counsel):  
N/A
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):  
N/A.
6. Indicate whether appellant was represented by appointed or retained counsel in the district court: N/A
7. Indicate whether appellant is represented by appointed or retained counsel on appeal:  
Proper Person.
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:  
Appellant was granted leave to proceed in forma pauperis filed May 23, 2022.
9. Indicate the date the proceedings commenced in the district court (e.g., date complaint, indictment, information, or petition was filed):  
Order granting Petition to Confirm First and Final Accounting, Request for Final Distribution, and Request for Payment of Professional's Fees and Costs filed June 22, 2022.
10. Provide a brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the court:  
This is a probate matter in which the appellant is appealing the Order granting Petition to Confirm First and Final Accounting, Request for Final Distribution, and Request for Payment of Professional's Fees and Costs filed June 22, 2022.

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

4 12. Indicate whether this appeal involves child custody or visitation:  
5 No.

6 13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:  
7 N/A

8 Dated this 28<sup>th</sup> day of June, 2022

9   
10 Deputy Clerk

11 P.O. Box 218

12 Minden, Nevada 89423

13 775-782-9820

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

1 CASE NO.: 2021 PB00034

2 DEPT NO.: I

RECEIVED

JUN 22 2022

Douglas County  
District Court Clerk

FILED

2022 JUN 22 AM 11:04

BOBBIE R. WILLIAMS  
CLERK

BY *[Signature]* CLERK

3  
4  
5 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
6  
7 IN AND FOR THE COUNTY OF DOUGLAS

8 IN RE:

9 THE ESTATE OF THOMAS JOSEPH  
10 HARRIS,

11 Deceased

12 ORDER GRANTING PETITION TO CONFIRM FIRST AND FINAL  
13 ACCOUNTING, REQUEST FOR FINAL DISTRIBUTION, AND REQUEST  
14 FOR PAYMENT OF PROFESSIONAL'S FEES AND COSTS

15 Tara M. Flanagan, in her capacity as the Court appointed Personal  
16 Representative (aka "Successor Executor") of the Estate of Thomas Joseph Harris  
17 (the "Estate"), by and through her counsel of record, F. McClure Wallace and Patrick  
18 R. Millsap of Wallace & Millsap, has presented her Petition to Confirm First and  
19 Final Accounting, Request for Final Distribution and Request for Payment of  
20 Professional Fees and Costs (the "Petition").

21 The Court conducted a properly noticed hearing on the Petition on May 24,  
22 2022. The Court received no objections to the Petition. However, also on or about  
23 May 24, 2022, Mr. Todd Robben filed a *Notice of Motion for Continuance and Motion*  
24 *for Continuance* requesting up to a six-month continuance of the matter. Based on  
25 the presentations of Mr. Robben and Counsel for the Estate at the hearing, the Court  
26 granted Mr. Robben a short extension to demonstrate a basis upon which he could  
27 assert any standing in this matter, continuing the hearing on the Petition to June 21,  
28 2022. Thereafter, Mr. Robben filed a *Request for Appointment of Counsel* on June 15,

1 2022. The Court then conducted a continued hearing for approval of the Petition on  
2 June 21, 2022. Again, the Court received no objections to the Petition beyond the  
3 filings and presentation of Mr. Robben. Counsel for the Estate argued in favor of  
4 granting the Petition and presented legal arguments in opposition to Mr. Robben's  
5 filings and oral presentation, namely that Mr. Robben is not an interested person in  
6 this matter as defined by NRS 132.185, and as such lacks standing to object to the  
7 Petition or be appointed counsel by the Court pursuant to NRS 136:200.

8 Having considered the Personal Representative's Petition, Mr. Todd Robben's  
9 filings, and having heard the presentation of the Personal Representative by and  
10 through her Counsel, as well as the presentation of Mr. Todd Robben, appearing in  
11 *pro per*, the Court finds as follows:

12 FINDINGS AND ORDER

13 1. Thomas Joseph Harris (the "Decedent") died on December 30, 2019, as  
14 a resident of Douglas County, Nevada.

15 2. The Decedent's death was caused by a motor vehicle accident in Washoe  
16 County, Nevada on or about December 19, 2019. The Decedent was not at fault for  
17 the motor vehicle accident.

18 3. The Last Will and Testament of Thomas Joseph Harris was duly lodged  
19 with this Court on April 6, 2021.

20 4. The Decedent's Last Will and Testament is a pour over will, identifying  
21 the Decedent's Trust as the beneficiary of his Will. The Decedent's Trust is The  
22 Declaration of Trust Known as the Thomas J. Harris Trust, Dated June 12, 2019 (the  
23 "Decedent's Trust" or the "Trust").

24 5. The Decedent's Last Will and Testament identified the following line of  
25 Executors: Jeff Robben, Scott Barton, and Tara Flanagan.

26 6. On March 10, 2021, Scott Barton filed his *Verified Petition for Letters of*  
27 *Special Administration (NRS 140.010) and for Probate of Will and Issuance of Letters*  
28 *Testamentary (NRS 136.090)*. Mr. Barton was the appropriate individual to seek



1 appointment as the Personal Representative of the Estate because the first  
2 nominated executor, Mr. Robben, had passed away on November 11, 2020.

