

FILED

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Carolyn "Lina" Tanner, Esq.
Nevada Bar No. 5520
TANNER LAW & STRATEGY GROUP, LTD.
P.O. Box 18351
Reno, Nevada 89511
Tel. 775.323.4657
E-mail: lina@tannerlnv.com

Electronically Filed
Dec 15 2020 08:44 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

IN THE SIXTH JUDICIAL DISTRICT COURT OF NEVADA
IN AND FOR THE COUNTY OF HUMBOLDT

KIMBLE WILKINSON

CASE NO. CV 21 0509

Plaintiff,

DEPT. NO. II

vs.

TY ALBISU, JOHN ALBISU,
ROSIE ALBISU, and ANCHOR
S-RANCH AND RENTALS, LLC.

Defendants.

CASE APPEAL STATEMENT

1. Name of appellant filing this case appeal statement: **Ty Albisu, Rosie Albisu, and Anchor S-Ranch and Rentals, LLC**
2. Identify the judge issuing the decision, judgment, or order appealed from: **Decision issued by Judge Michael R. Montero on October 9, 2020.**
3. Identify each appellant and the name and address of counsel for each appellant:

Appellant:	Ty Albisu
Counsel:	Carolyn E. Tanner, Esq. Tanner Law & Strategy Group, LTD. P.O. Box 18351 Reno, NV 89501 775.323.4657

lina@tanner1nv.com

Appellant: **John Albisu (Deceased)**

Appellant: **Rosie Albisu**

Counsel: **Carolyn E. Tanner, Esq.
Tanner Law & Strategy Group, LTD.
P.O. Box 18351
Reno, NV 89501
775.323.4657
lina@tanner1nv.com**

Appellant: **Anchor S-Ranch and Rentals, LLC**

Counsel: **Carolyn E. Tanner, Esq.
Tanner Law & Strategy Group, LTD.
P.O. Box 18351
Reno, NV 89501
775.323.4657
lina@tanner1nv.com**

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: **Kimble Wilkinson**

Counsel: **Rendal B. Miller, Esq
115 West 5th Street, Box 7
Winnemucca, NV 89445**

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): **N/A**

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

Retained

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

Retained

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: **N/A**

9. Indicate the date the proceedings commenced in the district court (e.g., date complaint, indictment, information, or petition was filed): **Complaint filed June 6, 2018.**

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:

In the Judgement, the Court found that a prescriptive easement exists over Appellant's property for the benefit of Appellee to drive his cattle across Appellants' property three times per year. The Court also found that Appellee has the right to peaceably access Appellants' property for the purpose of maintaining certain points of diversion for Appellee's water rights. The Court denied Appellants' counterclaims for damage to real property, forage and fences, and livestock. The Court denied Appellant Rosie Albisu's claim of intentional infliction of emotional distress. The Court did not address Appellants' claim that Appellee failed to join necessary parties to the litigation.

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: **N/A**

12. Indicate whether this appeal involves child custody or visitation: **N/A**

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


Yes.

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the Social

1 Security Number of any person.

2 DATED this 24th day of November, 2020.

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6
7 By: 
8 CAROLYN "LINA" TANNER, ESQ.
9 Nevada Bar No. 5520
10 TANNER LAW & STRATEGY GROUP, LTD.
11 P.O. Box 18351
12 Reno, NV 89511
13 Tel. 775.323.4657
14 E-mail: lina@tannerlnv.com

15 Attorney for Defendants
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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Tanner Law & Strategy Group, Reno, Washoe County, Nevada, and that on this date I forwarded a true copy via U.S. Post of the foregoing document addressed to:

Rendal B. Miller, Esq.
115 West 5th Street, Box 7
Winnemucca, NV 89445

DATED this 24th day of November, 2020.

By: 