

COMP
JACOB L. HAFTER, ESQ.
Nevada State Bar No. 9303
HAFTERLAW
6851 W. Charleston Boulevard
Las Vegas, Nevada 89117
Tel: (702) 405-6700
Fax: (702) 685-4184
jhafter@hafterlaw.com

Counsel for Plaintiff

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

JASON HANSON, an individual;

Plaintiff,

vs.

FRANCES-ANN FINE, an individual; **JARED E. SHAFER**, an individual; **PROFESSIONAL FIDUCIARY SERVICES OF NEVADA, INC.**, a Nevada corporation; **DARA GOLDSMITH**, an individual; **ELYSE TYRELL**, an individual; **JOHN CAHILL**, in his individual capacity as Public Administrator of Clark County; **DOES I through X**; and **ROE CORPORATIONS I through X**, inclusive,

Defendants.

Case No.: A-17-758506-C

Dept. No.: Department 28

COMPLAINT

For

1. **Declaratory Relief**
2. **Declaratory Relief and Double Damages pursuant to NRS §199.315**
3. **Breach of Fiduciary Duties**
4. **Conversion**
5. **Civil RICO Fraud**
6. **Negligence**
7. **Unjust Enrichment**
8. **Violation of NRS §41.1295**

COMES NOW, Plaintiff **JASON HANSON**, by and through his counsel of record, Jacob L. Hafter, Esq. of the law firm **HAFTERLAW**, to complain, aver and allege as follows against **FRANCES-ANN FINE**, an individual, **JARED E. SHAFER**, an individual, **PROFESSIONAL FIDUCIARY SERVICES OF NEVADA, INC.**, a Nevada corporation, **DARA GOLDSMITH**, an individual, **ELYSE TYRELL**, an individual, and **JOHN CAHILL**, in his individual capacity

6851 W. Charleston Boulevard
Las Vegas, Nevada 89117
(702) 405-6700 Telephone
(702) 685-4184 Facsimile



1 as Public Administrator of Clark County, in addition to any unknown defendants, the following
2 causes of action:

3
4 **PRELIMINARY STATEMENT**

5 1. Defendants are well established professionals who make their living, in part or in
6 whole, as a result of Nevada’s guardianship and probate systems.

7 2. Defendants have used their roles in the guardianship and probate systems to make
8 a living at the expense and to the detriment of the parties that are to be protected by these systems.

9 3. This lawsuit seeks to address the failures of Nevada’s probate and guardianship
10 systems in fairly respecting and protecting the interests of Plaintiff, **JASON HANSON**.

11 4. Defendants used their roles in the guardianship and probate systems to deprive Mr.
12 Hanson of the limited resources which were left to him by his father and grandmother.

13 5. As a result of Defendants’ actions Mr. Hanson has been deprived of thousands of
14 dollars.

15
16 **PARTIES**

17 6. At all times pertinent hereto, Plaintiff **JASON HANSON**, is an individual who
18 resides in Clark County, Nevada.

19 7. Upon information and belief, for all relevant times herein, Defendant **FRANCES-**
20 **ANN FINE**, is an individual who is an attorney who is licensed to practice law in Nevada and
21 who maintained a residence in Clark County, Nevada.

22 8. Upon information and belief, for all relevant times herein, Defendant **JARED E.**
23 **SHAFER**, is an individual who maintained a residence in Clark County, Nevada.

24 9. Upon information and belief, for all relevant times herein, Defendant
25 **PROFESSIONAL FIDUCIARY SERVICES OF NEVADA, INC.** (“PFSN”), was a Nevada
26 corporation.

27 ///

28 ///



1 10. Upon information and belief, for all relevant times herein, Defendant **DARA**
2 **GOLDSMITH**, is an individual who is an attorney who is licensed to practice law in Nevada and
3 who maintained a residence in Clark County, Nevada.

4 11. Upon information and belief, **JOHN CAHILL** is an individual who served in the
5 capacity of PUBLIC ADMINISTRATOR for Clark County, Nevada, and maintained a residence
6 in Clark County, Nevada.

7 12. Upon information and belief, each of the defendants sued herein as DOES I
8 through X, inclusive, is responsible in some manner for the events and happenings herein referred
9 to, which thereby proximately caused the injuries and damages to Plaintiff as alleged herein; that
10 when the true names and capacities of such defendants become known, Plaintiff will ask leave of
11 this Court to amend this Complaint to insert the true names, identities and capacities together with
12 proper charges and allegations.