3 7. On April 6, 2021, this Court entered its *Order Admitting Will to Probate*  
4 *and Issuing Letters Testamentary* appointing Scott Barton to serve as the Personal  
5 Representative of the Estate. Consistent with the Court's Order, Letters  
6 Testamentary were issued to Scott Barton on April 22, 2021.

7 8. Upon information and belief, pursuant to his appointment as the  
8 Estate's Personal Representative, Scott Barton began his efforts to administer the  
9 Decedent's Estate. Namely for purposes of this Petition, Mr. Barton continued Mr.  
10 Robben's previously initiated efforts to prosecute the wrongful death claims related  
11 to the Decedent's death, including retaining Ms. Julie Throop, Esq. to represent the  
12 Estate regarding the wrongful death of the Decedent.

13 9. By and through its retained litigation Counsel, the Estate was able to  
14 reach a pre-litigation resolution of all claims regarding the wrongful death of the  
15 Decedent, as discussed in greater detail below.

16 10. Thereafter, and before completing the negotiated settlement or gaining  
17 Court approval of the settlement on behalf of the Estate, Scott Barton notified Tara  
18 Flanagan he was resigning as the Personal Representative of the Estate.

19 11. Consistent with her nomination as the next named executor of the  
20 Estate by the Decedent's Will, Ms. Flanagan filed her *Petition for Appointment of*  
21 *Successor Executor and for Issuance of Letters Testamentary* on June 25, 2021.

22 12. On July 27, 2021, the Court entered its *Order Appointing Successor*  
23 *Executor and Issuing Successor Letters Testamentary*, and on August 17, 2021, the  
24 Court issued Letters Testamentary to Tara M. Flanagan.

25 13. Pursuant to her appointment as the Personal Representative of the  
26 Estate, on August 30, 2021, Ms. Flanagan filed her Petition to Approve Settlement  
27 (the "Petition"), seeking this Court's confirmation of the settlement negotiated by Mr.  
28 Barton and Ms. Throop on behalf of the Estate regarding the Decedent's death, as

1 well as authorizing Ms. Flanagan, in her capacity as the Estate's Personal  
2 Representative, to complete all remaining steps necessary to effectuate the  
3 settlement for the benefit of the Estate.

4 14. Thereafter, the Court held a hearing on September 9, 2021 on the  
5 Personal Representative's Petition. The hearing was attended by Thomas A. Harris,  
6 Counsel for Mr. Thomas A. Harris, the Personal Representative, Counsel for the  
7 Personal Representative, and the Estate's wrongful death Counsel, Julie Throop, Esq.  
8 At the hearing the Judge heard from all Counsel regarding the issue of Ms. Throop's  
9 attorney fees as raised by Mr. Thomas A. Harris by and through his Counsel. At the  
10 conclusion of the hearing, Mr. Harris withdrew any objection he had previously  
11 presented to Ms. Throop's fees incurred as wrongful death Counsel for the Estate. As  
12 a result, there is no objection before the Court to the Petition to Approve the  
13 Settlement filed by the Personal Representative, nor any objection to the settlement  
14 placed before the Court for confirmation.

15 15. On September 9, 2021 the Court entered its *Order Granting Petition to*  
16 *Approve Settlement*.

17 16. Pursuant to the Court's *Order Granting Petition to Approve Settlement*  
18 Tara M. Flanagan, in her capacity as the Estate's Personal Representative, finalized  
19 the settlement for the benefit of the Estate and deposited all settlement proceeds in  
20 the Estate's bank account. The Court finds Ms. Flanagan's efforts in this regard to  
21 have been dutifully and properly fulfilled.

22 17. On April 15, 2022, the Personal Representative filed the subject *Petition*  
23 *to Confirm First and Final Accounting, Request for Final Distribution, and Request*  
24 *for Payment of Professional's Fees and Costs*.

25 18. Shortly thereafter, the Estate's Inventory and Record of Value was  
26 appropriately filed.

27 19. As reported in the Personal Representative's Petition, Notice to  
28 Creditors was properly filed on April 22, 2021, and published in the Record Courier

1 on April 29, May 6, and May 13, 2021. Proof of Publication of the Notice to Creditors  
2 was filed with the Court on May 20, 2021. No creditor's claims were filed against the  
3 Estate.

4 20. All tax returns appropriately required of the Decedent have been filed.  
5 A final estate tax return will be filed. There is no known liability due on this return.

6 21. The Administrator has received no other communication or inquiry from  
7 any other taxing authority or any other claimant.

8 22. The acts of the Tara Flanagan, in her capacity as the Successor  
9 Executor, are ordinary, necessary, and reasonable without exception.

10 23. After all administrative expenses, legal expenses, and claims have been  
11 paid, all remaining assets, including any after discovered assets, will be distributed  
12 to the Estate's sole beneficiary, the Thomas J. Harris Trust, dated June 12, 2019.

13 24. The time necessary for the Successor Executor to complete the tasks  
14 required of her has been ordinary, necessary, and reasonable.

15 25. The gross value of the Estate for computing the Petitioner's Commission  
16 is \$620,000.00.

17 26. Pursuant to NRS 150.020, the Petitioner is entitled to \$13,550.00 in  
18 ordinary compensation.

19 27. Counsel has rendered valuable services to the Petitioner.

20 28. The rates charged by Wallace & Millsap LLC are ordinary, necessary,  
21 and reasonable.

