

Heather L. Hume
CLERK OF THE COURT

Dept. No. 10D

No. G-19-052315-A

IN THE 8TH JUDICIAL DISTRICT COURT OF

THE STATE OF NEVADA IN AND FOR

THE COUNTY OF CLARK

Electronically Filed
Dec 12 2019 01:32 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

William J Powell Jr.

Plaintiff

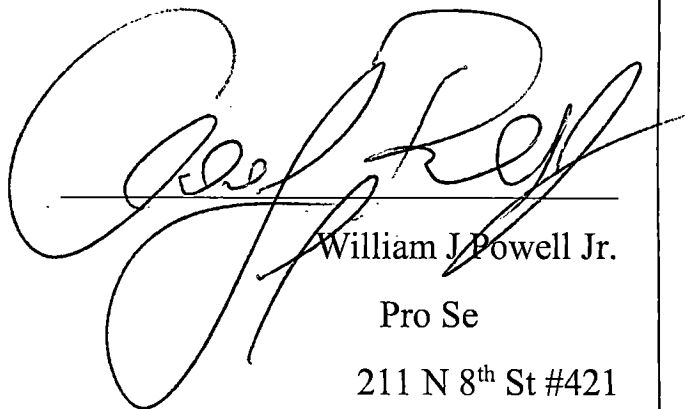
v.

Loretta Powell

Defendant

NOTICE OF APPEAL

Notice is hereby given that William J Powell Jr. plaintiff above named, hereby appeals to the Supreme Court of Nevada from the Court Ordered Motion to Dismiss Petition for Guardianship entered in this action on the 30th day of October 2019.



William J Powell Jr.

Pro Se

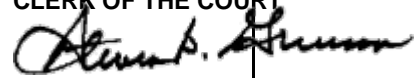
211 N 8th St #421

Las Vegas, NV. 89101

RECEIVED

NOV 27 2019

CLERK OF THE COURT



1 ASTA

2
3
4
5
6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**
7 **STATE OF NEVADA IN AND FOR**
8 **THE COUNTY OF CLARK**

9 In the Matter of the Guardianship of:

10 LORETTA POWELL,

11 Protected Person(s).

Case No: G-19-052315-A

Dept No: M

12
13
14
15 **CASE APPEAL STATEMENT**

16 1. Appellant(s): William J. Powell, Jr.

17 2. Judge: Gloria Sturman

18 3. Appellant(s): William J. Powell, Jr.

19 Counsel:

20 William J. Powell, Jr.
21 211 N. 8th St., #421
22 Las Vegas, NV 89101

23 4. Respondent (s): Loretta Powell

24 Counsel:

25 Katie M. Anderson, Esq.
26 725 E. Charleston Blvd.
27 Las Vegas, NV 89104

28 5. Appellant(s)'s Attorney Licensed in Nevada: N/A
Permission Granted: N/A

Respondent(s)'s Attorney Licensed in Nevada: Yes
Permission Granted: N/A

6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No

7. Appellant Represented by Appointed Counsel On Appeal: N/A

8. Appellant Granted Leave to Proceed in Forma Pauperis: N/A

Appellant Filed Application to Proceed in Forma Pauperis: Yes,
Date Application(s) filed: October 2, 2019

9. Date Commenced in District Court: October 2, 2019

10. Brief Description of the Nature of the Action: DOMESTIC - Guardianship

Type of Judgment or Order Being Appealed: Dismissal

11. Previous Appeal: No

Supreme Court Docket Number(s): N/A

12. Case involves Child Custody and/or Visitation: N/A

Appeal involves Child Custody and/or Visitation: N/A

13. Possibility of Settlement: Unknown

Dated This 3 day of December 2019.

Steven D. Grierson, Clerk of the Court

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk
200 Lewis Ave
PO Box 551601
Las Vegas, Nevada 89155-1601
(702) 671-0512

cc: William J. Powell, Jr.

Heavenly. Hemin
CLERK OF THE COURT

William J Powell Jr.