13 13. Upon information and belief, each of the defendants sued herein as ROE
14 CORPORATIONS I through X, inclusive, is responsible in some manner for the events and
15 happenings herein referred to, which thereby proximately caused the injuries and damages to
16 Plaintiff as alleged herein; that when the true names and capacities of such defendants become
17 known, Plaintiff will ask leave of this Court to amend this Complaint to insert the true names,
18 identities and capacities together with proper charges and allegations.

19 20 **JURISDICTION AND VENUE**

21 14. All of the acts complained of herein occurred in Clark County, Nevada.

22 15. This Court has subject matter jurisdiction pursuant to NRS §3.220 and Nevada
23 Constitution, Art. IV, §6.

24 16. This Court is the proper venue pursuant to NRS § 13.040.

25 17. Where applicable, all matters set forth herein are incorporated by reference in the
26 various causes of action which follow.

27 ///

28 ///



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

GENERAL ALLEGATIONS

18. Mr. Hanson is an individual who was born with cerebral palsy.

19. Cerebral palsy is an umbrella term that refers to a group of disorders affecting a person's ability to move.

20. Cerebral palsy affects people in different ways and can affect body movement, muscle control, muscle coordination, muscle tone, reflex, posture and balance.

21. Although cerebral palsy is a permanent life-long condition, some of these signs of cerebral palsy can improve or worsen over time.

22. While people with cerebral palsy may have difficulty communicating, cerebral palsy does not decrease or inhibit one's mental capacity or mental abilities.

The Guardianship

23. On or about April 4, 2006, the Honorable William Voy, appointed Defendant Frances-Ann Fine, Esq., as Guardian Ad Litem, on Mr. Hanson's behalf, in a guardianship matter, Case Number J097869.

24. On or about April 25, 2006, Defendant Fine filed a Petition for Appointment of Frances-Ann Fine as temporary guardian in a case assigned the number G29271. ("Guardianship Case").

25. In that Petition, Defendant Fine stated that Mr. Hanson was a ward of the Court as a result of his mother's admission to various crimes in an Amended Petition, and his father's plea of no contest to various criminal allegations.

26. Defendant Fine further stated in that Petition that Mr. Hanson was "the recipient of a trust set up by his paternal grandmother" and that she will "need access to the account number of said trust so that the same can be transferred for [Mr. Hanson]'s behalf to a trust account with [Defendant Fine] as the signator thereon."

27. Defendant Fine further stated that she "will seek Court approval for all funds to be used for the benefit of [Mr. Hanson]."



1 28. Defendant Fine further stated that she was “competent and capable of acting as
2 Guardian of the estate of JASON HANSON.”

3 29. On January 22, 2007, Defendant Fine then filed an Amended Petition for
4 Appointment of herself as Guardian of Mr. Hanson in the Guardianship Case.

5 30. In that Amended Petition, she noted that “at the time of hearing in the
6 [concomitant] Juvenile Court case, to wit: J299782, [Mr. Hanson] rejected the appointment of
7 [Defendant Fine] to be Guardian of his Estate, and instead, the Honorable Gerald Hardcastle,
8 appointed [her] to be a Court Appointed Special Advocate (CASA). This was done to enable
9 [her] to obtain the necessary information regarding the monies held for [Mr. Hanson] in an
10 educational trust.”

11 31. Defendant Fine further noted that her appointment as CASA occurred on July 20,
12 2006.

13 32. Defendant Fine further noted that she “investigated the trust for [Mr. Hanson] set
14 up by his paternal grandmother, and as [Mr. Hanson]’s guardian, [she] may access said account
15 in order to accommodate the needs of [Mr. Hanson].”

16 33. Defendant Fine further stated that “the trust can be controlled for [Mr. Hanson’s]
17 use, with [Defendant Fine] as the signator thereon.”

18 34. Defendant Fine further stated that she was “competent and capable of acting as
19 Guardian of the estate of JASON HANSON.”

20 35. Defendant Fine further stated that the “guardianship is necessary to ensure that
21 these funds are available to assist JASON HANSON in his endeavor for higher education, if same
22 is necessary.”

23 36. On February 13, 2007, an order was entered in the Guardianship Case appointing
24 Defendant Fine guardian, based on her January 22, 2007, Amended Petition.

