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Electronically Filed  
Jul 17 2020 02:47 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

11  
12 **DISTRICT COURT**

13 **CLARK COUNTY, NEVADA**

14 KENNEDY FUNDING, INC., a New Jersey ) Case No.: 09A582746  
15 Corporation, )  
16 ) Dept. No: XI  
17 Plaintiff, )  
18 vs. )  
19 )  
20 ONECAP PARTNERS, MM INC., a Nevada )  
21 Corporation; VINCENT HESSER and DOES )  
22 I through X and ROE CORPORATIONS XX )  
23 through XXX, )  
24 Defendants. )

25  
26 **CASE APPEAL STATEMENT**

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

28 VINCENT HESSER.

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

30 The Honorable Elizabeth Gonzalez, District Court Judge, Eighth Judicial District Court  
31 of Nevada, Clark County, Nevada Department 11.

32 **3. Identify all parties to the proceedings in the district court (the use of et al. to denote  
33 parties is prohibited):**

- 34 (1) KENNEDY FUNDING, INC, a New Jersey corporation  
35 (2) ONECAP PARTNERS, MM INC., a Nevada corporation;  
36 (3) VINCENT HESSER, an individual

1       **4. Identify all parties involved in this appeal:**

2               (1) KENNEDY FUNDING, INC, a New Jersey corporation

3               (2) VINCENT HESSER, an individual.

4       **5. Set forth the name, law firm, address, and telephone number of all counsel on**  
5       **appeal and identify the party or parties whom they represent:**

6               Byron E. Thomas  
7               The Law Offices of Byron Thomas  
8               3275 S. Jones Blvd, #104  
9               Phone: 702 747-3103  
                Attorney for Appellant Vincent Hesser,

10              Michael F. Lynch  
11              Lynch Law Practice, PLLC  
12              3613 S. Eastern Ave.  
13              Las Vegas, NV 89169-3344  
                702.413.8282 (direct)  
                702.543.3279 (fax)

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

16              Appellant was represented by retained counsel.

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

19              Appellant is represented by retained counsel on appeal.

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

22              Appellant was not granted leave to proceed *in forma pauperis*.

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

25              Respondent's Complaint was filed on February 13, 2009.

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28       /

1 **10.District court case number and caption showing the names of all parties to the**  
2 **proceedings below, but the use of et al. to denote parties is prohibited:**

3 Eighth Judicial District Clark County Nevada  
4 Case No. 09A582746

5 KENNEDY FUNDING, INC., a New Jersey Corporation,

6 Plaintiff,

7 vs.

8 ONECAP PARTNERS, MM INC., a Nevada Corporation; VINCENT HESSER and DOES I  
9 through X and ROE CORPORATIONS XX through XXX,

10 Defendants

11 **11. Whether any of respondents' or appellants' attorneys are not licensed to practice**  
12 **law in Nevada, and, if so, whether the district court granted that attorney**  
13 **permission to appear under SCR 42, including a copy of any district court order**  
14 **granting that permission:**

15 Based upon information and belief, and a review of the District Court Docket, all  
16 attorneys for respondent and appellant are licensed to practice law in Nevada.

17 **12.Brief description of the nature of the action and result in district court, including**  
18 **the type of judgment or order being appealed and the relief granted by the district**  
19 **court:**

20 Respondent secured a judgment against Appellant as a guarantee on a Note and Deed of  
21 Trust. Respondent recorded the judgment. But failed to properly renew the judgment. The  
22 district court determined that any deficiencies in the renewal process did not effect the validity of  
23 the renewal. Appellant requested reconsideration pursuant to NRCP 59. The Court denied the  
24 motion and this appeal followed.

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**13. 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:**

ONECAP PARTNERS MM, INC., a Nevada corporation; VINCENT W. HESSER; an individual,

Appellants. vs.

KENNEDY FUNDING, INC., a New Jersey Corporation, Respondents,

Case No. 55654

**14. Whether the appeal involves child custody or visitation:**

The appeal does not involve child custody or visitation.

**15. In civil cases, whether the appeal involves the possibility of settlement**

There may be the possibility of settlement

Dated this 16<sup>th</sup> day of July

LAW OFFICES OF BYRON THOMAS

/s/ Byron E. Thomas

**BYRON E. THOMAS, ESQ.**  
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Attorney for Vincent Hesser

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**CERTIFICATE OF SERVICE**

I certify that on July 17, 2020 that the Case Appeal Statement was served upon the following via the Nevada Supreme Court’s electronic filing system:

Michael F. Lynch  
Lynch Law Practice, PLLC  
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