Pro Se

211 N 8th St #421

Las Vegas, NV. 89101

916-280-1217

Williamjpowell@yahoo.com

IN THE 8TH JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA IN AND FOR
LAS VEGAS

William J Powell Jr., an individual

Plaintiff

Case no. G-19-052315-A

Vs.

Dept. No. 10D

Loretta Powell, an individual

Defendant

CASE APPEAL STATEMENT

RECEIVED
NOV 27 2019
CLERK OF THE COURT

1
2 William J Powell Jr.

3 Pro Se

4 211 N 8th St #421

5 Las Vegas, NV. 89101

6 916-280-1217

7 Williamjpowell@yahoo.com
8

9
10 IN THE 8TH JUDICIAL DISTRICT COURT
11 OF THE STATE OF NEVADA IN AND FOR
12 LAS VEGAS
13

14 William J Powell Jr., an individual

15 Plaintiff

Case no. G-19-052315-A

16 Vs.
17

Dept. No. 10D

18 Loretta Powell, an individual

19 Defendant
20
21

22 **CASE APPEAL STATEMENT**

23 Pursuant to NRAP 3(f), Plaintiff William J Powell Jr., an individual, hereby
24 Provides the following *Case Appeal Statement*:
25

26 1. William J Powell Jr., an Individual.
27
28

1
2 2. The Honorable Judge Gloria Sturman, District Judge, 8th Judicial District
3 Court of the State of Nevada in and for Las Vegas, Department 10D.

4 3.

5 a. William J Powell Jr., and individual.

6 b. Loretta Powell, an Individual

7
8 4.

9 a. William J. Powell Jr., an individual; and

10 b. Loretta Powell, an individual; and

11 c. Elaine Brierley, an individual; and

12 d. Robert J. Brierley, an individual; and

13 e. Jeanette Mitchell, an individual; and

14 f. David Powell, an individual; and

15 g. Stefanee Freedman, an individual; and

16 h. Brian Butcher, an individual; and

17 i. Katie M. Anderson, Esq., an individual, Atty for Loretta Powell; and

18 j. Kim Boyer, Esq., an individual, Atty for Loretta Powell; and

19 k. Sunny Valencia, Esq., an Individual, Atty for Loretta Powell; and

20 l. Gloria Sturman, 8th District Justice, an Individual.

21 5.

22 a. Katie M. Anderson, Esq.

23 Nevada Bar No. 15153 C

24 725 E. Charleston Blvd.

25 Las Vegas, NV. 89104

26 702-386-1537

27 Counsel for Loretta Powell
28

1
2 b. Kim Boyer, Esq.

3 Nevada Bar #65587

4 Sunny Valencia, Esq.

5 Nevada Bar #8913

6 10785 W. Twain ave. Suite 200

7 Las Vegas, NV. 89153

8 702-255-2000

9 Atty for Loretta Powell

10
11 6. Appellant was represented Pro Se.

12 7. Appellant is represented Pro Se.

13 8. Appellant was granted leave to proceed forma pauperis.

14 9. Plaintiffs *Complaint* was filed in the District Court on October 4, 2019.

15 10.

16 a. Case number:

17 8th Civil District Court Case Number: G-19-052315-A

18 Department: 10D

19 b. Caption:

20 William J Powell Jr., an individual,

21 Plaintiff,

22
23 Vs.