25 37. On September 20, 2007, an order was entered in the Guardianship Case “for the
26 funding and execution of the Jason Hanson supplemental needs trust.” (JHSNT-I) This order was
27 entered as a result of Defendant Fine’s Petition for Authorization to Fund and Execute Trust for
28

1 Jason Hanson's benefit, filed September 14, 2007. There is no copy of this Petition in the records
2 transferred to this office.

3 38. Pursuant to Exhibit "A" to the September 20, 2007, Order, the following were the
4 terms of the JHSNT-I:

- 5 a. JASON HANSON is the primary beneficiary.
- 6 b. The trust was irrevocable.
- 7 c. Charles Schwab Account Number 4096-4756 was listed as the sole asset
8 in the trust.

9 39. In that September 20, 2007 Order, Defendant Fine was required to fund the
10 JHSNT-I.

11 40. On September 21, 2007, Jason Hanson turned 18.

12 41. There is no evidence that the assets from the Charles Schwab Account Number
13 4096-4756 were ever conveyed to the JHSNT-I.

14 42. There is no evidence that Defendant Fine ever safeguarded Mr. Hanson's assets
15 which were to be included in the JHSNT-I.

16 43. On September 30, 2008, Dara Goldsmith, Esq., filed a Petition for Appointment
17 of Administrator for Issuance of Letters of Administration and for General Administration of
18 Gerhard Hanson's estate, case number 08-P-064097-E ("Estate Case").

19 44. In that Petition, it is stated that John Cahill, as public administrator, "was
20 nominated by Jason Hanson, the sole heir of [Gerhard Hanson]."

21 45. On October 17, 2008, the Court in the Estate Case issued Letters of
22 Administration, naming Defendant Cahill the Administrator of Gerhard Hanson's estate.

23 46. Within a week of the Court in the Estate Case granting Defendant Cahill's June
24 12, 2009, Ex Parte Application to proceed without an appraisal of the single asset of the estate,
25 Jared Shaffer, of PFSN, on June 29, 2009, filed a Petition to Confirm Successor Trustee in the
26 Guardianship Case.

27 47. In that June 29, 2009, Petition, Mr. Shaffer stated that on September 21, 2007, the
28 JHSNT-I "was established, as prepared by Dara J. Goldsmith, Esq."



1 48. The June 29, 2009, Petition further states that the “Trust Agreement was made and
2 entered into by and between Jason Hanson, by and between Frances Ann Fine, Guardian of the
3 Estate of Jason Hanson, with an order from the Eighth Judicial District Court, and Susan
4 Rousselle, as trustee.”

5 49. The June 29, 2009, Petition further documents how Ms. Rousselle “moved out of
6 the State of Nevada and is not interested in being the Trustee anymore.” There is no mention of
7 the date she moved out of state in the Petition, or the concerning circumstances of her departure.

8 50. The June 29, 2009, Petition further states that “Jason Hanson’s schooling expenses
9 are paid by [Ms. Rousselle] out of the Trust and the payments will not continue without a
10 Successor Trustee.”

11 51. Mr. Shaffer’s June 29, 2009, Petition expressly states that the Court expressly
12 retained jurisdiction for the JHSNT-I to appoint a successor trustee, and that Mr. Shaffer’s
13 application was expressly based on that provision in Article 5 of the JHSNT-I document.

14 52. On July 16, 2009, an order confirming Mr. Shaffer’s appointment (where he was
15 listed as “Jared Shaffer, of Professional Fiduciary Services of Nevada, Inc.”) as successor trustee
16 was entered into the Court’s records in the Guardianship Case.

17 53. On November 4, 2013, Defendant Goldsmith filed a First Account, Report of
18 Trustee and Petition for Fees with the Court in the Guardianship Case. The accounting is silent
19 about the Charles Schwab account. The accounting does not show that Defendant Fine funded
20 the JHSNT-I. The Accounting includes Exhibit C, Billing Ledger. The Billing Ledger was
21 addressed to Defendant Fine as Guardian.

22 54. On December 12, 2013, the Court entered an order approving the First Account,
23 Report of Trustee and Petition for Fees in the Guardianship Case.

24 55. On January 2, 2014, the Court entered an amended order in the Guardianship Case,
25 noting that “an oral objection was heard as to Goldsmith & Guymon, PC’s fees at the time of the
26 December 11, 2013, hearing; and therefore, the issue of fees will be heard on February 5, 2014.”
27 The order further notes that any objections to the accounting need to be filed in writing “in
28 advance of the hearing.”



