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2 **In the Supreme Court of the State of Nevada**

3
4 JAMES A. BOESIGER, an individual;
MARIA S. BOESIGER, an individual,

5 Appellants,
6 vs.

7 DESERT APPRAISALS, LLC, a Nevada
Limited-Liability Company; TRAVIS T.
8 GLIKO, an individual; DOES 1-X, inclusive;
ROE CORPORATIONS XI-XX, inclusive.

9 Respondent.
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Supreme Court No.: 75198

District Court Case No.: 1725567

Electronically Filed
Mar 15 2018 02:26 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

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13 **CASE APPEAL STATEMENT**

14 COMES NOW, JAMES A. BOESIGER, and MARIA S. BOESIGER, by and through its
15 counsel of record hereby file this Case Appeal Statement pursuant to Rule 3 of Nevada Rules of
16 Appellate Procedure.

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

18 JAMES A. BOESIGER and MARIA S. BOESIGER

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

20 The Honorable Judge Crocket

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

22 Appellant: JAMES A. BOESIGER and MARIA S. BOESIGER

23 Attorney David J. Winterton, Esq. Telephone: (702) 363-0317

24 Firm: David J. Winterton & Associates Ltd.

25 Address: 7881 W. Charleston Blvd., Suite 220

26 Las Vegas, Nevada 89117

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

4 Respondent's Counsel for both respondents:

5 DESERT APPRAISALS, LLC,

6 Attorney: Eric Tran, Esq. Telephone: (702) 382-1500

7 Firm: Lipson, Neilson, Cole, Seltzer & Garin, P.C.

8 Address: 9900 Covington Cross Drive, Suite 120

9 Las Vegas, Nevada 89144

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

14 All counsel are licensed in Nevada.

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

17 Appellant was represented by counsel. It is the same counsel that is handling the appeal.

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

20 Appellant has retained counsel.

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

23 Appellant is represented by counsel and not in forma pauperis.

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28 9. Indicate the date the proceeding commenced in the district court (e.g. date

complaint, indictment, information, or petition was filed):

October 2, 2015 was the date the complaint was filed.

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 is a professional negligence case against the defendants regarding an appraisal conducted by the defendants. The Plaintiff filed the following claims for relief

1. Professional Negligence
2. Third-Party Beneficiary to the Contract
3. Negligent Misrepresentation
4. Breach of Statutory Duty to Disclosure Material Facts

The District Court granted a Motion for Summary Judgment stating there is no issue a fact and based upon law summary judgment must be granted. The Plaintiff is seeking to reverse the district court's motion based upon the fact that there is an issue of facts and the court improperly applied the law.

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 th prior proceeding:

No.

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

No.

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

3 Yes.

4 DATED this 28 day of February, 2018

5 DAVID J. WINTERTON & ASSOCIATES LTD.

6
7 By: 
8 David J. Winterton Esq.
9 Nevada Bar No.: 004142
10 David J. Winterton & Associates Ltd.
11 7881 W. Charleston Blvd., Suite 220
12 Las Vegas, Nevada 89117
13 Attorneys for the Plaintiff
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Eric Tran, Esq.
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An Employee of David J. Winterton & Assoc., Ltd.