

IN THE SUPREME COURT OF THE STATE OF NEVADA

INDICATE FULL CAPTION:

PAUL PAWLIK, Appellant,
vs.
SHYANG-FENN DENG AND LINDA
HSIANG-YU CHIANG DENG, TRUSTEES
OF THE SHAYNG-FENN AND LINDA
HSIANG-YU CHIANG DENG REVOCABLE
TRUST DATED AUGUST 18, 2006;
VANETTA APPELYARD, TREASURER OF
THE CITY OF LAS VEGAS; THE CITY OF
LAS VEGAS, A POLITICAL SUBDIVISION,
Respondent.

No. 71055

DOCKETING STATEMENT
CIVIL APPEALS

Electronically Filed
Aug 26 2016 09:00 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

GENERAL INFORMATION

Appellants must complete this docketing statement in compliance with NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, identifying issues on appeal, assessing presumptive assignment to the Court of Appeals under NRAP 17, scheduling cases for oral argument and settlement conferences, classifying cases for expedited treatment and assignment to the Court of Appeals, and compiling statistical information.

WARNING

This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to fill out the statement completely or to file it in a timely manner constitutes grounds for the imposition of sanctions, including a fine and/or dismissal of the appeal.

A complete list of the documents that must be attached appears as Question 27 on this docketing statement. Failure to attach all required documents will result in the delay of your appeal and may result in the imposition of sanctions.

This court has noted that when attorneys do not take seriously their obligations under NRAP 14 to complete the docketing statement properly and conscientiously, they waste the valuable judicial resources of this court, making the imposition of sanctions appropriate. See KDI Sylvan Pools v. Workman, 107 Nev. 340, 344, 810 P.2d 1217, 1220 (1991). Please use tab dividers to separate any attached documents.

Revised December 2015

1. Judicial District Clark County Department XII
County Clark County Judge Hon. Michelle Leavitt
District Ct. Case No. A-16-734633

2. Attorney filing this docketing statement:

Attorney James M. Walsh Telephone (775) 853-0883

Firm Walsh, Baker and Rosevear

Address 9468 Double R Boulevard, Suite A
Reno, Nevada, 89521

Client(s) Paul Pawlik

If this is a joint statement by multiple appellants, add the names and addresses of other counsel and the names of their clients on an additional sheet accompanied by a certification that they concur in the filing of this statement.

3. Attorney(s) representing respondents(s):

Attorney Steven Mack Telephone (702) 869-8801

Firm Block and LoBello

Address 10777 W. Twain Ave., 3rd Fl.
Las Vegas, Nevada, 89135

Client(s) Shyang-Fenn Deng and Linda Hsiang-Yu Chiang Deng, Trustees of named trust

Attorney Bradford R. Jerbic; John A. Curtis Telephone (702) 229-6629

Firm Las Vegas City Attorney

Address 495 South Main Street, Sixth Floor
Las Vegas, Nevada, 89101

Client(s) City of Las Vegas; Vanetta Appleyard, Treasurer of the City of Las Vegas

(List additional counsel on separate sheet if necessary)

4. Nature of disposition below (check all that apply):

- | | |
|---|---|
| <input type="checkbox"/> Judgment after bench trial | <input checked="" type="checkbox"/> Dismissal: |
| <input type="checkbox"/> Judgment after jury verdict | <input type="checkbox"/> Lack of jurisdiction |
| <input type="checkbox"/> Summary judgment | <input type="checkbox"/> Failure to state a claim |
| <input type="checkbox"/> Default judgment | <input type="checkbox"/> Failure to prosecute |
| <input type="checkbox"/> Grant/Denial of NRCP 60(b) relief | <input type="checkbox"/> Other (specify): <u>Improper Notice</u> |
| <input type="checkbox"/> Grant/Denial of injunction | <input type="checkbox"/> Divorce Decree: |
| <input type="checkbox"/> Grant/Denial of declaratory relief | <input type="checkbox"/> Original <input type="checkbox"/> Modification |
| <input type="checkbox"/> Review of agency determination | <input type="checkbox"/> Other disposition (specify): _____ |

5. Does this appeal raise issues concerning any of the following?

- Child Custody
- Venue
- Termination of parental rights

6. Pending and prior proceedings in this court. List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal:

None

7. Pending and prior proceedings in other courts. List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (e.g., bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition:

PAUL PAWLIK, vs. SHYANG-FENN DENG AND LINDA HSIANG-YU CHIANG DENG, TRUSTEES OF THE SHAYNG-FENN AND LINDA HSIANG-YU CHIANG DENG REVOCABLE TRUST DATED AUGUST 18, 2006; VANETTA APPELYARD, TREASURER OF THE CITY OF LAS VEGAS; THE CITY OF LAS VEGAS, a Political Subdivision. Case No.: A-16-734663-C.