22 29. The services performed by Wallace & Millsap LLC are appropriate,  
23 necessary, and reasonable without exception.

24 30. Wallace & Millsap LLC has requested the sum \$20,638.00 in attorney's  
25 fees.

26 31. Wallace & Millsap LLC has requested the sum of \$994.78 for costs  
27 advanced.

28 32. Finally, upon thorough review by this court, including review of Mr.

1 Robben's written filings and hearing Mr. Robben's oral presentation at both the May  
2 24, 2022 hearing as well as the June 21, 2022 continued hearing, the Court  
3 determines Mr. Robben is not an "interested person" in this Estate as defined by NRS  
4 132.185, and as such has no standing to object to the Petition, be appointed Counsel,  
5 or otherwise appear in this proceeding. Specifically, the Court heard from Mr.  
6 Robben, and after giving him additional time, Mr. Robben was unable to present any  
7 legal basis or admissible evidence to potentially allow a determination he is an  
8 interested person in this Estate. Therefore, Mr. Todd Robben is not an interest  
9 person to this Estate, and as such has no standing to oppose or object to the Petition,  
10 or to otherwise appear in these proceedings.

11  
12 WHEREFORE, as a result of the foregoing, considering the *Petition to*  
13 *Confirm First and Final Accounting, Request for Final Distribution, and Request for*  
14 *Payment of Professional's Fees and Costs* filed by the Personal Representative,  
15 considering Mr. Todd Robben's *Notice of Motion for Continuance and Motion for*  
16 *Continuance*, and hearing the presentation of Counsel and Mr. Robben, the Court  
17 having good cause ORDERS as follows:

- 18 A. The First and Final Accounting of the Estate is approved without  
19 exception.  
20 B. The acts of the Personal Representative with respect to the  
21 administration of the Estate are confirmed without exception  
22 C. It was proper to generally administer this Estate.  
23 D. There were no known prior distributions.  
24 E. The Personal Representative's requested ordinary fees and costs are  
25 necessary and reasonable in all respects.  
26 F. The Personal Representative is authorized and directed to pay herself  
27 \$13,550.00 in ordinary fees.  
28

- 1 G. All actions and services rendered by Counsel for the Personal  
2 Representative were reasonable and appropriate.
- 3 H. Counsel for the Personal Representative's requested fees and costs were  
4 necessary and reasonable in all respects.
- 5 I. The Personal Representative is authorized and directed to pay the law  
6 firm of Wallace & Millsap LLC, the sum of \$20,638.00 as compensation  
7 for legal services rendered, and to be rendered by said attorney and  
8 paralegal for the benefit of the Estate.
- 9 J. The Personal Representative is authorized and directed to pay the law  
10 firm of Wallace & Millsap LLC, the sum of \$994.78 for costs advanced  
11 and to be advanced in this Estate, for a total payment of fees and costs  
12 in the amount of \$21,632.78.
- 13 K. The Personal Representative is authorized and directed to holdback  
14 \$5,000.00 for completion of all the Estate's tax needs, including paying  
15 the final accounting fees of the Estate.
- 16 L. After all administrative expenses and professional fees are paid, the  
17 Personal Representative is authorized and directed to distribute the  
18 Estate's remaining assets, including any after discovered assets to The  
19 Declaration of Trust Known as the Thomas J. Harris Trust, Dated June  
20 12, 2019, by and through Tara Flanagan as Successor Trustee.
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*Wallace & Millsap*  
510 W Plumb Ln., Reno, Nevada / (775) 683-9599

1 M. The Personal Representative shall complete any and all remaining task  
2 necessary to complete the administration of this Estate, at which time  
3 the Executor shall request her discharge from this Court.

4 N. Mr. Todd Robben is not an interested person in this matter, has no  
5 standing in the proceedings, and as such his Request for Appointment  
6 of Counsel is denied.

7  
8  
9 IT IS SO ORDERED this 22 day of June 2022.

10  
11  
12   
District Court Judge

13 Submitted by:

14  
15 WALLACE & MILLSAP

16 /s / F. McClure Wallace

17 F. MCCLURE WALLACE, ESQ.

18 State Bar No. 10264

19 PATRICK R. MILLSAP, ESQ.

20 State Bar No. 12043

21 WALLACE & MILLSAP LLC

22 510 West Plumb Lane, Suite A

23 Reno, Nevada 89509

24 (775) 683-9599 Telephone

25 (775) 683-9597 Fax

26 *Attorneys for Petitioner*  
27  
28

# Douglas County District Court

## Case Summary Report

Case #: 2021-PB-00034  
Case Title: In the Matter of the Estate of Harris; Thomas Joseph  
Filed: 03/10/2021  
Cause: Probate: Special Administration DV: N

Case Status: Reopened Date: 06/24/2022

Archived: 06/24/2022, 06/21/2022, 06/17/2022, 06/01/2022, 05/24/2022, 05/20/2022, 05/18/2022,

### Parties

<u>Party</u>	<u>Name</u>	<u>Status</u>
Petitioner	Barton, Scott	
Petitioner	Flanagan, Tara M	
Other	Robben, Todd	
Decedent	Harris, Thomas Joseph	

