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Nevada Bar No. 4142  
2 DAVID J. WINTERTON & ASSOC., LTD.  
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4 *Attorney for Jack Gaal, and*  
*Jack's Place Bar and Grill LLC*

Electronically Filed  
Jul 06 2021 02:11 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

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

7 JACK GAAL, individually; JACK'S  
8 PLACE BAR AND GRILL LLC; DOES I  
through X; and ROE CORPORATIONS XI  
9 through XX.

Supreme Court No. 83133

Dist. Case No. A-18-776982-C

10 Appellant,

11 vs.

12 LAS VEGAS 101 INC., A NEVADA  
CORPORATION DOING BUSINESS AS  
13 FIRST CHOICE BUSINESS BROKERS,  
LAS VEGAS 101

14 Respondent  
15

16 **CASE APPEAL STATEMENT**

17 COMES NOW, JACK GAAL, individually; and JACK'S PLACE BAR AND  
18 GRILL, LLC, a domestic limited-liability company, by and through their counsel of record  
19 hereby file this Case Appeal Statement pursuant to Rule 3 of Nevada Rules of Appellate  
20 Procedure.

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

22 JACK GAAL

23 JACK'S PLACE BAR AND GRILL LLC

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

25 The Honorable Judge Nancy Alf

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

27 Appellant: JACK GAAL

28 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

Appellant: JACK'S PLACE BAR AND GRILL

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:

LAS VEGAS 101 INC., A NEVADA CORPORATION DOING BUSINESS AS  
FIRST CHOICE BUSINESS BROKERS, LAS VEGAS 101

Attorney: Assly Sayyar, Esq. Telephone: (760) 542-8717

Firm: Assly Sayyar Attorney at Law, Inc.

Address: 5550 Painted Mirage Rd. #320

Las Vegas, Nevada 89149

Attorney: Rock Rocheleau, Esq. Telephone: (702) 914-0400

Firm: Rocheleau Law Group, dba Right lawyers

Address: 600 South Tonopah Drive, Suite 300

Las Vegas, Nevada 89106

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**

1 **district court order granting such permission):**

2 All counsel are licensed.

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

5 The Appellants were represented by retained counsel.

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

8 The Appellants have retained counsel.

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

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

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

14 This case was commenced in district court on June 29, 2018.

15 **10. Provide a brief description of the nature of the action and result in the district**  
16 **court, including the type of judgment or order being appealed and the relief**  
17 **granted by the district court:**

18 The Appellant/Defendant wanted to sell his business and the real property. The  
19 business is owned by a LLC. The real property is owned by a Trust. The realtor  
20 obtained a listing for the business but did not obtain a listing for the real property.

21 The Appellant/Defendant told the Realtor that he did not have a listing under the real  
22 property because it was owned by a trust. The Realtor refused to correct the error and  
23 there never has been a listing agreement to sell the real property under NRS 645.320.

24 Under NRS 645.320, there needs to be a written agreement and signed by the owner.

25 In this case there NEVER has been a listing agreement for the real property nor a

26 purchase agreement. The Realtor found a buyer and never had the owner of the real

27 property sign the purchase agreement. The buyer also did not qualify for a loan for the

28 purchase. There was no fraud or misrepresentation in this case. There were two

1 causes of action, a breach of contract and breach of covenant of good faith and fair  
2 dealing. With these facts, the court awarded a commission for the real property. As a  
3 result, this appeal was filed.

4 **11. Indicate whether the case has previously been the subject of an appeal to or**  
5 **original writ proceeding in the Supreme Court and, if so, the caption and**  
6 **Supreme Court docket number of th prior proceeding:**

7 No.

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

9 No.

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

12 Maybe but doubtful. We had a mediation and did not work. They made an Offer of  
13 Judgment and it was not even close.

14 DATED this 6<sup>th</sup> day of July, 2021

15 DAVID J. WINTERTON & ASSOCIATES LTD.

16  
17 By: /s/ David J. Winterton Esq.  
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