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Elizabeth A. Brown
Clerk of Supreme Court

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Attorneys for Defendant Jared Awerbach

**DISTRICT COURT
CLARK COUNTY, NEVADA**

EMILIA GARCIA,

Plaintiff,

vs.

JARED AWERBACH, individually; ANDREA
AWERBACH, individually; DOES I-X; and
ROE CORPORATIONS I- X, inclusive,
Defendants.

Case No. A-11-637772-C
Dept. No. 30

CASE APPEAL STATEMENT

1. Name of appellants filing this case appeal statement:
Defendant Jared Awerbach
2. Identify the judge issuing the decision, judgment, or order appealed from:
The Honorable Jerry A. Wiese
3. Identify each appellant and the name and address of counsel for each appellant:

Attorneys for Appellant Jared Awerbach

Daniel F. Polsenberg
Joel D. Henriod
Abraham Smith

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- 11 4. Identify each respondent and the name and address of appellate counsel,
12 if known, for each respondent (if the name of a respondent's appellate
13 counsel is unknown, indicate as much and provide the name and address
14 of that respondent's trial counsel):

15 *Attorneys for Respondent Emilia Garcia*

16 Corey M. Eschweiler
17 GLEN LERNER INJURY ATTORNEYS
18 4795 South Durango Drive
19 Las Vegas, Nevada 89147
20 (702) 877-1500

21 *Attorney for Defendant Andera Awerbach*

22 Peter Mazzeo
23 Maria Loventime U. Estanislao
24 MAZZEO LAW, LLC
25 631 South Tenth Street
26 Las Vegas, Nevada 89101
27 (702) 382-3636

- 28 5. Indicate whether any attorney identified above in response to question 3
or 4 is not licensed practice law in Nevada and, if so, whether the district
court granted that attorney permission to appear under SCR 42 (attach a
copy of any district court order granting such permission):

None

6. Indicate whether appellant was represented by appointed or retained
counsel in the district court:

Retained counsel

7. Indicate whether appellant is represented by appointed or retained
counsel on appeal:

Retained counsel

8. Indicate whether appellant was granted leave to proceed in forma
pauperis, and the date of entry of the district court order granting such
leave:

N/A

1 9. Indicate the date the proceedings commenced in the district court, e.g.,
2 date complaint, indictment, information, or petition was filed:

3 Complaint filed March 25, 2011

4 10. Provide a brief description of the nature of the action and result in the
5 district court, including the type of judgment or order being appealed and
6 the relief granted by the district court:

7 This is a negligence personal injury action. Defendant Jared
8 Awerbach appeals from the rulings and orders in this case made
9 appealable by the jury verdict entered March 10, 2016, the "Order
10 re: Post-Trial Motions" entered August 12, 2016, or any other
11 judgment and order in this case. The district court granted plaintiff
12 Emilia Garcia a new trial but did not revisit the pretrial rulings
13 against Jared.

14 11. Indicate whether the case has previously been the subject of an appeal or
15 an original writ proceeding in the Supreme Court and, if so, the caption
16 and Supreme Court docket number of the prior proceeding.

17 N/A

18 12. Indicate whether this appeal involves child custody or visitation:

19 This case does not involve child custody or visitation.

20 13. If this is a civil case, indicate whether this appeal involves the possibility
21 of settlement:

22 There are no circumstances that make settlement impossible.

23 Dated this 7th day of October, 2016.

24 LEWIS ROCA ROTHGERBER CHRISTIE LLP

25 By /s/ Abraham Smith

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Attorneys for Defendant Jared Awerbach

1 CERTIFICATE OF SERVICE

2 I hereby certify that on the 7th day of October, 2016, I served the
3 foregoing "Notice of Association of Counsel" on counsel by the Court's electronic
4 filing system and by courtesy email to the persons and addresses listed below:

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20 /s/ Gabriela Mercado
21 An Employee of Lewis Roca Rothgerber Christie LLP
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