JAMES P. KEMP, ESQ.
Nevada Bar No.: 6375
VICTORIA L. NEAL, ESQ.
Nevada Bar No.: 13382
KEMP & KEMP
7435 W. Azure Drive, Ste 110
Las Vegas, NV 89130
702-258-1183 ph./702-258-6983 fax
jp@kemp-attorneys.com
vneal@kemp-attorneys.com

Attorneys for Plaintiff
Sean Fitzgerald

Electronically Filed
Jul 14 2017 01:12 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF CLARK

SEAN FITZGERALD, Plaintiff, vs. MOBILE BILLBOARDS, LLC, a Nevada Limited Liability Company; VINCENT BARTELLO, an individual. Defendants.	Case No.: A-16-737119-C Dept. No. 32

[CORRECTED] CASE APPEAL STATEMENT

Pursuant to NRAP 3(f), Plaintiff, Sean Fitzgerald, hereby provides the following [corrected] *Case Appeal Statement:*

1. **Name of appellant filing this case appeal statement:**

   SEAN FITZGERALD

2. **Identify the judge issuing the decision, judgment, or order appealed from:**

   HON. ROB BARE

Docket 72803 Document 2017-23524

3. Identify each appellant and the name and address of counsel for each appellant:

Appellant:

SEAN FITZGERALD

Counsel for Appellant:

JAMES P. KEMP, ESQ.
VICTORIA L. NEAL, ESQ.
KEMP & KEMP
7435 W. Azure Drive, Ste 110
Las Vegas, NV 89130

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

Respondent:

MOBILE BILLBOARDS, LLC

Counsel for Respondent MOBILE BILLBOARDS, LLC:

CARRIE E. HURTIK, ESQ.
RACHEL L. SHELSTAD, ESQ.
RACHEL A. SLOAN, ESQ.
HURTIK LAW & ASSOCIATES
7866 West Sahara Avenue
Las Vegas, NV 89117

Respondent:

VINCENT BARTELLO

Counsel for Respondent VINCENT BARTELLO:

CARRIE E. HURTIK, ESQ.
RACHEL L. SHELSTAD, ESQ.
RACHEL A. SLOAN, ESQ.
HURTIK LAW & ASSOCIATES
7866 West Sahara Avenue
Las Vegas, NV 89117

5. **Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to 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):**

Based upon information and belief, all attorneys listed in questions 3 and 4 are licensed to practice law in Nevada.

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:**

NOT APPLICABLE

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

COMPLAINT FILED ON May 20, 2016.

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

The subject matter of this case concerns issues surrounding the common tort of defamation. Plaintiff claims that Defendants made defamatory statements resulting in the republication of those statements to unprivileged third-parties. Defendants claim they are entitled to the defense of absolute litigation privilege and filed a Motion to Dismiss on that basis and also claiming the defense of truth. Defendants attached various

documents to support their Motion. Hearing on Defendants' motion was held on January 24, 2017. The court requested supplemental briefing which was completed on February 17, 2017.

On March 29, 2017, the court granted Defendants' Motion to Dismiss. On April 3, 2017, Notice of Entry of Order was filed by Defendants. On March 6, 2017, Plaintiff filed his Notice of Appeal and Case Appeal Statement. Plaintiff now appeal the court's granting of Defendants' Motion to Dismiss.

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

This case has not previously been the subject of an appeal to or original writ proceeding in the Supreme Court.

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

This case does not involve child custody or visitation.

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

This case involves the possibility of settlement.

DATED this 24th day of April, 2017.

/s/ Victoria L. Neal

VICTORIA I. NEAL, ESQ.
Nevada Bar No. 13382
KEMP & KEMP
7435 W. Azure Drive, Ste 110
Las Vegas, NV 89130

Attorney for Plaintiff/Appellant

CERTIFICATE OF SERVICE

This is to certify that on the date indicated below, the undersigned deposited the within and foregoing [CORRECTED] CASE APPEAL STATEMENT document in the United States Mail at Las Vegas, Nevada, with postage fully prepaid thereon, addressed to the following persons or parties:

CARRIE E. HURTIK, ESQ.
RACHEL L. SHELSTAD, ESQ.
RACHEL A. SLOAN, ESQ.
HURTIK LAW & ASSOCIATES
7866 West Sahara Avenue
Las Vegas, NV 89117

Attorneys for Defendants/Respondents
Mobile Billboards and Vincent Bartello

Dated this _____ day of April, 2017.

_____
An Employee of Kemp & Kemp