1 56. There is no indication that Mr. Hanson was provided a copy of this order.

2 57. There is also no indication that Mr. Hanson was ever provided counsel through
3 which his interests could be protected.

4 58. At this point, pursuant to the Court's records, Defendant Fine was still, officially,
5 Mr. Hanson's Court-Appointed Guardian.

6 59. There is no evidence that she took any of the steps to terminate and wind up the
7 guardianship, as set forth in NRS §§159.1905 to 159.199.

8 60. On January 15, 2014, the Court entered an order in the Guardianship Case
9 appointing Defendant Tyrell, as Successor Trustee to the JHSNT-II. This was the first time that
10 the JHSNT-II was mentioned in any papers filed in the Guardianship Case (which have been made
11 available to this office).

12 61. On February 11, 2014, an order was entered by the Court in the Guardianship Case
13 approving the attorneys fees payment to Goldsmith & Guymon, PC.

14 62. This order notes that the oral objection was made in December, 2013, by Jason
15 Hanson.

16 63. This order further notes that the Court gave Mr. Hanson notice that his objections
17 need to be filed in writing, but that he failed to submit anything in writing.

18 64. On January 15, 2015, the Court entered an order in the Guardianship Case closing
19 the case.

20 65. In that order, the Court stated that the General Letters of Guardianship issued to
21 Defendant Fine are thereby revoked.

22 66. Notice of Entry of this Order was sent to various parties on or about January 12,
23 2015, by Linda Sisson, Guardianship Compliance Officer.

24 67. On February 10, 2015, a Citation to Appear and Show Cause was issued in the
25 Guardianship Case to various people, including all of the Defendants, "to show cause, if any, why
26 the Court should not vacate all orders regarding the guardianship and/or the Jason Hanson
27 Supplemental Needs Trust entered after the 21st day of September, 2007, the date Jason Hanson
28 turned age of majority, due to lack of subject matter jurisdiction."

1 68. On March 12, 2015, the Court entered an order in the Guardianship Case vacating
2 all post September 21, 2007, court orders.

3 69. By vacating all prior court orders, any authority which any of the defendants in
4 this case had to act was also vacated.

5
6 ***The Estate of Gerhard Hanson***

7 70. On July 27, 2008, Gerhard Hanson, Mr. Hanson's father, died intestate in Clark
8 County, Nevada.

9 71. On September 30, 2008, Dara Goldsmith, Esq., filed a Petition for Appointment
10 of Administrator for Issuance of Letters of Administration and for General Administration of
11 Gerhard Hanson's estate, case number 08-P-064097-E ("Estate Case").

12 72. In that Petition, it is stated that John Cahill, "was nominated by Jason Hanson, the
13 sole heir of [Gerhard Hanson]."

14 73. It is further stated that the gross value of the Estate may exceed \$200,000.

15 74. On October 17, 2008, the Court in the Estate Case issued Letters of
16 Administration, naming Defendant Cahill the Administrator of Gerhard Hanson's estate.

17 75. On January 27, 2009, Defendant Goldsmith, on Defendant Cahill's behalf, filed
18 an Inventory, Appraisal and Record of Value with the Court in the Estate Case.

19 76. On May 21, 2009, Defendant Goldsmith, on Defendant Cahill's behalf, filed in the
20 Estate Case a First and Final Account, Report of Administration, and Petition for Fees,
21 Establishment of Trust, Distribution and Discharge with the Court.

22 77. In that filing, Defendant Cahill requested that the JHSNT-II be created.

23 78. In that filing, Defendant Cahill included a copy of the proposed trust document, a
24 document created by Defendant Goldsmith, which is essentially identical to a trust document that
25 she created in 2007 for the JHSNT-I.

26 79. On June 12, 2009, Defendant Goldsmith, on Defendant Cahill's behalf, filed an
27 Ex Parte Application for an Order to Waive Appraisal in the Estate Case.

28



1 80. In this Application, it is stated that the Zillow estimate for the real estate was
2 \$40,000 less than the prior estimate of value Defendant Cahill used in the Estate’s Court filings
3 – a higher value upon which Defendant Cahill based his statutory fee.

