

SUPREME COURT OF NEVADA

Buma v. Providence Corp. Dev.

Buma, 2019 NV 60 (Nev. 2019) · No. 19-50477 · Decided December 12, 2019

SUMMARY

This is an en banc opinion of the Supreme Court of Nevada in a civil appeal arising from the Second Judicial District Court in Washoe County. The court vacated the lower-court decision and remanded the matter with instructions.

CASE DETAILS

COURT	Supreme Court of Nevada
WRITING FOR THE COURT	Justice Pickering; Justice Gibbons; Justice Hardesty; Justice Parraguirre; Justice Stiglich; Justice Cadish; Justice Silver
JURISDICTION	Nevada
DECIDED	December 12, 2019
DOCKET	19-50477
DISPOSITION	vacated
PROCEDURAL POSTURE	Civil appeal from the Second Judicial District Court in Washoe County following proceedings involving a petition for judicial review.
PRECEDENTIAL VALUE	Published
PARTIES	Delaney Buma, Jason Buma, Kaycean Buma v. Gallagher Bassett Services, Inc., Miller Heiman, Inc., Providence Corp. Development

TOPICS

- appellate procedure
- civil procedure

PRACTICE AREAS

- Civil procedure
- Appellate procedure

PROCEDURAL HISTORY

The matter was appealed to the Supreme Court of Nevada from the Second Judicial District Court in Washoe County. During the appeal, the court approved substitution of Kaceann Buma as surviving spouse and Delaney

Buma as surviving child of Jason Buma. After briefing and en banc oral argument, the Supreme Court vacated and remanded with instructions.

DISPOSITION

vacated

REMAND INSTRUCTIONS

The opinion vacated the district court decision and remanded with instructions; the specific instructions are not available in the supplied docket text.

OPINION

PER CURIAM.

73632: Case View Nevada Appellate Courts Appellate Case Management System C-Track, the browser based CMS for Appellate Courts Case Search Participant Search Cases Case Search Participant Search 19-50477: This document is currently unavailable. If you need a copy of this document, please contact Clerk's Office at (775)684-1600. Disclaimer: The information and documents available here should not be relied upon as an official record of action.Only filed documents can be viewed.

Some documents received in a case may not be available for viewing.Some documents originating from a lower court, including records and appendices, may not be available for viewing.For official records, please contact the Clerk of the Supreme Court of Nevada at (775) 684-1600. Case Information: 73632 Short Caption:BUMA VS. PROVIDENCE CORP. DEV.Court:Supreme Court Lower Court Case(s):Washoe Co. - Second Judicial District - CV1700423Classification:Civil Appeal - General - Other Disqualifications:Case Status:Remittitur Issued/Case Closed Replacement:Panel Assigned: En Banc To SP/Judge:09/08/2017 / Worrell, CarolynSP Status:Completed Oral Argument:11/05/2018 at 2:30 PMOral Argument Location:Carson City Submission Date:11/05/2018How Submitted:After Oral Argument + Party Information RoleParty NameRepresented By AppellantDelaney BumaCharles C. Diaz (Diaz & Galt, LLC/Reno) AppellantJason BumaCharles C. Diaz (Diaz & Galt, LLC/Reno) AppellantKaycean BumaCharles C. Diaz (Diaz & Galt, LLC/Reno) RespondentGallagher Bassett Services, Inc.Lee E. Davis (Lewis Brisbois Bisgaard & Smith, LLP/Las Vegas) John P. Lavery (Lewis Brisbois Bisgaard & Smith, LLP/Las Vegas) RespondentMiller Heiman, Inc. RespondentProvidence Corp. DevelopmentLee E. Davis (Lewis Brisbois Bisgaard & Smith, LLP/Las Vegas) John P. Lavery (Lewis Brisbois Bisgaard & Smith, LLP/Las Vegas) Docket Entries DateTypeDescriptionPending?Document 08/04/2017Filing FeeFiling Fee Paid. \$250.00 from Diaz & Galt, LLC. Check no. 2832.

08/04/2017Notice of Appeal DocumentsFiled Notice of Appeal. Appeal docketed in the Supreme Court this day. (Docketing statement mailed to counsel for appellant.)17-26001
08/04/2017Notice/OutgoingIssued Notice of Referral to Settlement Program. This appeal may be assigned to the settlement program. Timelines for requesting transcripts and filing briefs are stayed.17-26004 08/25/2017Order/ProceduralFiled Order to Show Cause.

Appellant's Case Appeal Statement identifies Jason Buma (Deceased), and his beneficiaries Kaeceann and Delaney Buma, as the appellants in this matter. However, from the limited record before us, it does not appear that Kaeceann and Delaney Buma were docketed or substituted as parties in the district court, nor have they been substituted as parties in this court.

