

In the Supreme Court of the State of Nevada

IN THE MATTER OF THE CHRISTIAN)
FAMILY TRUST u.a.d. 10/11/16)

Electronically Filed
Jan 09 2019 03:03 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

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SUSAN CHRISTIAN-PAYNE, )  
ROSEMARY KEACH AND )  
RAYMOND CHRISTIAN, JR. )

Appellants, )

Case No.: 75750

-vs- )

ANTHONY L. BARNEY, LTD. and )  
JACQUELINE UTKIN, )

Respondents. )

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ANTHONY L. BARNEY, LTD.,)
Cross-Appellant,)

-vs-)

SUSAN CHRISTIAN-PAYNE,)
ROSEMARY KEACH AND)
RAYMOND CHRISTIAN, JR.)

Cross-Respondents,)

and)
JACQUELINE UTKIN,)

Respondent.)

APPELLANT/CROSS-RESPONDENTS' APPENDIX

Filed by:

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| <i>DATE</i> | <i>DOCUMENT</i> | <i>NUMBERED</i> |
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| <i>APPENDIX VOLUME 1:</i> | | |
| 7/13/17 | Petition to Assume Jurisdiction of Trust; Confirm Trustees; Instructions, etc. | APP-ROA--001-72 |
| 8/17/17 | Notice of Motion and Motion to Dismiss Pursuant to NRCP 12(b)(1) and NRCP 12 (b)(5) | APP-ROA—73-97 |
| 8/22/17 | Errata to Notice of Motion and Motion to Dismiss Pursuant to NRCP 12(b)(1) and NRCP 12(b)(5) | APP-ROA—98-101 |
| 9/15/17 | Supplement and Addendum to Petition to Assume Jurisdiction of Trust; confirm Trustees' Instructions, etc. Alternatively to Reform Trust Agreement | APP-ROA--102-105 |
| 9/15/17 | Petitioner's Opposition to Motion to Dismiss | APP-ROA--106-115 |
| <i>APPENDIX VOLUME 2:</i> | | |
| 10/4/17 | Reply to Petitioner's Opposition to Motion to Dismiss | APP-ROA--116-156 |
| 10/13/17 | Response to Petition to Assume Jurisdiction of Trust; Confirm Trustees; Instructions, Etc. and Joinder in Motion to Dismiss Pursuant to NRCP 12(b)(1) and NRCP 12(b)(5) | APP-ROA--157-165 |
| 10/25/17 | Accounting | APP-ROA--166-173 |
| 10/25/17 | Inventory and Record of Value | APP-ROA--174-184 |
| 10/31/17 | Notice of Entry of Order | APP-ROA--185-193 |

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| <i>APPENDIX VOLUME 3:</i> | | |
| 11/3/17 | Joint Petition for Review of Former Trustees
Refusal to Provide a Proper Accounting
Pursuant to NRS 165.143 | APP-ROA--194-222 |
| <i>APPENDIX VOLUME 4a:</i> | | |
| 11/13/17 | Joint Objection to Petition Jurisdiction Etc.
Part 1 | APP-ROA--223-298 |
| <i>APPENDIX VOLUME 4b:</i> | | |
| 11/13/17 | Joint Objection to Petition Jurisdiction Etc.
Part 2 | APP-ROA--299-373 |
| <i>APPENDIX VOLUME 5:</i> | | |
| 12/4/17 | Petitioner's Opposition to Motion for
Review/Proper Accounting | APP-ROA--374-413 |
| 12/14/17 | Petitioner's Opposition to Joint Counterpetition
to Confirm/Breach of Fiduciary Duty, Etc.
Request for Discovery | APP-ROA--414-428 |
| <i>APPENDIX VOLUME 6:</i> | | |
| 12/12/17 | Motion for Compliance with and Enforcement
of Court Order, and for Sanctions Relating
Thereto, for Order to show cause why Former
Trustees should not be held in Contempt,
for Order Compelling Former Trustees to
Account, and for Access to and Investment
Control of Trust Funds Belonging to the
Christian Family Trust | APP-ROA--429-452 |

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| 1/4/18 | Notice of Suggestion of Death | APP-ROA--453-454 |
| 1/11/18 | Opposition to Motion for Compliance, Enforcement Sanctions, Contempt, Etc.; Counterpetition for Distribution and Vacating all Pending Matters and Dismiss Trust Proceedings | APP-ROA--455-508 |

APPENDIX VOLUME 7a:

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|---------|-------------------------------------------------|------------------|
| 1/26/18 | Petition to Confirm Successor Trustee
Part 1 | APP-ROA--509-539 |
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APPENDIX VOLUME 7b:

| | | |
|---------|-------------------------------------------------|------------------|
| 1/26/18 | Petition to Confirm Successor Trustee
Part 2 | APP-ROA--540-569 |
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APPENDIX VOLUME 8:

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| 2/6/18 | Amended Notice of Entry-Omnibus Order | APP-ROA--570-576 |
| 2/8/18 | Petition for Fees and Costs | APP-ROA--577-659 |
| 2/23/18 | Notice of Non-Opposition and Limited Joinder to the Petition for Fees and Costs for Anthony L. Barney, LTD | APP-ROA--660-663 |
| 2/23/18 | Opposition to Petition to Confirm Successor Trustee; Counterpetition for Reinstatement of Petitioners | APP-ROA--664-735 |
| 3/8/18 | Monte Reason's Application for Reimbursement of Administrative Expenses | APP-ROA--736-741 |