4 81. At no time did Defendant Cahill or Defendant Goldsmith seek to file an amended
5 Final Account, Report of Administration, and Petition for Fees, Establishment of Trust,
6 Distribution and Discharge with the Court, as a result of this revised estimate.

7 82. The reality is that the real estate was worth less than 40% of even the Zillow
8 estimate, a fact that Defendant Cahill would have realized had he spoken to an appraiser (or read
9 a single article about the accuracy of Zillow).

10 83. Further, Defendant Cahill stated, falsely, that he “waived [his] fee in this matter.”

11 84. On June 22, 2009, the Court entered an order approving the Ex Parte Application
12 to Waive Appraisal in the Estate Case.

13 85. On the same day, the Court entered an Order Approving Settling First and Final
14 Account, Report of Administration, and Petition for Fees, Establishment of Trust, Distribution
15 and Discharge with the Court in the Estate Case.

16 86. Notwithstanding, Defendant Cahill’s assertion to the Court in his June 12, 2009,
17 Ex Parte Application that he “waived [his] fee in this matter,” this Order proposed by Defendant
18 Cahill, through counsel, expressly stated that “the Administrator is authorized and directed to pay
19 administration fees from the Estate account to JOHN CAHILL, Clark County Public
20 Administrator in the amount of \$4,662.95.”

21 87. This amount is reflected as a distribution of the estate in subsequent court filings
22 in the Estate Case.

23 88. This order further authorized the JHSNT-II to be created, with Jared Shaffer, of
24 Professional Fiduciary Services of Nevada, Inc. (“PSFN”) serving as trustee.

25 89. On June 23, 2009, Defendant Goldsmith signed, and on June 29, 2009, filed in the
26 Guardianship Case a Supplement to Mr. Shaffer’s Petition, stating that the “assets of the Ward do
27 not exceed \$2,500 and as such no filing fee per NRS 19.013 is required.” This was a false
28 statement.

6851 W. Charleston Boulevard
Las Vegas, Nevada 89117
(702) 405-6700 Telephone
(702) 685-4184 Facsimile



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

90. On July 2, 2009, Defendant Cahill filed a receipt in the Estate Case indicating that he received \$4,662.95 from the assets of the Estate of Gerhard Hanson.

91. On July 17, 2009, the day after the Court in the Guardianship Case entered an order confirming Mr. Shaffer’s appointment as successor trustee was entered into the Court’s records in the Guardianship Case, Defendant Goldsmith filed a Petition to Reconsider First and Final Account, Report of Administrator, and Petition for Fees, Distribution and Discharge in the Estate Case.

92. In that July 17, 2009, Petition, it was stated that “[a]fter the approval of the final account, it was discovered that there [were] insufficient funds in the Estate to satisfy all of the claims.”

93. This July 17, 2009, Petition was filed after Defendant Cahill filed a receipt for his fee.

94. No effort was made to return that fee, or re-calculate the fee based on the actual value of the estate.

95. On July 31, 2009, an order was entered in the Estate Case approving the Petition to Reconsider.

96. On October 26, 2009, Defendant Goldsmith filed a receipt in the Estate Case indicating that she received \$5,660.28 from the assets of the Estate of Gerhard Hanson.

97. On January 13, 2010, Defendant Goldsmith filed a receipt in the Estate Case indicating that Jared Shaffer, as trustee of the JHSNT-II, received \$6,952.36, of behalf of Jason Hanson, from the assets of the Estate of Gerhard Hanson.

FIRST CLAIM FOR RELIEF

(Declaratory Relief against all Defendants)

98. Plaintiff repeats and re-alleges the allegations of the preceding paragraphs of this Complaint as though fully set forth herein and incorporates the same herein by reference.



1 99. Under Nevada law, “[a]n action may be brought by any person against another
2 who claims an estate or interest in real property, adverse to the person bringing the action, for the
3 purpose of determining such adverse claim.” Nev. Rev. Stat. § 40.010.

4 100. This Court has the power and authority to declare the rights, status and interests of
5 Plaintiff and Defendants with respect to any actions taken on behalf of Mr. Hanson by any or all
6 of the Defendants.

7 101. Because this Court entered an order on March 12, 2015, in the Guardianship Case
8 vacating all post September 21, 2007, court orders, any actions which occurred pursuant to the
9 authority conferred by any court order in the Guardianship Case issued after September 21, 2007,
10 should be deemed void ab initio.