24 Loretta Powell, an individual, defendant.

25
26 11. Based upon information and belief, all attorneys for defendant are
27 licensed to practice law in Nevada.
28

1
2 12. The subject matter of this case is the mental competency of Loretta
3 Powell pursuant to a 4 month psychological evaluation to determine
4 competency in handling day to day personal affairs. Plaintiff claims that
5 physician certification implemented by Loretta Powell and Harmony
6 Healthcare 1701 w. Charleston, was either in good faith or fraud. Defendant
7 had received a large PI settlement in or around March 2015. Defendant
8 should have approx. 250,000 left over as surplus. Defendant is living in the
9 ghetto neighborhood of 8th and Ogden Avenue now for almost 4 years
10 approx. Plaintiff came to live with defendant pursuant to a verbal agreement
11 for room and board in exchange for Plaintiff saving money, getting healthy
12 and caregiving when needed. Plaintiff discovered upon the date of his move
13 out that Defendant may not be thinking clearly as she was mentioning in
14 drunken stupor that she had money put away for retirement and around
15 \$20,000 for her son Anthony. Plaintiff asked the defendant to rescind the
16 Department of Education's dismissal of defendants Stafford loan of approx...
17 \$4300 and Defendant refused. Plaintiff then discovered that David Powell
18 and Monica Thiede, David Powell's partner in crime, may have possibly
19 conned Loretta into allowing them control of her monies and they would help
20 her save it. Plaintiff surmised suspicion based on several conversations with
21 defendants sister and David Powell. Plaintiff blew the whistle that she had
22 gotten the aforementioned physicians certification for mental disability and
23 incapacity to handle day to day to get out of a Federal Stafford Loan thru the
24 Department Of Education. Plaintiff confronted defendants first and foremost
25 David Powell of which all defendants lied about monies hidden from the
26 State of Nevada, The Department of Treasury, and the Department of
27 Education. Plaintiff filed for Guardianship since the Defendant, his mother,
28 cannot be thinking well since what Harmony Healthcare had done would be

1
2 felony fraud. Defendants filed objections which were a compilation of
3 slanderous defamatory lies designed to sway the court. Plaintiff Objected to
4 their perjurious statements of which Judge Sturman ignored his objection.
5 Plaintiff stated to court that no hard evidence or exhibits have been presented
6 to validate anything defendants stated under perjury. Plaintiff also stated to
7 Judge that there may be felony fraud at this time with the defendant's new
8 doctor's certification. Judge Sturman said and this is an approximate "I don't
9 care and she can do what she wants with her money if she wants to hide it or
10 give it to a cat that's ok." I asked again for an Evidentiary hearing to
11 confront these gross objections and physicians certification which was done
12 in 1 day while Harmony's was over a 4 month period to fully see the problem
13 if there was one.. Judge Sturman held her ground and refused of which I
14 stated I will appeal.
15

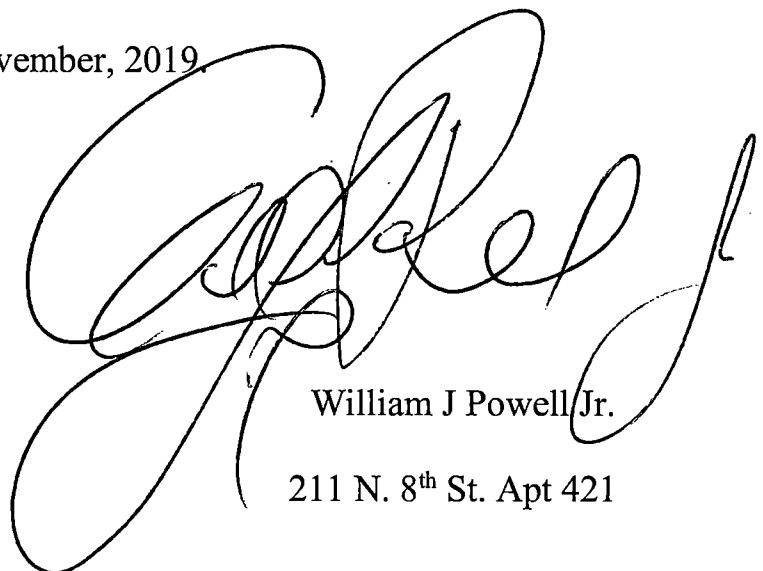
16 13. The *Default Judgement* in this case is not the subject of a pending appeal
17 in the Supreme Court.

18 14. The appeal does not involve child custody or visitation.