<u>Party</u>	<u>Name</u>	<u>Bar #</u>	<u>Status</u>	<u>Representing</u>
Attorney	Stephenson, Abigail G.	13593	Current	
Attorney	Wallace, F. McClure	10264	Current	
Attorney	Millsap, Patrick R.	12043	Current	
Attorney	Hales, James R.	2716	Substituted Out	

### Events

<u>Date/Time</u>	<u>Type</u>	<u>Result</u>	<u>Reason</u>
04/06/2021	Petition Hearing	Concluded	
07/27/2021	Petition Hearing	Concluded	
09/07/2021	Petition Hearing	Concluded	
09/21/2021	Petition Hearing	Vacated	
05/24/2022	Petition Hearing	Concluded	
06/21/2022	Petition Hearing	Concluded	

### Documents

<u>Date</u>	<u>Code</u>	<u>Description</u>
	MINS	Minutes
	MINS	Minutes
	MINS	Minutes
	MINS	Minutes
	MINS	Minutes
03/10/2021	DFVD	Verified - Petition for Letters of Special Administration and for Probate of Will and Issuance of Letters Testamentary
03/11/2021	DOAP	Order Appointing - Special Administrator
03/15/2021	NHRG	Notice of Hearing
03/15/2021	DCOS	Certificate of Service
03/17/2021	DCOS	Certificate of Service
03/31/2021	DN	Notice of - Remote Appearance
04/02/2021	DPOP	Proof of Publication - Proof and Statement of Publication
04/02/2021	DNAC	Notice of Appearance of Counsel - and Request for remote appearance
04/06/2021	DWIL	Last Will and Testament
04/06/2021	DORD	Order - Admitting Will to Probate and Issuing Letters Testamentary
04/22/2021	DPLT	Letters Testamentary
04/22/2021	DSNA	Statement of Name and Address - of Personal Representative in Accordance With NRS 143.190
04/22/2021	DNTC	Notice to Creditors
04/22/2021	DINP	Instructions for Personal Representative
05/21/2021	DPOP	Proof of Publication - Proof and Statement of Publication
06/25/2021	DPSA	Petition for Appointment of - Successor Executor and for Issuance of Successor Letters Testamentary

<u>Date</u>	<u>Code</u>	<u>Description</u>
06/25/2021	DNAC	Notice of Appearance of Counsel - Notice of Appearance; Request for Special Notice
06/29/2021	NHRG	Notice of Hearing
06/29/2021	COM	Certificate of Mailing
07/01/2021	DREQ	Request - for Special Notice
07/21/2021	DN	Notice of - Notice and Request of Tara M. Flanagan to Appear Remotely Via Zoom at the July 27, 2021 Hearing
07/22/2021	DMIS	Misc. Document - Nature of Response
07/27/2021	DORD	Order - Appointing Successor Executor and Issuing Successor Letters Testamentary
08/17/2021	DPLT	Letters Testamentary
08/30/2021	DIPT	Petition - to Approve Settlement
08/30/2021	NHRG	Notice of Hearing
08/31/2021	MMOT	Motion - Emergency Motion to Dispense of Notice of Hearing, for a Telephonic Hearing at the Courts very Earliest Convenience and Response to the Petition
09/01/2021	DVER	Verification - of Petition to Confirm Settlement
09/03/2021	DOSH	Order Setting Hearing
09/03/2021	DOSH	Order Setting Hearing
09/08/2021	DINP	Instructions for Personal Representative
09/09/2021	DORD	Order - Granting Petition to Approve Settlement
09/16/2021	DNEO	Notice of Entry of Order
04/15/2022	DIPT	Petition - to Confirm First and Final Accounting, Request for Final Distribution, and Request for Payment of Professional's Fees and Costs
04/15/2022	NHRG	Notice of Hearing
04/21/2022	DGIA	Inventory and Appraisement
04/25/2022	DSOA	Substitution of Attorneys
05/12/2022	DREQ	Request - to Appear via Zoom for Hearing
05/16/2022	DORD	Order - Granting Request for Remote Appearance
05/23/2022	DATP	Application to Proceed in Forma Pauperis
05/23/2022	DOPA	Order to Proceed in Forma Pauperis
05/23/2022	MMOT	Motion - Notice of Motion for Continuance and Motion for Continuance
06/15/2022	DREQ	Request - to Appear Remotely Via Zoom for Court Appearance/Hearing
06/16/2022	DREQ	Request - for Appointment of Counsel Pursuant to NRS 136.200
06/16/2022	DORD	Order - Granting Request
06/22/2022	DEXM	Ex Parte Motion - Emergency Stay Request Emergency Verified Motion to Reconsider; Request for Calcification; Notice on Non Hearsay Proof of the Thomas Joseph and Olga Harris Living Trust
06/22/2022	DORD	Order - Granting Petition to Confirm First and Final Accounting, Request for Final Distribution, and Request for Payment of Professional's Fees and Costs
06/23/2022	DSUP	Supplement - Supplemental Points & Authority
06/24/2022	MMOT	Motion - to Expedite Stay Request Pending Reconsideration Request for Submission



CASE NO: 2021-PB-00034

DEPT NO. I

IN THE MATTER OF THE ESTATE OF

Thomas Joseph Harris,

DATE: 06/21/2022

JUDGE: Nathan Tod Young

CLERK: Courtni Walker

COURT REPORTER: Not Reported

PETITIONER'S COUNSEL: F. McClure Wallace

LAW CLERK: John Seddon

BAILIFFS: George Schramm/Les Vido

OTHERS PRESENT:

Todd Robben - Step-son of the decedent (via Zoom)

Thomas A. Harris - Beneficiary (via Zoom)

The above-entitled matter was before the Court this being the time set for CONTINUED PETITION TO CONFIRM FIRST AND FINAL ACCOUNTING, REQUEST FOR FINAL DISTRIBUTION, AND REQUEST FOR PAYMENT OF PROFESSIONAL'S FEES AND COSTS. The petitioner was present in court and represented by counsel.

