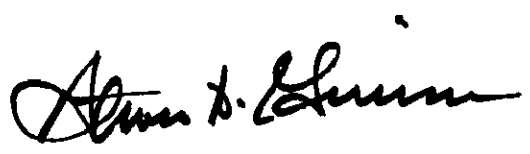
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CLERK OF THE COURT

Electronically Filed
Oct 18 2012 03:12 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

NOAS
MICHELE A. KIRALY, ESQ.
Nevada Bar No. 5036
PATTON, SHEA & KIRALY, P.C.
3016 W. Charleston Blvd., Ste. 195
Las Vegas, Nevada 89102
(702) 870-6790 Phone
(702) 870-7490 Fax
mkiraly@psklawfirm.com

Attorney for Defendant/Appellant Peggy Sue McKinley

DISTRICT COURT

CLARK COUNTY, NEVADA

MIKE MULLINS, an individual, Plaintiff, vs. PEGGY SUE MCKINLEY, an individual; and DAWN MOORE, an individual; DOES I-X; and ROE CORPORATIONS I-X, inclusive, Defendants.	Case No. A–10-629250-C Dept. No.: XXXI No Hearing Date or Time

NOTICE OF APPEAL

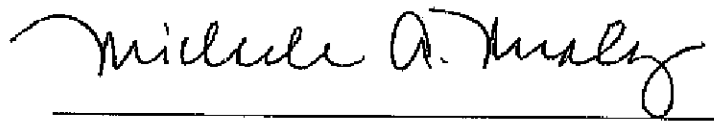
Notice is hereby given that PEGGY SUE MCKINLEY, the Defendant above named and now the Appellant, hereby appeals to the Supreme Court of Nevada from the Findings of Fact, Conclusions of Law, and Judgment entered in this action on September 18, 2012 following a Short Trial in this matter on May 18, 2012, the submission of the Proposed Findings of Fact and Conclusions of Law on August 14, 2012 by the Short Trial Judge, Defendant Peggy McKinley's Objections to the Proposed Findings of Fact, Conclusions of Law, and Judgment filed on August

///

22, 2012, and Plaintiff's Opposition to Defendant McKinley's Objections to the Proposed Findings of Fact, Conclusions of Law, and Judgment filed on August 30, 2012.

DATED this 15th day of October, 2012.

PATTON, SHEA & KIRALY, P.C.

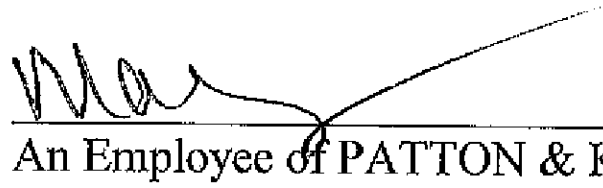
By: 

Michele A. Kiraly, Esq.
3016 W. Charleston Blvd., Ste. 195
Las Vegas, Nevada 89102
Attorney for Defendant/Appellant

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 15th day of October, 2012, I served a copy of the above and foregoing upon each of the parties by depositing a copy of the same in a sealed envelope in the United States Post Office Box, Las Vegas, Nevada, first-class postage fully prepaid, and addressed to those counsel of record:

Leslie Mark Stovall, Esq.
Jared B. Anderson, Esq.
Russell Christian, Esq.
3216 W. Charleston Blvd., Ste. B
Las Vegas, NV 89102
Attorney for Plaintiff



An Employee of PATTON & KIRALY, P.C.

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CLERK OF THE COURT

ATSA
MICHELE A. KIRALY, ESQ.
Nevada Bar No. 5036
PATTON, SHEA & KIRALY, P.C.
3016 W. Charleston Blvd., Ste. 195
Las Vegas, Nevada 89102
(702) 870-6790 Phone
(702) 870-7490 Fax
mkiraly@psklawfirm.com

Attorney for Defendant/Appellant Peggy Sue McKinley

DISTRICT COURT

CLARK COUNTY, NEVADA

MIKE MULLINS, an individual, Plaintiff, vs. PEGGY SUE MCKINLEY, an individual; and DAWN MOORE, an individual; DOES I-X; and ROE CORPORATIONS I-X, inclusive, Defendants.	Case No. A–10-629250-C Dept. No.: XXXI No Hearing Date or Time

CASE APPEAL STATEMENT

1. Name of appellant filing this case appeal statement: Peggy Sue McKinley, by and through her attorney, Michele A. Kiraly, Esq., of Patton, Shea & Kiraly, P.C.