19 15. The appeal does not involve the possibility of settlement which has been
20 done in a small claims case here in Las Vegas.

21 Dated this 26th day of November, 2019.
22
23

24
25
26
27
28



William J Powell Jr.
211 N. 8th St. Apt 421

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Las Vegas, Nevada 89101

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY**CASE NO. G-19-052315-A****In the Matter of the Guardianship of:
Loretta Powell, Protected Person(s)**§
§
§
§Location: **Department M**
Judicial Officer: **Potter, William**
Filed on: **10/02/2019****CASE INFORMATION****Statistical Closures**

11/08/2019 Other Manner of Disposition











Case Type: **Guardianship of Adult**Case Status: **11/08/2019 Closed**Case Flags: **Appealed to Supreme Court****DATE****CASE ASSIGNMENT****Current Case Assignment**Case Number G-19-052315-A
Court Department M
Date Assigned 11/25/2019
Judicial Officer Potter, William**PARTY INFORMATION***Attorneys*

Petitioner	Powell, William J, Jr. 211 N 8th ST APT 421 Las Vegas, NV 89101	Pro Se
Protected Person	Powell, Loretta 211 N 8th ST APT 421 Las Vegas, NV 89101	Valencia, Sunny L <i>Retained</i> 702-277-1767(W) Boyer, Kim <i>Retained</i> 702-255-2000(W)
Objector	Brierley, Elaine 6577 Sun River RD Boyoton Beach, FL 33437	Pro Se 870-397-4766(H)
	Brierley, Robert J., Jr.	Pro Se
	Butcher, Brian 2005 Tanner Valley CIR Las Vegas, NV 89123	Pro Se 702-218-0051(H)
	Freedman, Stefanee 30802 S Coast HWY G2 Laguna Beach, CA 92651	Pro Se 949-640-5444(H)
	Mitchell, Jeanette 615 Solano DR Hemet, CA 92545	Pro Se 214-668-1054(H)
	Powell, David PO Box 5124 Novato, CA 94948	Pro Se 415-302-7380(H)

DATE**EVENTS & ORDERS OF THE COURT**
















CASE SUMMARY
CASE NO. G-19-052315-A

EVENTS

10/02/2019	 Application to Proceed in Forma Pauperis Filed By: Petitioner Powell, William J, Jr.
10/02/2019	 Petition for Appointment of General Guardian Filed by: Petitioner Powell, William J, Jr. <i>Petition for Appointment of Guardian(s) Over Adult Including Request for Temporary Guardianship</i>
10/02/2019	 Citation to Appear and Show Cause Filed By: Petitioner Powell, William J, Jr.
10/02/2019	 Confidential Information Sheet - Guardianship Filed by: Petitioner Powell, William J, Jr.
10/02/2019	 Confidential Information Sheet - Guardianship Filed by: Petitioner Powell, William J, Jr. <i>Confidential Medical/Educational Documents</i>
10/04/2019	 Amended Petition Filed By: Petitioner Powell, William J, Jr. <i>Amended Petition for Appointment of Guardianship Over Adult Including Request fir Temporary Guardianship</i>
10/08/2019	 Opposition Filed By: Petitioner Powell, William J, Jr. <i>Opposition</i>
10/08/2019	 Care Plan Filed by: Petitioner Powell, William J, Jr. <i>Plan of Care for the Proposed Protected Adult Person</i>
10/08/2019	 Document Filed Filed by: Petitioner Powell, William J, Jr. <i>Documents in Support of Timeline facts of my Care to Mom, Reputation, Lease w/ Mom</i>
10/08/2019	 Confidential Information Sheet - Guardianship Filed by: Petitioner Powell, William J, Jr. <i>Confidential Medical / Educational Documents</i>
10/08/2019	 Statement of Legal Aid Representation and Fee Waiver Filed By: Protected Person Powell, Loretta <i>Statement of Legal Aid Representation and Fee Waiver</i>
10/09/2019	 Statement of Legal Aid Representation and Fee Waiver Filed By: Protected Person Powell, Loretta <i>Statement of Legal Aid Representation and Fee Waiver</i>
10/10/2019	 Certificate of Mailing Filed By: Petitioner Powell, William J, Jr. <i>Certificate of Mailing for The Petition for Appointment of Guardians</i>
10/11/2019	 Notice of Guardianship Nomination Registry Review <i>Notice of Guardianship Nomination Registry Review</i>
10/14/2019	Ex Parte Motion Filed by: Petitioner Powell, William J, Jr. <i>Ex Parte Motion for Shortening Time Within 10 Days</i>
10/14/2019	 Ex Parte Filed By: Petitioner Powell, William J, Jr. <i>Ex Parte Motion for Shortening Time Within 10 Days</i>
10/14/2019	 Order Appointing Counsel Filed By: Protected Person Powell, Loretta <i>Order Appointing Counsel</i>