Order Granting Defendants' Motion to Dismiss; And Denying Plaintiff's Application for Writ of Mandamus entered on July 13, 2016.

8. Nature of the action. Briefly describe the nature of the action and the result below:

The real property at issue in this case was purchased by Appellant Pawlik on January 27, 2014 at a duly noticed and authorized sale conducted by the Treasurer. On January 7, 2016, Appellant Pawlik prepared and sent a Notice of Expiration of Redemption Period and of Intent of Owner of Certificate of Sale to Demand Deed to Real Property to Appellee Deng's last known address. The period of redemption was set to expire on January 26, 2016. On March 14, 2016, Appellant Pawlik applied to the Treasurer for the issuance of the deed. The Treasurer refused to issue the Deed. Pursuant to NRS 34.160 Appellant Pawlik applied for a Writ of Mandamus. The Application requested that the City of Las Vegas and/or Treasurer issue a deed to real property pursuant to NRS 271.595. Thereafter, Appellant's Motion for Writ of Mandamus was Denied and Defendants' Motion to Dismiss was granted. The court found that Appellant Pawlik improperly made notice of intent to take property prior to the expiration of the redemption period. The court further held that because the notice Appellant Pawlik provided to Appellee Deng occurred before the expiration of the redemption period, notice was therefore deficient, causing Appellant's entire action to fail.

9. Issues on appeal. State concisely the principal issue(s) in this appeal (attach separate sheets as necessary):

The timing of the notices issued by Appellant was not prejudicial to the redemption rights of Appellees and the notices were timely and appropriate under the applicable statutes.

10. Pending proceedings in this court raising the same or similar issues. If you are aware of any proceedings presently pending before this court which raises the same or similar issues raised in this appeal, list the case name and docket numbers and identify the same or similar issue raised:

None

11. Constitutional issues. If this appeal challenges the constitutionality of a statute, and the state, any state agency, or any officer or employee thereof is not a party to this appeal, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

N/A

Yes

No

If not, explain:

12. Other issues. Does this appeal involve any of the following issues?

Reversal of well-settled Nevada precedent (identify the case(s))

An issue arising under the United States and/or Nevada Constitutions

A substantial issue of first impression

An issue of public policy

An issue where en banc consideration is necessary to maintain uniformity of this court's decisions

A ballot question

If so, explain:

13. Assignment to the Court of Appeals or retention in the Supreme Court. Briefly set forth whether the matter is presumptively retained by the Supreme Court or assigned to the Court of Appeals under NRAP 17, and cite the subparagraph(s) of the Rule under which the matter falls. If appellant believes that the Supreme Court should retain the case despite its presumptive assignment to the Court of Appeals, identify the specific issue(s) or circumstance(s) that warrant retaining the case, and include an explanation of their importance or significance:

This matter is not presumptively retained by the Supreme Court

14. Trial. If this action proceeded to trial, how many days did the trial last? _____

Was it a bench or jury trial? _____

15. Judicial Disqualification. Do you intend to file a motion to disqualify or have a justice recuse him/herself from participation in this appeal? If so, which Justice?

No.

TIMELINESS OF NOTICE OF APPEAL

16. Date of entry of written judgment or order appealed from Jul 13, 2016

If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

17. Date written notice of entry of judgment or order was served Jul 20, 2016

Was service by:

Delivery

Mail/electronic/fax

18. If the time for filing the notice of appeal was tolled by a post-judgment motion (NRCP 50(b), 52(b), or 59)

(a) Specify the type of motion, the date and method of service of the motion, and the date of filing.

NRCP 50(b) Date of filing _____

NRCP 52(b) Date of filing _____

NRCP 59 Date of filing _____

NOTE: Motions made pursuant to NRCP 60 or motions for rehearing or reconsideration may toll the time for filing a notice of appeal. See AA Primo Builders v. Washington, 126 Nev. ____, 245 P.3d 1190 (2010).

