



1 **ASTA**
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Jan 27 2020 11:47 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

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13 **DISTRICT COURT, FAMILY DIVISION**
14
15 **CLARK COUNTY, NEVADA**

16 HOWARD SHAPIRO,
17
18 Plaintiff,

Dist. Ct. No.: A-14-706566-C
Dist. Ct. Dept. No.: 27

19 vs.

CASE APPEAL STATEMENT

20 GLEN WELT, RHODA WELT, LYNN
21 WELT, MICHELLE WELT, individuals;
22 CHECKSNET.COM, a corporation; DOES I
23 THROUGH X; and ROE CORPORATIONS I
24 THROUGH X, inclusive,
25
26 Defendant.

27 Pursuant to the Nevada Rules of Appellate Procedure 3(f)(1), Plaintiff, Howard
28 Shapiro, (hereinafter referred to as "Defendant"), by and through his attorney of record,
ALEX B. GHIBAUDO, ESQ., of the law firm of ALEX B. GHIBAUDO, P.C., hereby
submits his Case Appeal Statement:

1. District Court Case Number and Caption Showing Names of All Parties:

Case No.: A-14-706566-C

Caption: Howard Shapiro v. Glen Welt, Rhoda Welt, Lynn Welt, Michelle Welt, individuals; CHECKSNET.com, a corporation..

2. Name of the Judge Who Issued the Decision, Judgment, or Order Appealed:



1 The Honorable Nancy Alff, Eighth Judicial District Court, Dept. 27

2 3. Appellants and the Name and Address of Counsel for each Appellant:

3 Appellants: Howard Shapiro

4 Counsel for Appellants: Alex B. Ghibaudo, Esq.

5 ALEX B. GHIBAUDO, P.C.

6 703 South 8th Street

7 Las Vegas, Nevada 89101

8 4. Names and addresses of each of the Respondents and the Address of Counsel
9 for each Respondent (if the name of a respondent's appellate counsel is not
10 known, then the name and address of that respondent's trial counsel):

11 Respondents: Glen Welt, Rhoda Welt, Lynn Welt, Michelle Welt,
12 individuals; CHECKSNET.com, a corporation

13 Counsel for Respondents: Michael Lowry, Esq.

14 WILSON ELSER et al.

15 300 South 4th Street, 11th Floor

16 Las Vegas, Nevada 89101

17 Michael.lowry@wilsonelser.com

18 P – (702) 727-1267

19 5. Indicate whether an attorney identified in response to Question 3 or 4 is not
20 licensed to practice law in the State of Nevada, and if so, whether the District
21 Court granted that attorney permission to appear under SCR 42 (attach a copy
22 of any District Court Order granting such permission):

23 *Appellant believes that all counsel that are referenced above are licensed to*
24 *practice law in the State of Nevada.*

25 6. Indicate whether Appellants were represented by appointed counsel in the
26 District Court, and whether the appellants are represented by appointed counsel
27 on appeal:

28 *Appellant is represented by retained counsel.*





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7. Indicate whether the District Court granted the Appellants leave to proceed in *forma pauperis*, and if so, the date of the District Court’s order granting that leave:

Appellant has retained counsel to represent them.

8. The date that the proceedings commenced in the District Court:

This matter was commenced with a complaint for damages filed September 4, 2014.

9. 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:

This is an appeal from an order granting Defendants attorney’s fees and costs under NRS 41.670 despite the fact that Plaintiff prevailed on Defendants’ special motion to dismiss.

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

Docket No. ’s 73943; 67596; and 67363.

11. Indicate whether the appeal involves child custody or visitation?

No.

12. Indicate whether the appeal involves the possibility of settlement:

Appellant believes this case is likely to settle.

DATED this 27th day of January, 2020.

ALEX B. GHIBAUDO, P.C.

By: /s/ Alex B. Ghibaudo, Esq.
Alex B. Ghibaudo, Esq.
Nevada Bar No.: 010592
703 S. 8th Street
Las Vegas, Nevada 89101
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of January, 2020, I served a true and correct copy of the foregoing **CASE APPEAL STATEMENT**, via the Court designated electronic service, addressed to the following:

Michael Lowry, Esq.
Michael.lowry@wilsonelser.com

By: /s/ Alex Ghibaudo
An Employee of ALEX B. GHIBAUDO, P.C.

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