CASE SUMMARY

CASE NO. G-19-052315-A

10/15/2019	 Notice of Entry of Order Filed By: Protected Person Powell, Loretta <i>Notice of Entry of Order</i>
10/21/2019	 Ex Parte Motion Filed by: Petitioner Powell, William J, Jr. <i>Ex Parte Motion for Release of Medical Records</i>
10/24/2019	 Objection Filed By: Objector Brierley, Elaine; Objector Brierley, Robert J., Jr. <i>Objection to Petition for Guardianship</i>
10/24/2019	 Objection Filed By: Objector Powell, David <i>Objection to Petition for Guardianship</i>
10/24/2019	 Objection Filed By: Objector Freedman, Stefanee <i>Objection to Petition for Guardianship</i>
10/24/2019	 Objection Filed By: Objector Mitchell, Jeanette <i>Objection to Petition for Guardianship</i>
10/28/2019	 Objection Filed By: Objector Butcher, Brian <i>Objection to Petition for Guardianship</i>
10/28/2019	 Objection Filed By: Protected Person Powell, Loretta <i>Objection of Loretta Powell to Petition for Appointment of Guardian(s) Over Adult Including Request for Temporary Guardianship</i>
10/29/2019	 Objection Filed By: Protected Person Powell, Loretta <i>Objection of Loretta Powell to Petition for Appointment of Guardian(s) Over Adult Including Request for Temporary Guardianship</i>
10/29/2019	 Opposition Filed By: Protected Person Powell, Loretta <i>OPPS</i>
10/29/2019	 Confidential Information Sheet - Guardianship Filed by: Protected Person Powell, Loretta <i>CISG</i>
11/08/2019	 Order Filed By: Protected Person Powell, Loretta <i>ORDR</i>
11/25/2019	Administrative Reassignment to Department M <i>Reassigned to Judge William Potter</i>
11/27/2019	 Notice of Appeal Filed By: Petitioner Powell, William J, Jr. <i>Notice of Appeal</i>
11/27/2019	 Case Appeal Statement Filed By: Petitioner Powell, William J, Jr. <i>Case Appeal Statement</i>
12/03/2019	 Case Appeal Statement Filed By: Petitioner Powell, William J, Jr. <i>Case Appeal Statement</i>

