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*Attorney for the Appellant*

Electronically Filed  
May 21 2021 10:28 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

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

ADRIANA DIAZ individually; and JAIME DIAZ, individually;

Plaintiffs,

vs

BCMB1 TRUST, and DOES I-X individuals and ROES XI-XX;

Defendant.

Case No. 82873

**CASE APPEAL STATEMENT**

COMES NOW, ADRIANA DIAZ individually; and JAIME DIAZ, by and through its counsel of record hereby file this Case Appeal Statement pursuant to Rule 3 of Nevada Rules of Appellate Procedure.

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

ADRIANA DIAZ and JAIME DIAZ.

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

The Honorable Judge Jessica K. Peterson

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

Appellant: ADRIANA DIAZ and JAIME DIAZ

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

Firm: David J. Winterton & Associates Ltd.

Address: 7881 W. Charleston Blvd., Suite 220

Las Vegas, Nevada 89117

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's Counsel for both respondents:

Appellant: BCMB1 TRUST

Attorney Allison R. Schmidt, Esq. Telephone: (949) 427-2010

Firm: Ghidotti Berger, LLP.

Address: 8716 Spanish Ridge Ave., #115

Las Vegas, Nevada 89148

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):**

All counsel are licensed.

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

The Appellants were represented by retained counsel.

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

The Appellants have retained counsel.

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:**

Appellant was represented by counsel and is not proceeding in forma pauperis.

9. **Indicate the date the proceeding commenced in the district court (e.g. date complaint, indictment, information, or petition was filed):**

This case was commenced in district court on August 19, 2020

**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:**

This was a quiet title action to remove a lien on a certain piece of Property. The parties filed bankruptcy over ten years ago. The Debt was terminated. The bank made no effort to collect on the Property for over ten years. Pursuant to NRS 106.240, the Plaintiff filed to have the lien removed from the Property. The District Court dismissed the law suit stating that a bankruptcy does not terminate the debt. This appeal was filed in that the Movant believes that a bankruptcy does terminate a debt.

**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:**

There is one case that has been before the Nevada Supreme Court but the issue of a bankruptcy and how it relates to the statute has never been before the Nevada Supreme Court.

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

No.

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

Yes.

DATED this 21<sup>st</sup> day of May, 2021

DAVID J. WINTERTON & ASSOCIATES LTD.


By: /s/: David J. Winterton Esq.  
David J. Winterton Esq.  
Nevada Bar No.: 004142  
David J. Winterton & Associates Ltd.  
7881 W. Charleston Blvd., Suite 220  
Las Vegas, Nevada 89117  
Attorney for the Appellant

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 21<sup>st</sup> day of May, 2021, I served a true and accurate copy of the foregoing Case Appeal Statement upon all counsel of record:

- ☒ By Electronic Service (ECF)
- ☐ By Personally Serving it upon him/ her; or
- ☐ By Mailing it by first class mail with sufficient postage prepaid to the following address(es):

Dated: The 21<sup>st</sup> day of May, 2021.

  
An Employee of David J. Winterton & Assoc., Ltd.