The verified Petition is on file with the Court and due notice was given as required by law.

The Court is in receipt of Mr. Robben's Request for Appointment of Counsel.

Mr. Wallace opposed the request for appointment of counsel.

The Court finds that Mr. Robben has failed to demonstrate that he is an interested party in this case and the request for appointment of counsel is denied and the petition is granted.

Mr. McClure Wallace will prepare the order.

CASE NO: 2021-PB-00034

DEPT NO. I

IN THE MATTER OF THE ESTATE OF

Thomas Joseph Harris,

DATE: 05/24/2022

JUDGE: Nathan Tod Young

CLERK: Courtni Walker

COURT REPORTER: Not Reported

PETITIONER'S COUNSEL: F. McClure Wallace

LAW CLERK: John Seddon

BAILIFFS: George Schramm/Eric Lindsay

OTHERS PRESENT:

Tara Flanagan - Petitioner

Todd Robben - Stepson of the Decendant

The above-entitled matter was before the Court this being the time set for PETITION TO CONFIRM FIRST AND FINAL ACCOUNTING, REQUEST FOR FINAL DISTRIBUTION, AND REQUEST FOR PAYMNET OF PROFESSIONAL'S FEES AND COSTS. The petitioner was present in court (via Zoom) and represented by counsel.

The verified Petition is on file with the Court and due notice was given as required by law.

Mr. Robben requested a continuance.

Mr. Wallace presented argument regarding Mr. Robben's interest in this matter.

The Court continued this matter to June 21, 2022 at 1:30 p.m.

CASE NO: 2021-PB-00034

DEPT NO. I

IN THE MATTER OF THE ESTATE OF

Thomas Joseph Harris,

DATE: 09/07/2021

JUDGE: Nathan Tod Young

CLERK: Marilyn Carney

COURT REPORTER: Not Reported

PETITIONER'S COUNSEL: Abigail G. Stephenson

LAW CLERK: John Seddon

BAILIFFS: Les Vido

OTHERS PRESENT:

Preston Mathews (via Zoom) - Counsel for Thomas Harris

Julie Throop (via Zoom) - Counsel for Scott Barton

Tara Flanagan (via Zoom) - Petitioner

F. McClure Wallace - Counsel for Tara Flanagan

The above-entitled matter was before the Court this being the time set for Petition to Approve Settlement. The petitioner was present in court and represented by counsel.

The Petition is on file with the Court and due notice was given as required by law.

Hearing no objection, the Court entered an order granting the prayer of the petition.

Mr. McClure will prepare the Order.

CASE NO: 2021-PB-00034

DEPT NO. I

IN THE MATTER OF THE ESTATE OF

Thomas Joseph Harris,

DATE: 07/27/2021

JUDGE: Nathan Tod Young

CLERK: Marilyn Carney

COURT REPORTER: Not Reported

PETITIONER'S COUNSEL: Abigail G. Stephenson

LAW CLERK: Not Present

BAILIFFS: Les Vido/George Schramm

OTHERS PRESENT:

Steven Silva - Counsel for Scott Barton

Tara Flanagan (via Zoom)

James Hales - Counsel for Protected Person

F. McClure Wallace.- Counsel for Tara Flanagan

The above-entitled matter was before the Court this being the time set for Petition for Appointment of Successor Executor and for Issuance of Successor Letters Testamentary. The petitioner was present in court via Zoom and represented by counsel.

Mr. Wallace presented statements.

The Petition is on file with the Court and due notice was given as required by law.

Hearing no objection, the Court entered an order granting the prayer of the petition.

CASE NO: 2021-PB-00034

DEPT NO. I

IN THE MATTER OF THE ESTATE OF

Thomas Joseph Harris,

DATE: 04/06/2021

JUDGE: Nathan Tod Young

CLERK: Delores Goelz

COURT REPORTER: Not Reported

PETITIONER'S COUNSEL: Abigail G. Stephenson

LAW CLERK: John Seddon

BAILIFFS: William Addington

OTHERS PRESENT: James Hales (Zoom) - Counsel for Thomas Haris

The above-entitled matter was before the Court this being the time set for VERIFIED PETITION FOR APPOINTMENT OF GENERAL GUARDIAN. The petitioner was not present in court but was represented by counsel.

The verified Petition is on file with the Court and due notice was given as required by law.

Hearing no objection, the Court entered an order granting the prayer of the petition.

RECEIVED

MAY 23 2022

Douglas County  
District Court Clerk

Your Name: Todd Robben  
Address: P.O. Box 4251  
City, State, Zip: Sonora, CA 95370  
Telephone: 209-540-7713  
Email Address: Robben.Ty@gmail.com  
Self-Represented

FILED

2022 MAY 23 PM 1:57

BOBBIE R. WILLIAMS  
CLERK

BY AWB DEPUTY

DISTRICT COURT  
COUNTY, NEVADA

THOMAS J. HARRIS

Plaintiff,

vs.