2. Identify the judge issuing the decision, judgment, or order appealed from: Judge Joanna Kishner

3. Identify all parties to the proceedings in the district court (the use of et al., to denote parties is prohibited): Plaintiff Mike Mullins was represented by Leslie Mark Stovall, Esq., Jared Anderson, Esq., and Russell Christian, Esq., of Stovall

Law Offices; Defendant Peggy Sue McKinley was represented by Michele A. Kiraly, Esq., of the law firm of Patton, Shea & Kiraly, P.C.; Defendant Dawn Moore was represented by Gina Winspear, Esq., of Dennett & Winspear, LLP. (The case against Dawn Moore was later dismissed by stipulation.)

4. Identify all parties involved in this appeal: Plaintiff Mike Mullins; and Defendant Peggy Sue McKinley.

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

For Plaintiff:

Leslie Mark Stovall, Esq.,
Jared Anderson, Esq.,
Russell Christian, Esq.
Stovall Law Offices
3216 W. Charleston Blvd., Ste. B
Las Vegas, NV 89102
(702) 258-3034

For Defendant Peggy Sue McKinley:

Michele A. Kiraly, Esq.
Patton, Shea & Kiraly, P.C.
3016 W. Charleston Blvd., Ste. 195
Las Vegas, Nevada 89102
(702) 870-6790

6. Indicate whether appellant was represented by appointed or retained counsel in the district court: Yes. Appellant was represented by Michele A. Kiraly, Esq., of Patton, Shea & Kiraly, P.C.

7. Indicate whether appellant is represented by appointed or retained counsel on appeal: Yes. Appellant is represented by Michele A. Kiraly, Esq., of Patton, Shea & Kiraly, P.C.

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: No.

9. Indicate the date the proceedings commenced in district court (e.g., date complaint, indictment, information, or petition was filed): The Complaint was filed on November 12, 2012.

DATED this 15th day of October, 2012.

PATTON, SHEA & KIRALY, P.C.

By: _____
Michele A. Kiraly, Esq.
3016 W. Charleston Blvd., Ste. 195
Las Vegas, Nevada 89102
Attorney for Defendant/Appellant

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 15th day of October, 2012, I served a copy of the above and foregoing upon each of the parties by depositing a copy of the same in a sealed envelope in the United States Post Office Box, Las Vegas, Nevada, first-class postage fully prepaid, and addressed to those counsel of record:

Leslie Mark Stovall, Esq.
Jared B. Anderson, Esq.
Russell Christian, Esq.
3216 W. Charleston Blvd., Ste. B
Las Vegas, NV 89102
Attorney for Plaintiff

_____
An Employee of PATTON & KIRALY, P.C.

DEPARTMENT 31

CASE SUMMARY

CASE NO. A-10-629250-C

Mike Mullins, Plaintiff(s)	§	Location:	**Department 31**
vs.	§	Judicial Officer:	**Kishner, Joanna**
Peggy McKinley, Defendant(s)	§	Filed on:	**11/12/2010**
	§	Case Number History:	
	§	Conversion Case Number:	**A629250**

CASE INFORMATION

Case Type: **Negligence - Auto**

Case Flags: **In Short Trial Program**
Appealed to Supreme Court
Jury Demand Filed

DATE — CASE ASSIGNMENT

Current Case Assignment

Case Number	A-10-629250-C
Court	Department 31
Date Assigned	01/01/2011
Judicial Officer	Kishner, Joanna

PARTY INFORMATION

		Lead Attorneys
Plaintiff	**Mullins, Mike**	**Stovall, Leslie Mark** *Retained* 702-258-3034(W)
Defendant	**Garcia, Miriam** Removed: 01/21/2011 Data Entry Error	
	McKinley, Peggy Sue	**Kiraly, Michele A** *Retained* 7022287717(W)
	Moore, Dawn Removed: 06/21/2011 Dismissed	**Gilbert Winspear, Gina** *Retained* 702-839-1100(W)

