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Attorneys for Plaintiff  
Gilbert P. Hyatt

DISTRICT COURT  
CLARK COUNTY, NEVADA

GILBERT P. HYATT,  
  
Plaintiff,  
  
v.  
  
FRANCHISE TAX BOARD OF THE  
STATE OF CALIFORNIA, and DOES 1-  
100 inclusive,  
  
Defendant.

Case No. A382999  
Dept. No. X

PLAINTIFF'S AMENDED CASE APPEAL  
STATEMENT

(filed under seal by order of the Discovery  
Commissioner dated February 22, 1999)

1. Party filing this Case Appeal Statement.

This appeal and case appeal statement is filed by Gilbert P. Hyatt,  
plaintiff in the action in district court.

2. Judge issuing the decision, judgment or order appealed from.

Both the final judgment on jury verdict and the order of March 8, 2006,  
granting partial summary judgment re: Hyatt's Economic Damage Claims were  
issued by The Honorable District Judge Jessie Walsh, Eighth Judicial District  
Court, Clark County, Department X, District Court Case No. A382999.

FILED  
MAR 5 2 07 PM '09  
*E. D. Baird*  
CLERK OF THE COURT

No. 53264

FILED  
MAR 18 2009

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *S. Young*  
DEPUTY CLERK

RECEIVED  
MAR 18 2009  
TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
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**3. Parties to the proceedings in the district court.**

Gilbert P. Hyatt, plaintiff  
Franchise Tax Board of the State of California, defendant

**4. Parties involved in this appeal.**

Franchise Tax Board of the State of California, appellant/cross-respondent  
Gilbert P. Hyatt, respondent/cross-appellant

NOTE: Gilbert P. Hyatt was the plaintiff below and is an appellant in this matter. Therefore, pursuant to NRAP 28(h), Hyatt is arguably the appellant and FTB is the cross-appellant in this appeal. However, the Nevada Supreme Court has already issued a briefing order in which FTB is referred to as appellant. Thus, pending further order of the Nevada Supreme Court clarifying the designations of the parties for purposes of this appeal and cross-appeal, we have listed the FTB as appellant and Hyatt as cross-appellant in this Case Appeal Statement.

**5. The name, law firms, addresses and telephone numbers of all counsel on appeal, and the party or parties they represent.**

For the FTB: James W. Bradshaw  
Pat Lundvall  
Carla Higginbotham  
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9. The date the proceedings commenced in district court.

The original complaint in this action was filed on January 6, 1998.

DATED this 5th day of March, 2009.

HUTCHISON & STEFFEN, LLC.



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**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that I am an employee of HUTCHISON & STEFFEN, LLC. and that on this 5 day of March, 2009, I caused the above and foregoing document entitled \*\*\* to be served as follows:

- by placing same to be deposited for mailing via FedEx, in a sealed envelope upon which was prepaid in Las Vegas, Nevada; and/or
- pursuant to EDCR 7.26, to be sent **via facsimile**; and/or
- to be hand-delivered;

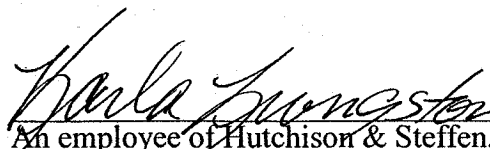
to the attorney(s) listed below at the address and/or facsimile number indicated below:

**via facsimile: 873-9966**  
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Franchise Tax Board of the  
State of California

  
An employee of Hutchison & Steffen, LLC.

# HUTCHISON & STEFFEN

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March 16, 2009

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STEVEN M. ROGERS  
  
ADMITTED IN UTAH ONLY

Sandy Young  
Supreme Court of Nevada  
201 South Carson Street, Suite 201  
Carson City, NV 89701-4702

**Re: Gilbert P. Hyatt adv. Franchise Tax Board of the State of California**  
**Supreme Case No. 53264; District Case No. A382999**  
**Our File No: 0315-001**

Dear Ms. Young:

Enclosed is a copy of plaintiff's amended case appeal statement. The list of attorneys on the docketing sheet must be corrected.

Thank you in advance for your attention to this matter.

Sincere regards,

HUTCHISON & STEFFEN, LLC.

*Karla Livingston* for  
Michael K. Wall  
For the Firm

MKW/kl  
Enc