(b) Date of entry of written order resolving tolling motion _____

(c) Date written notice of entry of order resolving tolling motion was served _____

Was service by:

Delivery

Mail

19. Date notice of appeal filed Aug 10, 2016

If more than one party has appealed from the judgment or order, list the date each notice of appeal was filed and identify by name the party filing the notice of appeal:

20. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(a) or other

4(a)(1)

SUBSTANTIVE APPEALABILITY

21. Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:

(a)

- | | |
|---|---------------------------------------|
| <input checked="" type="checkbox"/> NRAP 3A(b)(1) | <input type="checkbox"/> NRS 38.205 |
| <input type="checkbox"/> NRAP 3A(b)(2) | <input type="checkbox"/> NRS 233B.150 |
| <input type="checkbox"/> NRAP 3A(b)(3) | <input type="checkbox"/> NRS 703.376 |
| <input type="checkbox"/> Other (specify) _____ | |

(b) Explain how each authority provides a basis for appeal from the judgment or order:

Under, NRAP 3A(b)(1), a party has standing where a final judgment is entered in an action or proceeding commenced in the court in which the judgment is rendered. The court granted Defendants' Motion to Dismiss and Denied Plaintiff's Application for writ of Mandamus. Because final judgment was rendered, Appellants have standing to appeal.

22. List all parties involved in the action or consolidated actions in the district court:

(a) Parties:

Plaintiff: Paul Pawlik

Defendants: Shyang-Fenn Deng and Linda Hsiang-Yu Chiang Deng, trustees of the Shayng-Fenn and Linda Hsiang-Yu Chiang Deng revocable trust dated August 18, 2006; Vanetta Appleyard, Treasurer of the City of Las Vegas; the City of Las Vegas, a Political Subdivision

(b) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal, *e.g.*, formally dismissed, not served, or other:

23. Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims, or third-party claims and the date of formal disposition of each claim.

Plaintiff: Writ of Mandamus to Compel Issuance of the Deed

Defendants: Notice was improper

24. Did the judgment or order appealed from adjudicate ALL the claims alleged below and the rights and liabilities of ALL the parties to the action or consolidated actions below?

Yes

No

25. If you answered "No" to question 24, complete the following:

(a) Specify the claims remaining pending below:

(b) Specify the parties remaining below:

(c) Did the district court certify the judgment or order appealed from as a final judgment pursuant to NRCP 54(b)?

Yes

No

(d) Did the district court make an express determination, pursuant to NRCP 54(b), that there is no just reason for delay and an express direction for the entry of judgment?

Yes

No

26. If you answered "No" to any part of question 25, explain the basis for seeking appellate review (e.g., order is independently appealable under NRAP 3A(b)):

Order is independently appealable under NRAP 3A(b)

27. Attach file-stamped copies of the following documents:

- The latest-filed complaint, counterclaims, cross-claims, and third-party claims
- Any tolling motion(s) and order(s) resolving tolling motion(s)
- Orders of NRCP 41(a) dismissals formally resolving each claim, counterclaims, cross-claims and/or third-party claims asserted in the action or consolidated action below, even if not at issue on appeal
- Any other order challenged on appeal
- Notices of entry for each attached order

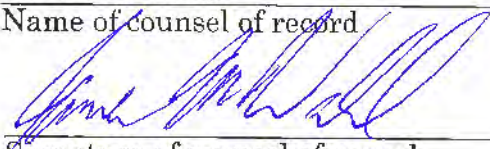
VERIFICATION

I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief, and that I have attached all required documents to this docketing statement.

Paul Pawlik
Name of appellant

James M. Walsh
Name of counsel of record

Aug 25, 2016
Date


Signature of counsel of record

Washoe County, Nevada
State and county where signed

CERTIFICATE OF SERVICE

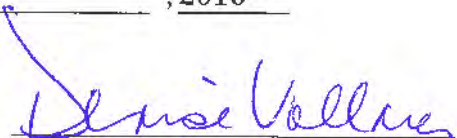
I certify that on the 25th day of August, 2016, I served a copy of this completed docketing statement upon all counsel of record:

- By personally serving it upon him/her; or
- By mailing it by first class mail with sufficient postage prepaid to the following address(es): (NOTE: If all names and addresses cannot fit below, please list names below and attach a separate sheet with the addresses.)

Steven Mack, Esq., Black & LoBello, 10777 West Twian Ave., Third Floor, Las Vegas, NV 89135, Counsel for Shyang-Fenn Deng and Linda Hsiang-Yu Chaing Deng, Trustees of the Shyang-Fenn Deng and Linda Hsiang-Yu Chaing Deng Revocable Trust Dated August 18, 2006.

Bradford R. Jerbick, City Attorney, John A. Curtis, Deputy City Attorney, 495 South Main Street, Sixth Floor, Las Vegas, NV 89101, Counsel for City of Las Vegas and Vanetta Appleyard

Dated this 25th day of August, 2016


Signature