TODD C. ROBBEN

Defendant.

CASE NO.: 2021 PB00034

DEPT: 1

Application to Proceed in Forma Pauperis

Pursuant to NRS 12.015, and based upon the information contained in this Application and Affidavit, I request permission from this Court to proceed without paying filing fees, or other costs and fees as provided in NRS 12.015 because I lack sufficient financial ability.

I understand that if approved, the order allowing me to proceed in forma pauperis will be valid for one year. I will be required to file a new Application to Proceed in Forma Pauperis if I need further filing fees and court costs and fees waived after one year.

EMPLOYMENT: (☒ check one)

☐ I am unemployed.

☒ I am employed. My employer is Waste Management and my job title is Scalehouse Attendant.

☐ I am self-employed. The name of my business is \_\_\_\_\_.

© 2017 Nevada Supreme Court

Page 1 of 3 Application to Proceed in Forma Pauperis

RA - 695

Personal Income (write 0 for any income you do not have)		
A	Monthly Wages from Employment (before taxes)	\$ 2,722
B	Monthly Tip Income	\$ 0
C	Monthly Unemployment Benefits	\$ 0
D	Public Benefits/Assistance received each month <input type="checkbox"/> TANF <input type="checkbox"/> SSD <input type="checkbox"/> SSI <input type="checkbox"/> food stamps <input type="checkbox"/> other: <u>WIC</u>	\$
E	Social Security	\$ 0
F	Retirement / Pension	\$ 0
G	Monthly Child Support received	\$ 0
H	Other:	\$ 0
TOTAL INCOME (add lines A-H)		\$ 2,722.00

Household Information		
A	How many adults (18 and up) live in the home (include yourself)?	0
B	How many children (under 18) live with you?	0
TOTAL HOUSEHOLD SIZE (add A+B)		0

Household Income		
List the names of the adults you live with and their estimated monthly earnings:		
Name:	Relationship:	\$ 0
Name:	Relationship:	\$ 0
Name:	Relationship:	\$ 0

Monthly Expenses (write 0 for any expense you do not have)		
A	Rent / Mortgage	\$ 750.00
B	Utilities (electricity, gas, phone, other utilities)	\$ 200.00
C	Food	\$ 400.00
D	Child Care	\$ 0
E	Medical Expenses (including health insurance)	\$ 0
F	Transportation (insurance, gas, bus fare, etc.)	\$ 350.00
G	Other: <u>DEPT PAYBACK</u>	\$ 1000.00
TOTAL EXPENSES (add lines A-G)		\$ 2700.00

Assets (write in and \$0 for any assets you do not have)		
Asset	What It's Worth	What you Owe
Checking Account	\$ 0	n/a
Savings Account	\$ 0	n/a
Car (year/make/model): 2002 Subaru	\$ 2,000	\$ 0
House / Real Estate You Own (address: )	\$ 0	\$ 0
Other: none	\$ 0	\$ 0

#### Declaration in Support of Request to Proceed in Forma Pauperis

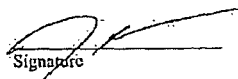
Briefly explain your current financial situation and why you are unable to pay the filing fee. For example, if you are unemployed, explain why, for how long, and what efforts you are making to obtain employment. If you are temporarily living with a friend or relative explain for how long and how they help you financially.

I was released from Cal. State prison in April 2020 on false charges. I had no employment during COVID19 lockdown and only started working in October 2021 for \$16.75. I receive food stamps and state Medical healthcare. I can't afford a \$200+ filing fee and I have due process rights to challenge probate. If any money is obtained in my efforts, I can reimburse the court.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

05/23/2022  
Date

Todd Robben  
Printed Name

  
Signature



RECEIVED

MAY 23 2022

Douglas County  
District Court Clerk

Your Name: Todd Robben  
Address: P.O. Box 4251  
City, State, Zip: San Jose, CA 95370  
Telephone: 209-540-2713  
Email Address: trobberjy@gmail.com  
Self-Represented

FILED

2022 MAY 23 PM 2:17

BOBBIE R. WILLIAMS  
CLERK

BY C. Adams DEPUTY

DISTRICT COURT  
DOUGLAS COUNTY, NEVADA

THOMAS J. HARRIS

Plaintiff,

vs.

TODD ROBBER

Defendant.

CASE NO. 2021 PB00034

DEPT: 1

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) \_\_\_\_\_ 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.

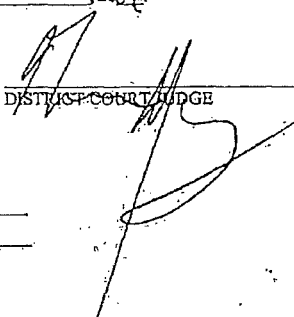
IT IS FURTHER ORDERED that the above-named party shall be permitted to commence or defend the action without costs. The Clerk of Court shall file or issue any necessary writ, process, pleading, or paper without charge.