CASE SUMMARY
CASE NO. G-19-052315-A

HEARINGS

10/30/2019	Citation to Appear (10:00 AM) (Judicial Officer: Sturman, Gloria) <i>Citation to Appear and Show Cause</i> Denied; <i>Denied</i>
10/30/2019	Objection (10:00 AM) (Judicial Officer: Sturman, Gloria) <i>Elaine and Robert's Objection to Petition or Guardianship</i> Granted; <i>Granted</i>
10/30/2019	Objection (10:00 AM) (Judicial Officer: Sturman, Gloria) <i>David's Objection to Petition or Guardianship</i> Granted; <i>Granted</i>
10/30/2019	Objection (10:00 AM) (Judicial Officer: Sturman, Gloria) <i>Stefanee's Objection to Petition or Guardianship</i> Granted; <i>Granted</i>
10/30/2019	Objection (10:00 AM) (Judicial Officer: Sturman, Gloria) <i>Jeanette's Objection to Petition or Guardianship</i> Granted; <i>Granted</i>
10/30/2019	Objection (10:00 AM) (Judicial Officer: Sturman, Gloria) <i>Brian's Objection to Petition or Guardianship</i> Granted; <i>Granted</i>
10/30/2019	Objection (10:00 AM) (Judicial Officer: Sturman, Gloria) <i>Loretta's Objection to Petition or Guardianship</i> Granted; <i>Granted</i>
10/30/2019	Opposition (10:00 AM) (Judicial Officer: Sturman, Gloria) <i>Loretta Powell's Opposition to William J. Powell Jr.'s Petition for Appointment of Guardian over an Adult</i> Granted; <i>Granted</i>
10/30/2019	 All Pending Motions (10:00 AM) (Judicial Officer: Sturman, Gloria) Matter Heard; Journal Entry Details: <i>CITATION TO APPEAR AND SHOW CAUSE .. ELAINE AND ROBERT'S OBJECTION TO PETITION OR GUARDIANSHIP .. DAVID'S OBJECTION TO PETITION OR GUARDIANSHIP .. STEFANEE'S OBJECTION TO PETITION OR GUARDIANSHIP .. JEANETTE'S OBJECTION TO PETITION OR GUARDIANSHIP .. BRIAN'S OBJECTION TO PETITION OR GUARDIANSHIP ... LORETTA'S OBJECTION TO PETITION OR GUARDIANSHIP .. LORETTA POWELL'S OPPOSITION TO WILLIAM J. POWELL JR.'S PETITION FOR APPOINTMENT OF GUARDIAN OVER AN ADULT</i> Court ADVISED the Protected Person's (PP) physician indicated she was competent and the Court always honored the wishes of the PP. Mr. Powell argued he'd filed a number of documents from physicians and one of them was her psychiatrist for over a year. Mr. Powell argued he went to Glossia and the PP had refused to sign his documents; however she'd made statements to get out of her student loans. Court inquired if Mr. Powell had a criminal record. Following extensive discussions, Mr. Powell admitted he had a record in California; however it was sealed and was from over 10 years ago. Ms. Valencia stated the physician's certificate submitted indicated she was able to execute a Power of Attorney and that she'd requested the least restrictive means of assistance. Upon inquiry by the Court regarding what the doctor was looking for, Ms. Valencia stated he looked a memory and if the person can understand what they are signing. Ms. Valencia further argued she'd submitted a physician's certificate from a neurologist who stated she was able to understand and was competent to make decisions regarding her future. Court stated that was contractual capacity which was a higher level of competency. Ms. Anderson argued the PP objected and further requested his petition be dismissed, that the pleadings were inadequate, that the physician's certificate and other documents indicated the PP was capable of making decisions, and that Mr. Powell's documents were more toward being unhappy with the decisions the PP was making. Court discussed at length the levels of capacity and the strict requirements that must be met to order a guardianship. Ms. Anderson stated the neurologist indicted she should take her medication; however he did not say she was incompetent and further advised the PP was requesting an order of protection as she was fearful for her safety. Following extensive arguments by Mr. Powell and counsel, COURT ORDERED, Motion to Dismiss Petition for Guardianship GRANTED. ;

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. G-19-052315-A

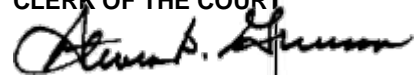
01/10/2020

Matter Heard

CANCELED Status Check (3:00 AM) (Judicial Officer: Sturman, Gloria)

Vacated - per Stipulation and Order

Closing Documents



ORDR

Katie M. Anderson, Esq.
Nevada Bar No.15153C
kanderson@lacs.org
**LEGAL AID CENTER OF
SOUTHERN NEVADA, INC.**
725 E. Charleston Blvd.
Las Vegas, NV 89104
Telephone: (702) 386-1537
Facsimile: (702) 386-1537

*Attorney for Loretta Powell,
Proposed Protected Person*

**EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA**

In the matter of the Guardianship of the Person
and Estate of:

**Case No.: G-19-052315-A
Dept No.: 26**

Loretta Powell,

an Adult Protected Person.