DATE — EVENTS & ORDERS OF THE COURT — INDEX

11/12/2010
Complaint
Filed By: Plaintiff Mullins, Mike
Complaint

12/20/2010
Initial Appearance Fee Disclosure
Filed By: Defendant McKinley, Peggy Sue
Initial Appearance Fee Disclosure

12/20/2010
Affidavit of Service
Filed By: Plaintiff Mullins, Mike
Affidavit of Service

12/20/2010
Affidavit of Service
Filed By: Plaintiff Mullins, Mike
Affidavit of Service

12/20/2010	Answer Filed By: Defendant Moore, Dawn *Defendant Dawn Moore's Answer to Complaint*
12/20/2010	Demand for Jury Trial Filed By: Defendant Moore, Dawn *Defendant Dawn Moore's Demand for Jury Trial*
12/20/2010	Initial Appearance Fee Disclosure Filed By: Defendant Moore, Dawn *Defendant Dawn Moore's Initial Appearance Fee Disclosure*
12/20/2010	Answer Filed By: Defendant McKinley, Peggy Sue *Defendant Peggy Sue McKinley's Answer*
01/01/2011	Case Reassigned to Department 31 *Case reassigned from Judge Delaney, Kathleen E.*
04/19/2011	Notice of Taking Deposition Filed By: Defendant McKinley, Peggy Sue *Notice of Taking Deposition of Plaintiff Mike Mullins*
05/09/2011	Supplemental List of Witnesses and Production of Documents Filed by: Defendant McKinley, Peggy Sue *Defendant Peggy Sue McKinley's 16.1 Supplement to Initial List of Witnesses and Documents Dated May 9, 2011*
06/21/2011	Supplement to List of Witnesses & Documents Party: Defendant McKinley, Peggy Sue *Defendant Peggy Sue McKinley's 16.1 Supplement Dated June 21, 2011*
06/21/2011	Stipulation and Order for Dismissal With Prejudice Filed By: Defendant Moore, Dawn *Stipulatin and Order for Dismissal with Prejudice*
06/23/2011	Notice of Entry of Order for Dismissal With Prejudice Filed By: Defendant Moore, Dawn *Notice of Entry of Order for Dismissal with Prejudice*
07/22/2011	Stipulation and Order to Amend Filed By: Defendant Moore, Dawn *Stipulation and Order to Amend Order of Dismissal With Prejudice Entered June 21, 2011 and to Re-Open Case as to Peggy Sue McKinley Only*
07/22/2011	**Amended Order of Dismissal With Prejudice** (Judicial Officer: Kishner, Joanna) Debtors: Mike Mullins (Plaintiff) Creditors: Dawn Moore (Defendant) Judgment: 07/22/2011, Docketed: 06/04/2012
07/29/2011	Notice of Entry of Order Filed By: Defendant Moore, Dawn *Notice of Entry of Order*
08/11/2011	Memorandum of Costs and Disbursements

Filed By: Plaintiff Mullins, Mike
Plaintiff's Memorandum of Costs and Disbursements

08/16/2011 Opposition
Filed By: Defendant McKinley, Peggy Sue
Defendant Peggy Sue McKinley's Opposition to Plaintiff's Application for Attorneys' Fees, Prejudgment Interest and Costs and Motion to Retax Costs

09/02/2011 Request for Trial De Novo
Filed by: Defendant McKinley, Peggy Sue
Request for Trial de Novo

10/18/2011 Selection of Presiding Judge
Selection of Presiding Judge

10/18/2011 Short Trial Setting
Short Trial Setting

10/20/2011 Short Trial Setting
Filed By: Short Trial Judge Judge Pro Tempore
Amended Short Trial Setting

11/03/2011 Discovery Scheduling Order
Party: Short Trial Judge Judge Pro Tempore
Discovery and Scheduling Order

11/22/2011 Supplement to List of Witnesses & Documents
Party: Defendant McKinley, Peggy Sue
Defendant Peggy Sue McKinley's 16.1 Supplement Dated November 22, 2011

02/06/2012 Notice of Taking Deposition
Filed By: Defendant McKinley, Peggy Sue
Notice of Taking Deposition Duces Tecum of Custodian of Records of Arbitration Forums, Inc.

02/17/2012 Subpoena Duces Tecum
Filed by: Defendant McKinley, Peggy Sue
Subpoena Duces Tecum

03/27/2012 Supplement to List of Witnesses & Documents
Party: Defendant McKinley, Peggy Sue
Defendant Peggy Sue McKinley's 16.1 Supplement Dated March 27, 2012

03/30/2012 Supplement to List of Witnesses & Documents
Party: Defendant McKinley, Peggy Sue
Defendant Peggy Sue McKinley's 16.1 Supplement Dated March 30, 2012

05/22/2012 Verdict
Verdict Form-Short Jury Trial

05/22/2012 **Verdict** (Judicial Officer: Kishner, Joanna)
Debtors: Peggy Sue McKinley (Defendant)
Creditors: Mike Mullins (Plaintiff)
Judgment: 05/22/2012, Docketed: 06/04/2012
Total Judgment: 14,598.81

05/29/2012 Short Trial Documents
Party: Short Trial Judge Judge Pro Tempore
Cover Sheet for Filing Short Trial Program Documents

05/29/2012 Motion for Clarification
Filed By: Defendant McKinley, Peggy Sue
Motion for Clarification/Objection to Verdict Form - Short Jury Trial and Request for Findings of Fact and Conclusions of Law Pursuant to N.R.C.P. 52

06/01/2012 Memorandum of Costs and Disbursements
Filed By: Plaintiff Mullins, Mike
Plaintiff's Memorandum of Costs and Disbursements

06/01/2012 Motion for Attorney Fees and Costs
Filed By: Plaintiff Mullins, Mike
(Withdrawn 06/26/2012) Plaintiff's Motion for Attorney's Fees, Prejudgment Interest and Costs Pursuant to NRS 18.020 and NRS 17.130(2)

06/04/2012 Notice To Prevailing Party Final Judgment May Be Entered
Notice to Prevailing Party to File Judgment Upon Decision of the Court - Short Trial Program

06/05/2012 Findings of Fact, Conclusions of Law and Order
Filed By: Plaintiff Mullins, Mike
Findings of Facts, Conclusions of Law, and Judgment

06/06/2012 Certificate of Service
Filed by: Short Trial Judge Judge Pro Tempore
Certificate of Service

06/11/2012 Opposition to Motion
Filed By: Defendant McKinley, Peggy Sue
Defendant Peggy Sue McKinley's Opposition to Plaintiff's Application for Attorneys' Fees and Costs and Motion to Retax Costs

06/22/2012 Notice of Hearing
Filed By: Plaintiff Mullins, Mike
Notice of Hearing

06/22/2012 Reply to Opposition
Filed by: Plaintiff Mullins, Mike
Plaintiff's Reply to Defendant's Opposition to Plaintiff's Motion for Attorney's Fees, Prejudgment Interest and Costs Pursuant to NRS 18.020 and NRS 17.130(2)

06/25/2012 Motion to Set Aside
Filed By: Defendant McKinley, Peggy Sue
Defendant Petty McKinley's Motion to Set Aside Judgment and Objections to the Findings of Fact, Conclusions of Law and Judgment

06/26/2012 Withdrawal of Motion
Filed by: Plaintiff Mullins, Mike
Withdrawal of Motion

06/27/2012 Notice of Motion
Filed By: Defendant McKinley, Peggy Sue

Notice of Hearing Defendant Peggy Sue McKinley's Motion to Set Aside Judgment and Objections to the Findings of Fact, Conclusions of Law and Judgment

07/06/2012 *CANCELED* **Motion for Attorney Fees and Costs** (9:00 AM) **(Judicial Officer: Kishner, Joanna)**
Vacated
Plaintiff's Motion for Attorney's Fees, Prejudgment Interest and Costs Pursuant to NRS 18.020 and NRS 17.130(2)

07/12/2012 Decision
Filed By: Short Trial Judge Judge Pro Tempore
Decision on Motion for Attorney's Fees/Costs/Interest

07/27/2012 **Motion to Set Aside** (9:00 AM) (Judicial Officer: Kishner, Joanna)
Defendant Petty McKinley's Motion to Set Aside Judgment and Objections to the Findings of Fact, Conclusions of Law and Judgment

08/03/2012 **Amended Judgment Set Aside** (Judicial Officer: Kishner, Joanna)
Debtors: Peggy Sue McKinley (Defendant)
Creditors: Mike Mullins (Plaintiff)
Judgment: 08/03/2012, Docketed: 06/12/2012
Total Judgment: 14,598.81

08/03/2012 Order Granting Motion
Filed By: Defendant McKinley, Peggy Sue
Order Granting Defendant Peggy Sue McKinley's Motion to Set Aside Judgment

08/06/2012 Motion
Filed By: Plaintiff Mullins, Mike
Plaintiff's Motion to Reconsider Ruling on Moition to Set Aside Judgment and Objections to the Findings of Fact, Conclusions of Law and Judgment

08/06/2012 Notice of Order
Filed By: Defendant McKinley, Peggy Sue
Notice of Entry of Order Granting Defendant Peggy Sue McKinley's Motion to Set Aside Judgment

08/14/2012 Notice
Filed By: Plaintiff Mullins, Mike
Notice of Submission of Proposed Findings of Fact, Conclusions of Law and Judgment to District Court Judge

08/17/2012 Opposition to Motion
Filed By: Defendant McKinley, Peggy Sue
Defendant Peggy Sue McKinley's Opposition to Plaintiff's Motion to Reconsider Ruling on Motion to Set Aside Judgment and Objections to the Findings of Fact, Conclusions of Law, and Judgment and Request for Attorney's Fees

08/22/2012 Objection
Filed By: Defendant McKinley, Peggy Sue
Defendant Peggy Sue McKinley's Objections to the Proposed Findings of Fact, Conclusions of Law and Judgment

08/23/2012 Notice of Withdrawal of Motion
Filed By: Plaintiff Mullins, Mike
Notice of Withdrawal of Plaintiff's Motion to Reconsider Ruling on Motion to Set Aside Judgment and

08/30/2012	Opposition Filed By: Plaintiff Mullins, Mike *Plaintiff's Opposition to Defendant Peggy Sue McKinley's Objections to the Findings of Fact, Conclusions of Law and Judgment*
09/12/2012	**Motion to Reconsider** (3:00 AM) (Judicial Officer: Kishner, Joanna) *Plaintiff's Motion to Reconsider Ruling on Moition to Set Aside Judgment and Objections to the Findings of Fact, Conclusions of Law and Judgment*
09/18/2012	Findings of Fact, Conclusions of Law and Judgment Filed by: Short Trial Judge Judge Pro Tempore *Proposed Findings of Fact, Conclusions of Law and Judgement*
09/18/2012	**Judgment** (Judicial Officer: Kishner, Joanna) Debtors: Peggy Sue McKinley (Defendant) Creditors: Mike Mullins (Plaintiff) Judgment: 09/18/2012, Docketed: 09/26/2012 Total Judgment: 14,598.81
10/15/2012	Notice of Appeal Filed By: Defendant McKinley, Peggy Sue *Notice of Appeal*
10/15/2012	Case Appeal Statement Filed By: Defendant McKinley, Peggy Sue *Case Appeal Statement*

DATE	FINANCIAL INFORMATION	
	Defendant Garcia, Miriam	
	Total Charges	223.00
	Total Payments and Credits	223.00
	Balance Due as of 10/17/2012	**0.00**
	Defendant Moore, Dawn	
	Total Charges	223.00
	Total Payments and Credits	223.00
	Balance Due as of 10/17/2012	**0.00**
	Defendant McKinley, Peggy Sue	
	Total Charges	247.00
	Total Payments and Credits	247.00
	Balance Due as of 10/17/2012	**0.00**
	Plaintiff Mullins, Mike	
	Total Charges	270.00
	Total Payments and Credits	270.00
	Balance Due as of 10/17/2012	**0.00**

CIVIL COVER SHEET

Clark County, Nevada

Case No. _____ A-10-629250-C

XXV

I. Party Information

Plaintiffs: Mike Mullins Attorney: Jared B. Anderson, Esq. STOVALL & ASSOCIATES 3216 W. Charleston Blvd. Ste. B Las Vegas, NV 89102 (702) 258-3034	Defendants: Peggy Sue McKinley and Dawn Moore, et al

II. Nature of Controversy (Please check applicable bold category and applicable subcategory, if appropriate) ☐ **Arbitration Requested**

Civil Cases

Real Property	Torts	
☐ **Landlord/Tenant** ☐ Unlawful Detainer ☐ **Title to Property** ☐ Foreclosure ☐ Liens ☐ Quiet Title ☐ Specific Performance ☐ **Condemnation/Eminent Domain** ☐ **Other Real Property** ☐ Partition ☐ Planning/Zoning	Negligence ☑ **Negligence - Auto** ☐ **Negligence - Medical/Dental** ☐ **Negligence - Premises Liability** (Slip/Fall) ☐ **Negligence - Other**	☐**Product Liability** ☐Product Liability/Motor Vehicle ☐Other Torts/Product Liability ☐**Intentional Misconduct** ☐Torts/Defamation (Libel/Slander) ☐Interfere with Contract Rights ☐**Employment Torts** (Wrongful termination) ☐**Other Torts** ☐Anti-trust ☐Fraud/Misrepresentation ☐Insurance ☐Legal Tort ☐Unfair Competition

Probate	Other Civil Filing Types	
Estimated Estate Value: _____ ☐ **Summary Administration** ☐ **General Administration** ☐ **Special Administration** ☐ **Set Aside Estates** ☐ **Trust/Conservatorships** ☐ Individual Trustee ☐ Corporate Trustee ☐ **Other Probate**	☐ **Construction Defect** ☐ Chapter 40 ☐ General ☐ **Breach of Contract** ☐ Building & Construction ☐ Insurance Carrier ☐ Commercial Instrument ☐ Other Contracts/Acct/Judgment ☐ Collection of Actions ☐ Employment Contracts ☐ Guarantee ☐ Sale Contract ☐ Uniform Commercial Code ☐ **Civil Petition for Judicial Review** ☐ Foreclosure Mediation ☐ Other Administrative Law ☐ Department of Motor Vehicles ☐ Worker's Compensation Appeal	☐ **Appeal from Lower Court** (*also check applicable civil case box*) ☐ Transfer from Justice Court ☐ Justice Court Civil Appeal ☐ **Civil Writ** ☐ Other Special Proceeding ☐ **Other Civil Filing** ☐ Compromise of Minor's Claim ☐ Conversion of Property ☐ Damage to Property ☐ Employment Security ☐ Enforcement of Judgment ☐ Foreign Judgment - Civil ☐ Other Personal Property ☐ Recovery of Property ☐ Stockholder Suit ☐ Other Civil Matters

III. Business Court Requested (Please check applicable category; *for Clark or Washoe Counties only.*)

☐ NRS Chapter 78-88	☐ Investments (NRS 104 Art 8)	☐ Enhanced Case Mgmt/Business
☐ Commodities (NRS 90)	☐ Deceptive Trade Practices (NRS 598)	☐ Other Business Court Matters
☐ Securities (NRS 90)	☐ Trademarks (NRS 600A)	

11/5/10

Date

Stovall & Associates

Signature of initiating party or representative

FFCO
BLAIR C. PARKER, ESQ.
Nevada Bar No. 3222
PARKER & EDWARDS
1481 West Warm Springs Road, Suite 135
Henderson, Nevada 89014
Phone (702) 835-1301
Fax (702) 835-1304
Judge Pro Tempore

Electronically Filed
09/18/2012 10:47:42 AM

CLERK OF THE COURT

DISTRICT COURT

CLARK COUNTY, NEVADA

MIKE MULLINS, an individual, Plaintiff, v. PEGGY SUE MCKINLEY, an individual, and DAWN MOORE, an individual, DOES I-X, and ROE CORPORATIONS I-X, inclusive, Defendants.	CASE NO. A-10-629250-C DEPT NO. XXXI STP 11-0518

PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND JUDGMENT

After consideration of the testimony of the parties, witnesses and exhibits attached thereto, the Court finds as follows:

FINDINGS OF FACT

1. This case stems from injuries sustained by Plaintiff in a motor vehicle accident on September 8, 2009, in Las Vegas, Nevada near the North IR215 and Roy Horn Way Frontage Road.