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 23 day of May, 2021

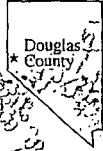
  
DISTRICT COURT JUDGE

Respectfully Submitted:

(Signature) 

(Printed Name) Todd Robben

In Proper Person



**BOBBIE R. WILLIAMS**  
CLERK OF COURT  
COURT ADMINISTRATOR  
JURY COMMISSIONER

District Court Clerk's Office  
(775) 782-9820  
Tahoe Justice Court  
(775) 586-7200  
East Fork Justice Court  
(775) 782-9955

Transmittal to the Supreme Court

To: Nevada Supreme Court  
210 South Carson Street  
Carson City, Nevada 89710

Date: June 28, 2022

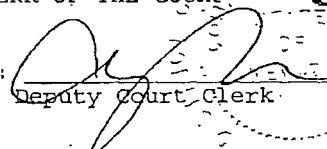
Re: District Court Case #: 2021-PB-00034

District Court Case Name: IN THE MATTER OF THE ESTATE OF THOMAS JOSEPH HARRIS

The following documents are transmitted to the Supreme Court pursuant to the July 22, 1996 revisions to the Nevada Rules of Appellate Procedure. Checked items are NOT included in this appeal:

- ☐ Notice of Appeal
- ☐ Case Appeal Statement
- ☒ Certificate That No Transcript Is Being Requested
- ☒ Defendant's Request for Transcript of Proceedings
- ☒ Notice of Posting of Appeal Bond
- ☐ District Court Docket entries
- ☐ Judgment(s) or order(s) appealed from
- ☒ Order (NRAP FORM 4)
- ☒ Notice of entry of the judgment(s) or order(s) appealed from
- ☒ Certification order directing entry of judgment pursuant to NRCP 54(b)
- ☐ District Court Minutes
- ☒ Exhibit Lists
- ☒ Supreme Court filing fee (\$250.00), if applicable
- ☐ Application and Order to Proceed in Forma Pauperis

Respectfully,  
BOBBIE WILLIAMS  
CLERK OF THE COURT

By:   
Deputy Court Clerk


P.O. Box 218 • Minden, Nevada 89423

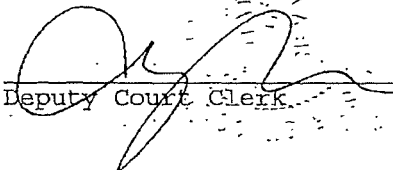
RA - 700

1 STATE OF NEVADA )  
2 ) ss  
3 COUNTY OF DOUGLAS )  
4

5 I, Alondra Ponce, Deputy Clerk Douglas County, State of  
6 Nevada; said Court being a Court of Record, having common law  
7 jurisdiction, and a Clerk and a Seal, do hereby certify that the  
8 foregoing are true copies of the following originals in Case No.  
9 2021-PB-00034 - IN THE MATTER OF THE ESTATE OF THOMAS JOSEPH  
10 HARRIS; Notice of Appeal; Case Appeal Statement; District Court  
11 Docket Entries; Judgment(s) or Order(s) appealed from; District  
12 Court Minutes; Application and Order to Proceed in Forma Pauperis.  
13

14 IN TESTIMONY WHEREOF, I have  
15 hereunto set my hand and affixed  
16 my Official Seal at Minden, in  
17 said County and State this  
18 28<sup>th</sup> day of June, A.D., 2022.

19   
20 Clerk of the Court

21   
22 Deputy Court Clerk  
23  
24  
25  
26  
27  
28

# Exhibit 7

# Exhibit 7

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 84948

TODD ROBBEN,

Appellant,

vs.

TARA FLANAGAN, IN HER CAPACITY  
AS THE COURT APPOINTED  
PERSONAL REPRESENTATIVE,

Respondent.

**FILED**

JUL 08 2022

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER DISMISSING APPEAL*

This is a pro se appeal from a district court order entered in a probate matter. Ninth Judicial District Court, Douglas County; Nathan Tod Young, Judge.

Review of the notice of appeal and documents before this court reveals a jurisdictional defect. NRAP 3A(a) allows only an aggrieved party to appeal. Generally, a party is a person who has been named as a party to the lawsuit and who has been served with process or appeared. *Valley Bank of Nev. v. Ginsburg*, 110 Nev. 440, 447, 874 P.2d 729, 734 (1994). It does not appear that appellant was named as a party in the proceedings below. And while any "interested person" may participate in probate actions, an "interested person" is defined as someone "whose right or interest under an estate or trust may be materially affected by a decision of a fiduciary or a decision of the court. The fiduciary or court shall determine who is an interested person according to the particular purposes of, and matter involved in, a proceeding." NRS 132.185; *see also* NRS 132.390.

COURT

22-21520

Here, the district court determined that appellant was not an interested person in the underlying matter under NRS 132.185 and thus lacked standing to object to the probate petition or otherwise appear in the proceedings. Under these circumstances, it appears appellant lacks standing to appeal under NRAP 3A(a). Accordingly, this court lacks jurisdiction and

ORDERS this appeal DISMISSED.