ORDER

WHEREAS, the Petition for Appointment of Guardian Over an Adult filed by William Powell, Jr. ("Petitioner") came on for hearing before this Honorable Court on October 30, 2018, with Loretta Powell ("Loretta"), the proposed protected person, appearing in person and by and through her counsel, Katie M. Anderson, Esq., of Legal Aid Center of Southern Nevada, Inc., and her counsel for estate planning purposes only, Sunny Valencia, Esq. and Petitioner, William

William Powell, Jr. , appearing in proper person; and

WHEREAS, the Court, having reviewed the papers and pleadings on file and having heard the arguments and representations of counsel and the parties as warranted, finds good cause appearing therefore:

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Petitioner has failed to meet the requirements of NRS 159.044 inasmuch as he has failed to file a certificate signed by a physician stating the need for a guardian; whether the proposed protected person presents a

<input type="checkbox"/> Settled / Withdrawn	<input type="checkbox"/> Death
<input type="checkbox"/> Without Judicial Confirmation	<input type="checkbox"/> Age of Majority
<input type="checkbox"/> With Judicial Confirmation	<input type="checkbox"/> Restoration of Competency
<input type="checkbox"/> Alternative Dispute Resolution	<input type="checkbox"/> Order Terminating Guardianship
<input type="checkbox"/> Outset / Manner of Disposition	<input type="checkbox"/> Bench (Non-Jury) Trials
<input type="checkbox"/> Dismissed - Want of Prosecution	<input type="checkbox"/> Disposed After Trial Start
<input type="checkbox"/> Involuntary (Statutory) Dismissal	<input type="checkbox"/> Judgment Reached
<input type="checkbox"/> Default Judgment	
<input type="checkbox"/> Transferred	
<input checked="" type="checkbox"/> Close Case?	

1 danger to herself or others; whether the attendance of the proposed protected person at a hearing
2 would be detrimental to her; whether the proposed protected person would comprehend the
3 reason for a hearing; and whether the proposed protected person is capable of living
4 independently with or without assistance.

5 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that Loretta is not
6 incapacitated pursuant to NRS 159.019 inasmuch as Loretta was examined by Dr. Margaret
7 Sweeney, who determined that Loretta had the capacity to execute a power of attorney. Further,
8 Loretta has been examined by a neurologist, who noted that while Loretta should continue to
9 take her medications, she is competent.

10 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that the strict
11 requirements for a guardianship have not been met, and the Petition for Appointment of Guardian
12 Over an Adult is, therefore, **DENIED**.

13 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that this case is hereby
14 dismissed and Katie Anderson, Esq., appointed counsel for Loretta, is hereby discharged.

15 **IT IS SO ORDERED.**

16 DATED 6th day of November 2019.

17
18 
19 **DISTRICT COURT JUDGE**

20
21 *Submitted By:*

22 **LEGAL AID CENTER OF
SOUTHERN NEVADA**

23 /s/ Katie M. Anderson
24 Katie M. Anderson, Esq.
25 Nevada Bar No. 15153C
26 kanderson@lacsns.org
27 725 E. Charleston Blvd
28 Las Vegas, NV 89104
Telephone: (702) 386-1537
Facsimile: (702) 386-1537
*Attorney for Loretta Powell,
Proposed Protected Person*

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Guardianship of Adult**COURT MINUTES****October 30, 2019**

G-19-052315-A In the Matter of the Guardianship of:
Loretta Powell, Protected Person(s)

October 30, 2019 10:00 AM All Pending Motions

HEARD BY: Sturman, Gloria**COURTROOM:** RJC Courtroom 10D**COURT CLERK:** Lorna Shell**PARTIES:**