2. On September 8, 2009 the Plaintiff was proceeding southbound on Jones Blvd. in the turn lane to make a left turn onto Roy Horn Way.

3. When the light turned green, the Plaintiff proceeded to make the left turn onto Roy Horn Way.

4. The Defendant was approaching the intersection of Jones Blvd. and Roy Horn Way from the opposite direction.

5. The Defendant drove northbound on Jones and made a right turn onto Roy Horn Way.

6. There was a yield sign facing the Defendant when she turned from Jones Blvd. onto Roy Horn Way, directing Defendant to yield to traffic entering Roy Horn Way from the left turn lanes of travel.

7. The Plaintiff was located in one of these left turn lanes.

8. The Defendant disregarded the yield sign and merged into the lane that was occupied by the Plaintiff.

9. The Plaintiff was ahead of the Defendant and the Defendant struck the right side of the Plaintiff's vehicle as she merged into the lane that Plaintiff was occupying.

10. The Defendant admits there was a yield sign facing her when she made her right hand turn onto Roy Horn Way.

11. The Defendant admits that the Plaintiff was ahead of her when the merge occurred.

12. The yield sign controlling the intersection directed the Defendant to yield to the Plaintiff.

13. The Defendant's failure to yield caused the subject accident.

14. That Defendant's failure to yield for Plaintiff constituted a breach of her duty to operate her motor vehicle in a reasonable and safe manner.

15. The accident resulted in property damage to Defendant's vehicle.

16. The cost of repair to Plaintiff's vehicle was $3,817.00.

17. Plaintiff rented a vehicle while his vehicle was being repaired at a cost of $610.81.

18. The Plaintiff suffered injuries following the accident.

19. Plaintiff sought treatment with Richard A. Cestkowski, DO for his neck and back pain. Dr. Cestkowski related the Plaintiff's symptoms/diagnoses as directly related to the subject motor vehicle accident.

20. That as a result of the accident, Plaintiff incurred medical expenses of $3,171.00.

21. That as a result of the accident, Plaintiff incurred property damages in the amount of $3,817.00.

22. That as a result of the accident, Plaintiff incurred rental car expenses of $610.81.

23. That a reasonable sum of money to compensate Plaintiff for pain and suffering caused by the subject motor vehicle accident is $7,000.00.

CONCLUSIONS OF LAW

24. On September 8, 2009 the Plaintiff was lawfully proceeding in his lane of travel within the applicable speed limit and obeying all traffic laws and regulations.

25. The Defendant had a duty to exercise ordinary care to pay attention to the roadway and avoid placing other drivers in danger.

26. The Defendant failed to yield the right of way or maintain a proper lookout.

27. The Defendant failed to give full time and attention to the roadway.

28. The Defendant's failure to maintain her attention on the roadway, to decrease her speed to avoide a collision caused the collision to occur.

29. As a direct and proximate consequence of the Defendant's failure to comply with her duties to safely operate his vehicle, Defendant's vehicle struck the vehicle belonging to Plaintiff.

30. That the payment by Plaintiff's own insurance carrier for Plaintiff's own property damage and rental car expense is a collateral source, and this does not preclude recover of those items from Defendant. Those payments are similar to medpay coverage for which third parties are not entitled to use as an offset. Plaintiff himself in essence paid for the repair to his own vehicle and rental expense by payment of premiums for which the negligent Defendant should not benefit from through an offset.

31. That as a direct and proximate result of the Defendant's negligence, Plaintiff did suffer injuries and incur damages; specifically,

a. Medical Bills.....$3,171.00

b. Property Damage.....$3,817.00

c. Rental Car.....$610.81

d. Past pain and suffering.....$7,000.00

JUDGMENT

The Court having considered the evidence at trial, made its findings of facts and conclusions of law as stated above, and for good cause appearing, it is hereby

ORDERED, ADJUDGED AND DECREED that JUDGMENT be entered in favor of the Plaintiff and against the Defendant on all of the Plaintiff's claims; further

JUDGMENT be entered for Plaintiff in the total amount of $14,598.81 for Medical Bills; Past Pain and Suffering, Property Damage and Rental Car Expenses.

DATED this 10th day of August, 2012.