11 102. As all such acts should be deemed void, Plaintiff seeks an order from this Court
12 requiring that any such actions be reversed, returning any and all monies to Mr. Hanson that were
13 otherwise spent or distributed as a result of any voided court order.

14
15 **SECOND CLAIM FOR RELIEF**

16 **(Declaratory Relief &**

17 **NRS §199.315 Damages against Frances-Ann Fine)**

18 103. Plaintiff repeats and re-alleges the allegations of the preceding paragraphs of this
19 Complaint as though fully set forth herein and incorporates the same herein by reference.

20 104. As a court appointed guardian, Defendant Fine had certain statutory duties to Mr.
21 Hanson pursuant to NRS Chapter 159.

22 105. Pursuant to NRS §159.176, “[e]very guardianship established pursuant to this
23 chapter must be reviewed by the court annually.” NRS §159.176.

24 106. Pursuant to NRS §159.177, a court appointed guardian is required to make various
25 filings with the Court.

26 107. Pursuant to NRS §159.199(2), “[a] guardian is not relieved of liability for his or
27 her term as guardian until an order of discharge is entered and filed with the court.”

28 108. Defendant Fine was a court appointed guardian of Mr. Hanson.



1 209. On September 21, 2007, Jason Hanson turned 18.
2 210. Upon turning 18, Defendant Fine stopped doing any work as guardian.
3 211. Defendant Fine never took the appropriate actions to ensure that the funds in the
4 Smith Barney account were properly used to fund the JHSNT-I.
5 212. Defendant Fine never took the appropriate actions to ensure that as heir to Gerhard
6 Hanson’s estate, Plaintiff received all of the assets due to him as part of his inheritance.
7 213. In fact, the monies in the Smith Barney account were never conveyed to Mr.
8 Hanson.
9 214. It is unclear to this day what ever happened to the funds from the Smith Barney
10 account.
11 215. Defendant Fine never made any filings with the Court in the Guardianship Case
12 after Mr. Hanson turned 18.
13 216. On January 15, 2015, the Court entered an order stating that the “General Letters
14 of Guardianship issued to [Defendant] fine [were] thereby revoked.”
15 217. On March 12, 2015, the Court entered an order in the Guardianship Case vacating
16 all post September 21, 2007, court orders.
17 218. NRS §159.305, states that “[i]f a guardian, interested person, ward or proposed
18 ward petitions the court upon oath alleging: (a) That a person has or is suspected to have
19 concealed, converted to his or her own use, conveyed away or otherwise disposed of any money,
20 good, chattel or effect of the ward; or (b) That the person has in his or her possession or
21 knowledge any deed, conveyance, bond, contract or other writing which contains evidence of, or
22 tends to disclose the right, title or interest of the ward or proposed ward in or to, any real or
23 personal property, or any claim or demand, the judge may cause the person to be cited to appear
24 before the district court to answer, upon oath, upon the matter of the petition.”
25 219. Mr. Hanson, through this Complaint, hereby alleges that Defendant Fine:
26 a. Was his guardian pursuant to court order,
27 b. Through Defendant Fine’s inaction, Mr. Hanson’s assets were improperly
28 converted, depriving him of the benefit of such assets.

6851 W. Charleston Boulevard
Las Vegas, Nevada 89117
(702) 405-6700 Telephone
(702) 685-4184 Facsimile



1 220. Mr. Hanson seeks a declaration from this Court that Defendant Fine's inaction
2 resulted in the improper disposition of assets which were legally his.

3 221. Mr. Hanson seeks such declaration pursuant to NRS §199.315.

4 222. Mr. Hanson seeks return of such assets pursuant to NRS §199.315.

5 223. As a direct and proximate result of the Defendant's conduct, Plaintiff is entitled to
6 compensatory damages in excess of \$15,000 to be proven at trial.

7 224. Plaintiff has been compelled to secure the services of HAFTERLAW to prosecute
8 this action and is entitled to recover costs and legal expenses, including reasonable attorneys fees.

9 225. Mr. Hanson seeks double the value of the asset, and damages, including attorneys
10 fees and costs, pursuant to NRS §199.315.

11
12 **THIRD CLAIM FOR RELIEF**

13 **(Breach of Fiduciary Duty against All Defendants)**

14 226. Plaintiff repeats and re-alleges the allegations of the preceding paragraphs of this
15 Complaint as though fully set forth herein and incorporates the same herein by reference.