Brian Butcher, Objector, not present	Pro Se
David Powell, Objector, present	Pro Se
Elaine Brierley, Objector, not present	Pro Se
Jeanette Mitchell, Objector, present	Pro Se
Loretta Powell, Protected Person, present	Sunny Valencia, Attorney, present
Robert Brierley, Objector, not present	Pro Se
Stefanee Freedman, Objector, present	Pro Se
William Powell, Petitioner, present	Pro Se

JOURNAL ENTRIES

- CITATION TO APPEAR AND SHOW CAUSE .. ELAINE AND ROBERT'S OBJECTION TO PETITION OR GUARDIANSHIP .. DAVID'S OBJECTION TO PETITION OR GUARDIANSHIP .. STEFANEE'S OBJECTION TO PETITION OR GUARDIANSHIP .. JEANETTE'S OBJECTION TO PETITION OR GUARDIANSHIP .. BRIAN'S OBJECTION TO PETITION OR GUARDIANSHIP ... LORETTA'S OBJECTION TO PETITION OR GUARDIANSHIP .. LORETTA POWELL'S OPPOSITION TO WILLIAM J. POWELL JR.'S PETITION FOR APPOINTMENT OF GUARDIAN OVER AN ADULT

Court ADVISED the Protected Person's (PP) physician indicated she was competent and the Court always honored the wishes of the PP.

Mr. Powell argued he'd filed a number of documents from physicians and one of them was her psychiatrist for over a year. Mr. Powell argued he went to Glossia and the PP had refused to sign his documents; however she'd made statements to get out of her student loans.

PRINT DATE:	12/03/2019	Page 1 of 2	Minutes Date:	October 30, 2019
-------------	------------	-------------	---------------	------------------

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

Court inquired if Mr. Powell had a criminal record.

Following extensive discussions, Mr. Powell admitted he had a record in California; however it was sealed and was from over 10 years ago.

Ms. Valenica stated the physician's certificate submitted indicated she was able to execute a Power of Attorney and that she'd requested the least restrictive means of assistance.

Upon inquiry by the Court regarding what the doctor was looking for, Ms. Valencia stated he looked a memory and if the person can understand what they are signing. Ms. Valencia further argued she'd submitted a physician's certificate from a neurologist who stated she was able to understand and was competent to make decisions regarding her future.

Court stated that was contractual capacity which was a higher level of competency.

Ms. Anderson argued the PP objected and further requested his petition be dismissed, that the pleadings were inadequate, that the physician's certificate and other documents indicated the PP was capable of making decisions, and that Mr. Powell's documents were more toward being unhappy with the decisions the PP was making.

Court discussed at length the levels of capacity and the strict requirements that must be met to order a guardianship.

Ms. Anderson stated the neurologist indicted she should take her medication; however he did not say she was incompetent and further advised the PP was requesting an order of protection as she was fearful for her safety.

Following extensive arguments by Mr. Powell and counsel, COURT ORDERED, Motion to Dismiss Petition for Guardianship GRANTED.

INTERIM CONDITIONS:

FUTURE HEARINGS:

PRINT DATE:	12/03/2019	Page 2 of 2	Minutes Date:	October 30, 2019
-------------	------------	-------------	---------------	------------------

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

WILLIAM J. POWELL, JR.
211 N. 8TH ST., #421
LAS VEGAS, NV 89101

DATE: December 3, 2019
CASE: G-19-052315-A

RE CASE: In the Matter of the Guardianship of: LORETTA POWELL, Protected Person(s).

NOTICE OF APPEAL FILED: November 27, 2019

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☒ \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
- ☐ Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☒ Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. The district court clerk shall apprise appellant of the deficiencies in writing, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (e) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

***Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.*

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; ORDER; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

In the Matter of the Guardianship of:

LORETTA POWELL,

Protected Person(s).

Case No: G-19-052315-A

Dept No: M

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 3 day of December 2019.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk