

1 Stephen C. Balkenbush, Esq.  
State Bar No. 1814  
2 Katherine F. Parks, Esq.  
State Bar No. 6227  
3 Thorndal, Armstrong, Delk, Balkenbush & Eisinger  
6590 S. McCarran, Suite B  
4 Reno, Nevada 89509  
Attorneys for Defendants  
5 Humboldt County, Humboldt County Board of Commissioners, Chuck Giordano, Dan Cassinelli,  
Mike Bell and Garley Amos

6 David B. Lockie, Esq.  
7 State Bar No. 2384  
Lockie & McFarlan, Ltd.  
8 919 Idaho Street  
Elko, Nevada 89801  
9 Attorneys for Defendant  
Tom Fransway

11 UNITED STATES DISTRICT COURT  
12 FOR THE STATE OF NEVADA

14 JUNGO LAND & INVESTMENTS, INC., a  
15 Nevada corporation,

CASE NO.: 3:10-CV-00257-RCJ-VPC

16 Plaintiff- Petitioner,

17 vs.

18 HUMBOLDT COUNTY BOARD OF  
COUNTY COMMISSIONERS, and  
19 HUMBOLDT COUNTY, a political  
subdivision of the State of Nevada, CHUCK  
20 GIORDANO, in his individual and official  
capacity as Humboldt County Commissioner,  
21 MIKE BELL, in his individual and official  
capacity as Humboldt County Commissioner,  
22 DAN CASSINELLI, in his individual and  
official capacity as Humboldt County  
23 Commissioner, GARLEY AMOS, in his  
individual and official capacity as Humboldt  
24 County Commissioner, TOM FRANSWAY,  
in his individual and official capacity as  
25 Humboldt County Commissioner,

26 Defendants-Respondents.

27 NOTICE OF APPEAL

28 Notice is hereby given that Defendants, HUMBOLDT COUNTY BOARD OF COUNTY

1 COMMISSIONERS, HUMBOLDT COUNTY, CHUCK GIORDANO, MIKE BELL, DAN  
2 CASSINELLI, GARLEY AMOS, AND TOM FRANSWAY, by and through their attorneys,  
3 Thorndal, Armstrong, Delk, Balkenbush & Eisinger, and Lockie & McFarlan, Ltd. and hereby  
4 appeal to the United States Court of Appeals for the Ninth Circuit from the Order dated  
5 December 7, 2011 (Dkt. #149) granting Plaintiff's Petition for Writ of Mandamus and/or Writ of  
6 Prohibition.

7 DATED this 6th day of January, 2012.

8 THORNDAL, ARMSTRONG,  
9 DELK, BALKENBUSH & EISINGER

10 By Stephen C. Balkenbush  
11 STEPHEN C. BALKENBUSH, ESQ.  
12 KATHERINE F. PARKS, ESQ.  
13 Attorneys for Defendants  
14 HUMBOLDT COUNTY BOARD OF COUNTY  
15 COMMISSIONERS, HUMBOLDT COUNTY,  
16 CHUCK GIORDANO, MIKE BELL, DAN  
17 CASSINELLI, and GARLEY AMOS

18 DATED this 6th day of January, 2012.

19 LOCKIE AND MCFARLAN, LTD.

20 By: /s/ David B. Lockie  
21 DAVID B. LOCKIE, ESQ.  
22 LOCKIE & MCFARLAN, LTD.  
23 Attorneys for Defendant  
24 TOM FRANSWAY

25  
26  
27 THORNDAL, ARMSTRONG,  
28 DELK, BALKENBUSH  
& EISINGER  
590 S. McCarran, Suite B  
eno, Nevada 89509  
(75) 786-2882

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

Pursuant to FRCP 5(b), I certify that I am an employee of Thorndal, Armstrong, Delk, Balkenbush & Eisinger, and that on this date I caused the foregoing **DEFENDANTS' NOTICE OF APEAL** to be served on all parties to this action by the U.S. District Court's Electronic Filing System (CM/ECF) and by placing an original or true copy thereof in a sealed, postage prepaid, envelope in the United States mail at Reno, Nevada, fully addressed as follows:

**John Frankovich, Esq.  
Debbie Leonard, Esq.  
100 West Liberty Street, 10<sup>th</sup> Floor  
Reno, Nevada 89505-2670  
Attorneys for Plaintiff  
Jungo Land & Investments, Inc.**

**David B. Lockie, Esq.  
Lockie & Macfarlan, Ltd.  
919 Idaho Street  
Elko, NV 89801  
Attorneys for Defendant  
Tom Fransway**

DATED this 6<sup>th</sup> day of January, 2012.



\_\_\_\_\_  
An employee of Thorndal, Armstrong,  
Delk, Balkenbush & Eisinger