Silver, J.  
Silver

Cadish, J.  
Cadish

Pickering, J.  
Pickering

cc: Hon. Nathan Tod Young, District Judge  
Todd Robben  
Wallace & Millsap LLC  
Douglas County Clerk

# Exhibit 8

# Exhibit 8



RECEIVED

JUL 13 2022

Douglas County  
District Court Clerk

FILED

2022 JUL 13 AM 10:59

BOBBIE R. WILLIAMS  
CLERK

C. WALKER  
BY \_\_\_\_\_ DEPUTY

1 Case No. 2021-PB-00034

2 Dept. No. I

3  
4  
5  
6 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7 IN AND FOR THE COUNTY OF DOUGLAS

8  
9 In Re:

10 The Estate of

11 THOMAS JOSEPH HARRIS,

12 Deceased.  
13 \_\_\_\_\_/

**ORDER**

14 THIS MATTER comes before the court upon the following filings: "Emergency  
15 Stay Request[;] Emergency Verified Motion to Reconsider; Request for Calcification;  
16 Notice of Non Hearsay Proof of The Thomas Joseph and Olga Harris Living Trust" filed  
17 on June 22, 2022; Supplemental Points and Authorities filed on June 23, 2022; "Motion to  
18 Expedite Stay Request Pending Reconsideration[;] Request for Submission" filed on June  
19 24, 2022; an opposition filed on July 1, 2022; and "Petitioner's Reply in Support of  
20 Emergency Stay Request & Emergency Verified Motion to Reconsider; Request for  
21 Clarification; Notice of Non Hearsay Proof of The Thomas Joseph and Olga Harris Living  
22 Trust" filed on July 5, 2022.

23  
24  
25 Having examined all relevant pleadings and papers on file herein, the court now  
26 enters the following order, good cause appearing:

27 THAT the requests set forth above are DENIED.

28 An "Order Granting Petition to Confirm First and Final Accounting, Request for

HON. NATHAN TOD YOUNG  
9th JUDICIAL DISTRICT JUDGE  
DOUGLAS COUNTY  
P.O. BOX 218  
MINDEN, NV 89423

RA - 706

1 Final Distribution, and Request for Payment of Professional's Fees and Costs" was entered  
2 in writing on June 22, 2022. A Notice of Appeal was filed on June 27, 2022, by Todd  
3 Robben, with a Case Appeal Statement filed on June 28, 2022. An Order Dismissing  
4 Appeal issued on July 8, 2022, by the Supreme Court of the State of Nevada.  
5

6 Separate from the appeal, Todd Robben requests this court reconsider the ruling set  
7 forth within the Order dated June 22, 2022. "A district court may reconsider a previously  
8 decided issue if substantially different evidence is subsequently introduced or the decision  
9 is clearly erroneous." *Masonry and Tile Contractors Ass'n of S. Nev. v. Jolley, Urga &*  
10 *Wirth, Ltd.*, 113 Nev. 737, 741, 941 P.2d 486, 489 (1997). Reviewing the filings entered  
11 after the written order issued on June 22, 2022, the court does not find substantially  
12 different evidence subsequently introduced or that the court's decision is clearly erroneous.  
13 Therefore, the motion to reconsider is denied.  
14

15 Tod Robben also requests this court's order dated June 22<sup>nd</sup> be stayed. The  
16 Supreme Court of the State of Nevada considers the following factors in deciding whether  
17 to issue a stay:  
18

- 19 (1) whether the object of the appeal will be defeated if the stay is denied;
- 20 (2) whether appellant will suffer irreparable or serious injury if the stay is denied;
- 21 (3) whether respondent will suffer irreparable or serious injury if the stay is granted; and
- 22 (4) whether appellant is likely to prevail on the merits in the appeal.

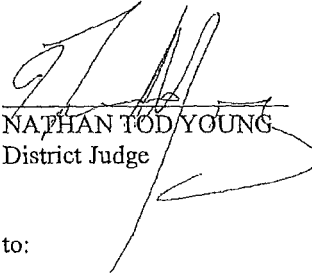
23 *Mikohn Gaming Corp. v. McCrea*, 120 Nev. 248, 251, 89 P.3d 36, 38 (2004) (citing *NRAP*  
24 *8(c)*); see also *Fritz Hansen A/S, Petitioner v. Eighth Jud. Dist. Ct.*, 116 Nev. 650, 657,  
25 6 P.3d 982, 986 (2000). "We have not indicated that any one factor carries more weight  
26 than the others, although *Fritz Hansen A/S v District Court* recognizes that if one or two  
27 factors are especially strong, they may counterbalance other weak factors." *Mikohn*  
28

1 *Gaming Corp.*, 120 Nev. at 251, 89 P.3d at 38.

2           Considering the appeal has now been dismissed, it does not appear likely that  
3 appellant is to prevail on the merits given that the object of the appeal has already been  
4 defeated. The court finds this to be an especially strong factor. Balancing the relevant  
5 considerations, the court finds insufficient reason to grant the requested stay.  
6

7           IT IS SO ORDERED.

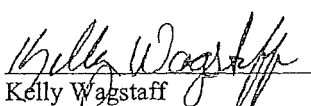
8           Dated this 13 day of July, 2022.

  
NATHAN TOD YOUNG  
District Judge

9  
10  
11           Copies served by mail this 13 day of July, 2022, to:

12  
13           Wallace & Millsap  
14           510 W. Plumb Lane, Suite A  
15           Reno, NV 89509

16           Todd Robben  
17           P.O. Box 4251  
18           Sonora, CA 95370

  
Kelly Wagstaff  
Department I Judicial Executive Assistant