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Electronically Filed
May 01 2018 08:33 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

11 **IN THE SUPREME COURT FOR THE STATE OF NEVADA**

12 CHARLES SCHUELER,

13 Appellant,

14 v.

15 AD ART, INC.,

16 Respondent.

Supreme Court No.: 75688
Dist. Ct. Case No.: A-15-722391-C

CASE APPEAL STATEMENT

- 18 1. Name of appellant filing this case appeal statement: Charles Schueler.
- 19 2. Identify the judge issuing the decision, judgment, or order appealed
- 20 from: Hon. Michael Villani, District Court Judge, Eighth Judicial District Court for
- 21 Clark County, Nevada.
- 22 3. Identify each appellant and the name and address of counsel for each
- 23 appellant: Charles Schueler, Charles Schueler is represented by William R. Brenske,
- 24 Jennifer R. Andreevski, and Ryan D. Krametbauer of Brenske & Andreevski, 3800
- 25 Howard Hughes Parkway, Suite 500, Las Vegas, Nevada, 89169.
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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): Ad Art, Inc., a foreign corporation, was represented by Timothy F. Hunter of Ray Lego & Associates during the proceedings before the Eighth Judicial District Court for Clark County, Nevada. It is unknown if the above-named counsel will continue to represent Respondent during the appellate process.

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 permissions to appear under SCR 42 (attach a copy of any district court order granting such permission): All attorneys listed in questions 3 and 4 above are licensed to practice law in Nevada.

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

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

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: Appellants neither applied for, nor were granted, leave to proceed in forma pauperis.

1 9. Indicate the date the proceedings commenced in the district court (e.g.,
2 date complaint, indictment, information, or petition was filed): The Complaint was
3
4 filed in the Eighth Judicial District Court for Clark County, Nevada on July 30, 2015.

5 10. Provide a brief description of the nature of the action and result in the
6 district court, including the type of judgment or order being appealed and the relief
7
8 granted by the district court: Charles Schueler was working inside the MGM Grand
9 marquee sign when he fell through a floor board to the ground 150 feet below. Mr.
10 Schueler sued Ad Art, Inc. for product liability. Ad Art subsequently filed a Motion
11 for Summary Judgment claiming the MGM pylon was not a product under the theory
12 of strict products liability. The District Court initially denied Ad Art's Motion for
13 Summary Judgment , but later granted it based on Ad Art's Motion for
14 Reconsideration - which was filed without any new information that was not
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16 available to the Court at the time of the initial motion.

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18 11. Indicate whether the case has previously been the subject of an appeal to
19 or original writ proceeding in the Supreme Court and, if so, the caption and Supreme
20 Court docket number of the prior proceeding: This case was not previously the
21 subject of an appeal or an original writ proceeding.
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24 12. Indicate whether this appeal involves child custody or visitation: This
25 appeal does not involve child custody or visitation.
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1 13. If this is a civil case, indicate whether this appeal involves the possibility
2 of settlement: Given the extent of Mr. Schueler's damages, it is Appellant's belief that
3 it is unlikely this appeal may settle.
4

5 DATED this 30th day of April, 2018.

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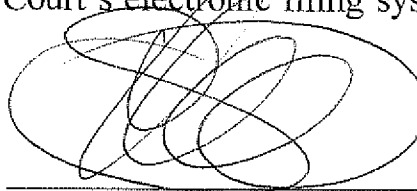
Facsimile: (702) 385-3823

Email: wbrenske@hotmail.com

Attorneys for Appellant

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17 **CERTIFICATE OF SERVICE**

18 I certify that on the 30th day of April, 2018, I served a copy of the CASE
19 APPEAL STATEMENT through the Court's electronic filing system consistent with
20 N.E.F.C.R. 8.
21

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23 An employee of Brenske & Andreevski
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