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| <i>APPENDIX VOLUME 9:</i> | | |
| 3/9/18 | Petitioners Combined Opposition to (1) Barney Firm Petition For Fees, Etc. (2) Monte Reason's Application for Reimbursement | APP-ROA--742-840 |
| <i>APPENDIX VOLUME 10:</i> | | |
| 3/12/18 | Reply to Opposition to Petition to Confirm Successor Trustee; and Opposition to Counter-Petition for Reinstatement of Petitioners | APP-ROA--841-848 |
| 3/13/18 | Response to Opposition to Monte Reason's Application for Reimbursement of Administrative Expenses | APP-ROA--849-863 |
| 3/13/18 | Reply to Petitioner's Combined Opposition to (1) Barney Firm Petition for Fees, Etc., (2) Monte Reason's Application for Reimbursement | APP-ROA--864-894 |
| 3/15/18 | Minutes of Hearing – 4/4/18 | APP-ROA--895-898 |
| 3/29/18 | Motion (1) to Expunge Lis Pendens and/or Strike Pleading; and (2) for Preliminary Injunction | APP-ROA--899-921 |
| <i>APPENDIX VOLUME 11:</i> | | |
| 3/30/18 | Petitioner's Supplemental Response to Opposition to Petition for Fees (Barney Firm); Request for Evidentiary Hearing, Reopening Discovery | APP-ROA--922-960 |

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| <i>APPENDIX VOLUME 12:</i> | | |
| 4/2/18 | Motion for Turnover of Assets and to Dissolve the Injunction Over Christian Family Trust Assets | APP-ROA--961-998 |
| 4/3/18 | Countermotion 1) to Strike Petitioner's Supplemental Response to Opposition to Petition for Fees (Barney Firm); request for Evidentiary Hearing, and Reopening Discovery; 2) To Find the Former Trustees to be Vexatious Litigants, and 3) For sanctions Against Cary Colt Payne Pursuant to NRS 7.085 and EDCR 7.60 | APP-ROA--999-1036 |
| <i>APPENDIX VOLUME 13a:</i> | | |
| 4/4/18 | Hearing Transcript
Part 1 | APP-ROA-1037-1061 |
| <i>APPENDIX VOLUME 13b:</i> | | |
| 4/4/18 | Hearing Transcript
Part 2 | APP-ROA-1062-1186 |
| <i>APPENDIX VOLUME 13c:</i> | | |
| 4/4/18 | Hearing Transcript
Part 3 | APP-ROA-1087-1111 |
| <i>APPENDIX VOLUME 13d:</i> | | |
| 4/4/18 | Hearing Transcript
Part 4 | APP-ROA-1112-1134 |

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| <i>APPENDIX VOLUME 14a:</i> | | |
| 4/10/18 | Motion for (1) Fees Pursuant to NRS 165.148
(2) Compliance with and Enforcement of
Court Order and Sanctions; (3) for Order
to Show Cause Why Former Trustees
Should Not be Held in Contempt, and
(4) for Extension of Discovery
Part 1 | APP-ROA-1135-1279 |
| <i>APPENDIX VOLUME 14b:</i> | | |
| 4/10/18 | Motion for (1) Fees Pursuant to NRS 165.148
(2) Compliance with and Enforcement of
Court Order and Sanctions; (3) for Order
to Show Cause Why Former Trustees
Should Not be Held in Contempt, and
(4) for Extension of Discovery
Part 2 | APP-ROA-1180-1224 |
| <i>APPENDIX VOLUME 15:</i> | | |
| 4/12/18 | Notice of Entry of Order (Barney Petition Fees) | APP-ROA-1225-1232 |
| 4/19/18 | Petitioner's Combined Opposition to (1) Motion
to Turnover Assets and Dissolve Injunction over
Trust Assets; (2) Motion to 1. Expunge Lis
Pendens and 2. Preliminary Injunction and
Countermotion for Distribution/ Termination of Trust;
Alternatively for Stay/ Set Bond and Set Evidentiary
Hearing | APP-ROA-1233-1254 |
| 4/19/18 | Opposition to Motion for (1) fees, (2) compliance,
(3) for Order to Show Cause and (4) Extension
of Discovery, countermotion to Distribute Trust
Property (2nd request) | APP-ROA-1255-1292 |

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| <i>APPENDIX VOLUME 16:</i> | | |
| 5/8/18 | Response to Combined Opposition to (1) Motion to Turnover Assets and Dissolve Injunction Over Trust Assets; (2) Motion to 1. Expunge Lis Pendens and 2. Preliminary Injunction and Opposition to Countermotion or Distribution/Termination of Trust; Alternatively for Stay, Set Bond and Set Evidentiary Hearing | APP-ROA-1293-1333 |
| 5/11/18 | Supplement to response to Combined Opposition to (1) Motion to Turnover Assets and Dissolve Injunction Over Trust Assets; (2) Motion to 1. Expunge Lis Pendens and 2. Preliminary Injunction and Opposition to Countermotion for Distribution/Termination of Trust; Alternatively for Stay/Set Bond and Set Evidentiary Hearing | APP-ROA-1334-1337 |
| 5/16/18 | Hearing Transcript | APP-ROA-1338-1390 |

APPENDIX VOLUME 17:

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| 6/1/18 | Notice of Entry of Order (Utkin suspension) | APP-ROA-1391-1401 |
| 10/8/18 | Notice of Entry – Probate Commissioner R&R (Hearing re Utkin removal) | APP-ROA-1402-1408 |
| 11/13/18 | Notice of Entry – Order Affirming Probate Commissioner R&R (Utkin removal) | APP-ROA-1409-1414 |