

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

2
3 DESERT VALLY CONTRACING, INC., A
4 NEVADA CORPORATION,
Appellant,

Case No.: 83338

Electronically Filed
Aug 31 2021 03:19 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

5 v.

CASE APPEAL STATEMENT

6 IN-LO PROPERTIES, A NEVADA LIMITED
7 LIABILITY COMPANY, EUGENE INOSE,
AN INDIVIDUAL

8
9
10 **CASE APPEAL STATEMENT**

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

12 DESERT VALLEY CONTRACTING, INC.

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

14 HON. JOE HARDY

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

16 **Appellants:**

17
18 DESERT VALLEY CONTRACTING, INC.

19 **Counsel for Appellants:**

20 CARRIE E. HURTIK, ESQ.
21 JONATHON R. PATTERSON, ESQ.
22 HURTIK LAW & ASSOCIATES
23 6767 West Tropicana Ave. Suite #200
 Las Vegas, NV 89103

24 **4. Identify each respondent and the name and address of appellate counsel, if known, for**
25 **each respondent (if the name of a respondent's appellate counsel is unknown, indicate as**
26 **much and provide the name and address of that respondent's trial counsel):**

27 **Respondent:**
28

1 IN-LO PROPERTIES,
2 EUGENE INOSE, and
3 JEFFREY LOUIE

4 **Counsel for Respondents IN-LO PROPERTIES, EUGENE INOSE,**
5 **and JEFFERY LOUIE :**

6 BRIAN W. BOSCHEE, ESQ.
7 SEAN E. STORY, ESQ.
8 HOLLEY, DRIGGS, WALCH
9 FINE, WRAY, PUZEY & THOMPSON
10 400 South Fourth Street, Third Floor
11 Las Vegas, Nevada 89101

12 **5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed**
13 **to practice law in Nevada and, if so, whether the district court granted that attorney**
14 **permission to appear under SCR 42 (attach a copy of any district court order granting such**
15 **permission):**

16 Based upon information and belief, all attorneys listed in questions 3 and 4 are licensed to
17 practice law in Nevada.

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

20 Appellant was represented by retained counsel in District Court.

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

22 Appellant is represented by appointed or retained counsel on appeal.

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

25 NOT APPLICABLE
26
27
28

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

3 COMPLAINT FILED ON March 31, 2016.

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

7
8 A. The subject matter of this case concerns issues surrounding contractual repairs at 587
9 Saint Croix, Henderson, NV 89012. Plaintiff DESERT VALLEY CONTRACTING, INC. was
10 contracted to serve as General Contractor overseeing the repairs to be performed at 587 Saint
11 Croix, Henderson, NV 89012 with Defendant INOSE. The above referenced contract states,
12 among other things, that all work beyond any insurance claims would be paid by defendant within
13 Ten (10) days. The contract further states that if the Defendant INOSE terminates the contract he
14 is liable for all fees, costs, and profit the Plaintiff would have earned had the contract not been
15 repudiated. Plaintiff contracted with several sub-contractors to perform the repairs at 587 Saint
16 Croix, Henderson, NV 89012 Defendant INOSE breached the contract multiple times by failing to
17 pay for upgrades and by failing to pay fees, costs, and profit after repudiating the contract.
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20 B. On March 31, 2016, the Plaintiff filed the instant action alleging Four (4) claims of
21 action against the Defendants.

22 C. On April 8-11, 2019, June 19-21, 2019, and July 24, 2019, a bench trial was held in this
23 case.
24

25 D. On September 3, 2019 the Court entered final judgment. On September 4, 2021, the
26 Notice of Entry of Order was filed.

27 E. On September 30, 2019, Plaintiff appealed the final judgement.
28

1 F. On March 18, 2021 the Supreme Court reversed the District Court and remanded the
2 matter back for further findings.

3 G. After further briefing and oral arguments, the court issued Amended Findings of Fact
4 and Conclusions of Law on July 2, 2021 and a Notice of Entry was filed on July 6, 2021. The
5 Plaintiff appeals the Amended Findings of Fact and Conclusions of Law.
6

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

10 This matter was the Subject of a previous appeal, please see the caption and case number
11 below.
12

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

14 DESERT VALLEY CONTRACTING, INC. a
15 Nevada corporation,

16 Appellant,,
17

18 vs.

19 IN-LO PROPERTIES, a Nevada limited liability
20 company; EUGENE INOSE, an individual;
21 JEFFREY LOUIE, an individual; DOES 1
22 through 10; and ROE ENTITIES 1 through 10,

23 Respondents,
24

No. 79751

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

26 This case does not involve child custody or visitation.
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1 **13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:**

2 This case involves the possibility of settlement.

3 Dated this 31st day of August, 2021

4 **HURTIK LAW & ASSOCIATES**

5 */s/: JONATHON R. PATTERSON, ESQ.*

6

CARRIE E. HURTIK, ESQ.

7 Nevada Bar No. 7028

8 **JONATHON R. PATTERSON, ESQ.**

9 Nevada Bar No. 9644

10 Attorneys for Plaintiff,

11 DESERT VALLEY CONTRACTING, INC.

CERTIFICATE OF SERVICE

I certify that on the day of August 31st, 2021, I served a copy of this completed docketing statement upon all counsel of record:

By mailing it by first class mail with sufficient postage prepaid to the following address(es):

Holly Driggs
Brian Boschee Esq.
400 S 4th St, Las Vegas, NV 89101

Hon. William Turner
Settlement Judge
P.O. Box 826
Neskowin, OR
97149

Dated this day of August 31. 2021
/s/: Jonathon R. Patterson