16 227. As a court appointed guardian, Defendant Fine had a fiduciary duty to Mr. Hanson.

17 228. As a trustee to the JHSNT-II, Defendant Tyrell had a fiduciary duty to Mr. Hanson.

18 229. As a successor trustee to the JHSNT-I, Defendant Shafer had a duty to Mr. Hanson.

19 230. As public administrator who was deemed to represent the heirs of Gerhard
20 Hanson's estate, Defendant Cahill had a fiduciary duty to Mr. Hanson.

21 231. Working in various roles related to Mr. Hanson and his various special needs trust,
22 Defendant Goldsmith had a fiduciary duty to Mr. Hanson.

23 232. Defendant Fine breached her duty to Mr. Hanson by failing to act as guardian once
24 Mr. Hanson turned 18 years of age, despite the court order requiring her to fund the JHSNT-I,
25 and her statutory duties to act as guardian until discharged by the Court.

26 233. Defendant Tyrell breached her fiduciary duty to Mr. Hanson by failing to
27 safeguard Mr. Hanson's assets, and act in Mr. Hanson's best interests with respect to the assets
28 covered by the JHSNT-II.

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

134. Defendant Cahill breached his fiduciary duty by failing to obtain an appraisal of the real estate included within Mr. Hanson's estate prior to the sale of that property.

135. Defendant Cahill breached his fiduciary duty by failing to maximize the proceeds from the assets of Mr. Hanson's estate and taking fees from the estate, despite his assertions to the Court.

136. Defendant Shafer, Defendant Professional Fiduciary Services of Nevada, Inc., and Defendant Goldsmith, breached their fiduciary duties by charging excessive and/or fraudulent fees in Mr. Hanson's cases.

137. Defendants breached that duty by knowingly allowing funds belonging to the Plaintiff to be withdrawn, utilized and taken by other Defendants in violation of Nevada and Federal law and without due regard to the property rights of Plaintiff.

138. Defendants Fine, Tyrell and Goldsmith breached their duties to Plaintiff by failing to take timely, effective action to investigate the identity, value and safeguard Mr. Hanson's assets in the Guardianship Case.

139. As a direct and proximate result of the Defendants conduct, Plaintiff is entitled to compensatory damages in excess of \$15,000 to be proven at trial.

140. Plaintiff has been compelled to secure the services of HAFTERLAW to prosecute this action and is entitled to recover costs and legal expenses, including reasonable attorneys fees.

FOURTH CLAIM FOR RELIEF
(Conversion against All Defendants)

141. Plaintiff repeats and re-alleges the allegations of the preceding paragraphs of this Complaint as though fully set forth herein and incorporates the same herein by reference.

142. Defendants committed a distinct act of dominion wrongfully exerted over Mr. Hanson's property by deducting or accepting monies from the Guardianship and Estate bank accounts, without a valid court order or proper investigation as to the lawfulness of the payments.

143. These acts were in denial of, or inconsistent with, Plaintiff's title or rights therein.



1 157. In violation of NRS §207.400 and various federal statutes, Defendants conspired
2 together to commit this racketeering activity.

3 158. As a direct and proximate result of the Defendants conduct, Plaintiff is entitled to
4 compensatory damages in excess of \$15,000 to be proven at trial.

5 159. Plaintiff has been compelled to secure the services of HAFTERLAW to prosecute
6 this action and is entitled to recover costs and legal expenses, including reasonable attorneys fees.
7

8 **SIXTH CLAIM FOR RELIEF**

9 **(Negligence against All Defendants)**

10 160. Plaintiff repeats and re-alleges the allegations of the preceding paragraphs of this
11 Complaint as though fully set forth herein and incorporates the same herein by reference.

12 161. Defendants owed a duty of care to Plaintiff.

13 162. Defendants breached their duty by failing to properly identify, value and safeguard
14 the assets of Mr. Hanson.

15 163. Defendants Tyrell and Shafer, as trustees of Mr. Hanson’s various special needs
16 trusts, failed to properly protect and invest Mr. Hanson’s assets.

17 164. Defendant Fine failed to properly ensure that the JHSNT-I was funded and that the
18 assets in that trust were properly invested.

19 165. Defendant Shafer failed to properly value the real estate asset comprising the estate
20 which he was administering.

21 166. All Defendants failed to comply with various laws to make truthful and timely
22 court filings.