It is therefore unclear to this court on what basis the purported appellants are proceeding in this appeal. Appellant: 10 days of the date of this order, counsel for appellant shall show cause why this appeal should not be dismissed for failure to properly name an aggrieved party. Respondents may file a response within 10 days from the date that appellant's response is served.17-28608
09/01/2017MotionFiled Response to Order to Show Cause.

Stipulation to Substitute a Party.17-29491 09/06/2017MotionFiled Appellant's Motion for Extension of time to file Docketing Statement.17-29754 09/06/2017Docketing StatementFiled Docketing Statement Civil Appeals (via E-Flex). FILED PER ORDER OF 9/8/17.
09/07/2017Order/ProceduralFiled Order Cause appearing, the parties' stipulation to substitute a party is approved.

Accordingly, the clerk of this court shall amend the caption and docket of this appeal by substituting Kaceann Buma, as the surviving spouse, and Delaney Buma, as the surviving child of Jason Buma, deceased.17-30062 09/08/2017Order/Clerk'sFiled Clerk's Order Granting Motion for extension of time to file the docketing statement.

The docketing statement received on September 6, 2017, shall be filed.17-30231
09/08/2017Docketing StatementFiled Docketing Statement.17-30236 09/08/2017Settlement NoticeIssued Notice: Assignment to Settlement Program. Issued Assignment Notice to NRAP 16 Settlement Program. Settlement Judge: Carolyn Worrell.17-30267 10/06/2017Settlement Program ReportFiled ECAR/Not Appropriate for Settlement Program.

This case is not appropriate for mediation.17-33993 10/06/2017Settlement Order/ProceduralFiled Order Removing From Settlement Program/Briefing Reinstated. This appeal is removed from the settlement program. Appellant(s): 15 days transcript request; 90 days opening brief.17-34052
10/30/2017Transcript RequestFiled Certificate of No Transcript Request.17-36962
01/04/2018Notice/OutgoingIssued Notice of Deficient Brief.

Corrected brief due: 5 days. (Disclosure statement is required. NRAP 26.1).18-00506
01/04/2018AppendixFiled Appellant's Appendix.18-00508 01/04/2018Notice/IncomingFiled

Corrected Certificate of Service for Appellants Appendix.18-00515
01/04/2018Notice/IncomingFiled Corrected Certificate of Service for Appellants Opening
Brief.18-00516 01/05/2018BriefFiled Appellant's Opening Brief.18-00592
02/16/2018MotionFiled Stipulation and Order Extending Briefing Schedule.18-06554
02/27/2018Order/ProceduralFiled Order.

The clerk shall file the answering brief received on February 26, 2018.18-07684
02/27/2018BriefFiled Respondents' Answering Brief.18-07685 03/28/2018Order/Clerk'sFiled
Order Granting Telephonic Extension. Reply Brief due: April 12, 2018.18-11977
04/06/2018BriefFiled Appellant's Reply Brief.18-13188 04/06/2018Case Status UpdateBriefing
Completed/To Screening.

09/11/2018Notice of Appeal DocumentsFiled Documents from District Court Clerk. Dist. ct.
Order filed 5/12/17 Stipulation to Extend Briefing Schedule.18-35562 09/11/2018Notice of
Appeal DocumentsFiled Documents from District Court Clerk. Dist. ct. Order filed 5/10/17 Order
for Briefing Schedule.18-35563 09/11/2018Notice of Appeal DocumentsFiled Documents from
District Court Clerk.

Dist. ct. Order filed 2/28/17 Petition for Judicial Review.18-35564 09/24/2018Order/Clerk'sFiled
Order Re: Scheduling of Oral Argument. This court has determined that oral argument may be of
assistance in resolving this matter.

Accordingly, this matter will be scheduled for oral argument.18-37232
09/25/2018Notice/OutgoingIssued Notice Scheduling Oral Argument. Argument is scheduled for
Monday, November 5, 2018, at 2:30 p.m. for 30 minutes in Carson City.18-37411
10/22/2018Notice/OutgoingIssued Oral Argument Reminder Notice.18-41512 11/05/2018Case
Status UpdateOral argument held this day.

Case submitted for decision. Before the En Banc Court. (SC).
12/12/2019Opinion/DispositionalFiled Authored Opinion. "Vacated and remanded with
instructions." Before the Court En Banc. Author: Pickering, J. Majority:
Pickering/Gibbons/Hardesty/Parraguirre/Stiglich/Cadish/Silver. 135 Nev. Adv. Opn. No. 60. EN
BANC (SC)19-50477 01/06/2020RemittiturIssued Remittitur.(SC)20-00484 01/06/2020Case
Status UpdateRemittitur Issued/Case Closed.

(SC) 01/17/2020RemittiturFiled Remittitur. Received by District Court Clerk on January 7, 2020.
(SC)20-00484 Combined Case View