BLAIR C. PARKER
JUDGE PRO TEMPORE

IT IS SO ORDERED, this 16 day of August, 2012.

JOANNA S. KISHNER
DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on the 14 day of September, 2012, a copy of the PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND JUDGMENT was served via facsimile to the following counsel at the following facsimile number:

Russell D. Christian, Esq.
LAW OFFICE OF LESLIE MARK STOVALL
3216 W. Charleston Blvd., Suite B
Las Vegas, Nevada 89102
Facsimile: 702-258-0093
Attorney for Plaintiff

Michele A. Kiraly, Esq.
PATTON SHEA & KIRALY
3016 W. Charleston Blvd., Suite 195
Las Vegas, Nevada 89102
Facsimile: 702-870-7490
Attorney for Defendants

Amanda Parker
An Employee of Judge Pro Tempore

HP Color LaserJet *CM1312nfi MFP*

Fax Confirmation Report

HP LASERJET FAX

Sep-14-2012 13:15

Job	Date	Time	Type	Identification	Duration	Pages	Result
575	9/14/2012	13:12:12	Send	2580093	1:36	6	OK
576	9/14/2012	13:13:56	Send	8707490	1:26	6	OK

BLAIR C. PARKER *
bparker@parkeredwardslaw.com
*Also licensed in Utah

JAMES LAVELL EDWARDS
jedwards@parkeredwardslaw.com

LAW OFFICES
Parker & Edwards
A PROFESSIONAL CORPORATION

1481 West Warm Springs Road, Suite 135
Henderson, Nevada 89014
(702) 835-1301
Fax: (702) 835-1304

Facsimile

Date: 09/14/12 **Pages:** 6

To: Russell Christian, Esq. **Fax No.** 258-0093
To: Michele Kiraly, Esq. **Fax No.** 870-7490

From: Blair C. Parker, Esq.

Subject: Mullins v. McKinley

If you have received this message in error, or did not receive the entire transmission, please call PARKER & EDWARDS at 702-835-1301.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Auto	COURT MINUTES	July 27, 2012

A-10-629250-C Mike Mullins, Plaintiff(s)
vs.
Peggy McKinley, Defendant(s)

July 27, 2012 **9:00 AM** **Motion to Set Aside**

HEARD BY: Kishner, Joanna COURTROOM: RJC Courtroom 12A

COURT CLERK: Sandra Harrell

RECORDER: Rachelle Hamilton

REPORTER:

PARTIES
PRESENT: Kiraly, Michele A Attorney for Defendant

JOURNAL ENTRIES

- Plaintiff's counsel not present. Court noted no notification from Plaintiff's counsel and no opposition. There being no opposition, COURT ORDERED, motion GRANTED pursuant to EDCR 2.20 and substantively; was not sent to District Court, no valid Judgment; return to Short Trial Judge. Ms. Kiraly to submit Order to include findings of fact and conclusions of law.

EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE

NOTICE OF DEFICIENCY

ON APPEAL TO NEVADA SUPREME COURT

MICHELE A. KIRALY, ESQ.
3016 W. CHARLESTON BLVD., STE. 195
LAS VEGAS, NV 89102

DATE: October 17, 2012
CASE: A629250

RE CASE: MIKE MULLINS vs. PEGGY SUE MCKINLEY; DAWN MOORE

NOTICE OF APPEAL FILED: October 15, 2012

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

☒ $250 – Supreme Court Filing Fee
- If the $250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.

☐ $24 – District Court Filing Fee (Make Check Payable to the District Court)

☒ $500 – Cost Bond on Appeal (Make Check Payable to the District Court)
- NRAP 7: Bond For Costs On Appeal in Civil Cases

☐ Case Appeal Statement
- NRAP 3 (a)(1), Form 2

☐ Order

☒ Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

> "The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (e) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

Certification of Copy

State of Nevada
County of Clark } **SS:**

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND JUDGMENT; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

MIKE MULLINS,

Plaintiff(s),

vs.

PEGGY SUE MCKINLEY; DAWN MOORE,

Defendant(s).

Case No: A629250
Dept No: XXXI

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 17 day of October 2012.

Steven D. Grierson, Clerk of the Court

Heather Ungermann, Deputy Clerk