23 167. As a direct and proximate result of the Defendants conduct, Plaintiff is entitled to
24 compensatory damages in excess of \$15,000 to be proven at trial.

25 168. Plaintiff has been compelled to secure the services of HAFTERLAW to prosecute
26 this action and is entitled to recover costs and legal expenses, including reasonable attorneys fees.
27

28 ///

 ///

1 **SEVENTH CLAIM FOR RELIEF**

2 **(Unjust Enrichment against All Defendants)**

3 169. Plaintiff repeats and re-alleges the allegations of the preceding paragraphs of this
4 Complaint as though fully set forth herein and incorporates the same herein by reference.

5 170. As described herein, by charging fraudulent and/or exaggerated expenses to
6 Plaintiffs account, the Defendants unjustly retained the money and/or property of Plaintiff against
7 fundamental principles of justice or equity and good conscience.

8 171. As described herein, Defendants have received funds which were Mr. Hanson's
9 without proper court order allowing them to receive such funds.

10 172. As a direct and proximate result of the Defendants conduct, Plaintiff is entitled to
11 compensatory damages in excess of \$15,000 to be proven at trial.

12 173. Plaintiff has been compelled to secure the services of HAFTERLAW to prosecute
13 this action and is entitled to recover costs and legal expenses, including reasonable attorneys fees.
14

15 **EIGHTH CLAIM FOR RELIEF**

16 **(Violation of NRS §41.1395 against All Defendants)**

17 174. Plaintiff repeats and re-alleges the allegations of the preceding paragraphs of this
18 Complaint as though fully set forth herein and incorporates the same herein by reference.

19 175. Plaintiff, at all relevant times herein, was a "vulnerable person" within the meaning
20 of NRS 41.1395(e).

21 176. Plaintiff suffered a loss of money or property caused by the failure of Defendants
22 to act with due care, through their exploitation of him as a result of their trusted positions within
23 the estate and guardianship systems, as described herein and within the meaning of NRS
24 §41.1395.

25 177. In exploiting Plaintiff, Defendants acted with recklessness, oppression, fraud
26 and/or malice.

27 178. As a direct and proximate result of the Defendants conduct, Plaintiff is entitled to
28 compensatory damages in excess of \$15,000 to be proven at trial.



1 179. Pursuant to NRS §41.1395, Plaintiff is entitled to double damages.

2 180. Plaintiff has been compelled to secure the services of HAFTERLAW to prosecute
3 this action and is entitled to recover costs and legal expenses, including reasonable attorneys fees.

4
5 **PRAYER FOR RELIEF**

6 1. For a declaration and determination that Defendants' actions were without proper court
7 order.

8 2. For a declaration and determination that Defendant Fine violated her statutory duties
9 under NRS Chapter 199, resulting in Plaintiff's loss of assets.

10 3. For general damages in an amount in excess of \$15,000.

11 4. For double damages against all Defendants pursuant to NRS §41.1395.

12 5. For double damages against Defendant Fine pursuant to NRS §199.315.

13 6. For treble damages against all Defendants pursuant to Nevada and United States Civil
14 RICO statutes.

15 7. For cost of suit, prejudgment interest and attorneys fees and costs.

16 8. For compensatory damages in excess of \$15,000.

17 9. For punitive damages in excess of \$15,000.

18 10. For any other and further relief which this Court may deem just and equitable.

19
20 **JURY DEMAND**

21 Pursuant to Nevada Rules of Civil Procedure 38, the Nevada constitution, and the United
22 State Constitution, Plaintiff hereby demands a jury trial.

23 ///

24 ///

25 ///

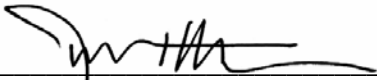
26 ///

27 ///

28 ///

1 Dated this 17th day of July, 2017.

2 **HAFTERLAW**

3
4 By: 

5 Jacob L. Hafter, Esq.
6 Nevada State Bar No. 9303
7 6851 W. Charleston Boulevard
8 Las Vegas, Nevada 89117
9 Tel: (702) 405-6700
10 Fax: (702) 685-4184
11 jhafter@hafterlaw.com
12 *Counsel for Plaintiff*

13
14
15
16
17
18 6851 W. Charleston Boulevard
19 Las Vegas, Nevada 89117
20 (702) 405-6700 Telephone
21 (702) 685-4184 Facsimile

