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Attorney for Defendant/Appellant  
Doyle Beck

UNITED STATES DISTRICT COURT  
DISTRICT OF IDAHO - EASTERN DIVISION

R. WAYNE KLEIN, the Court Appointed  
Receiver of Trigon Group, Inc. and  
for the assets of Daren L. Palmer,

Plaintiff,

v.

DOYLE BECK, an individual,

Defendant.

Case No. 4:10-CV-0088-EJL-REB

**NOTICE OF APPEAL**

Notice is hereby given that Doyle Beck, the defendant in the above named case, hereby appeals to the United States Court of Appeals for the Ninth Circuit from the Memorandum Decision and Order entered in this action on March 22, 2013 and the Amended Judgment entered on the 8<sup>th</sup> day of April, 2013.

DATED this 19<sup>th</sup> day of April, 2013.

SMITH, DRISCOLL & ASSOCIATES, PLLC

By: s/Bryan D. Smith

Bryan D. Smith

Attorneys for Defendant

**NOTICE OF APPEAL - 1**

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 19<sup>th</sup> day of April, 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent a notice of electronic filing to the following persons:

John F. Kurtz, Esq.  
HAWLEY, TROXELL, ENNIS  
& HAWLEY, LLP  
877 Main Street, Suite 1000  
P.O. Box 1617  
Boise, Idaho 83701-1617  
Email: jkurtz@hawleytroxell.com

s/Bryan D. Smith  
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Defendant.

Case No. 4:10-CV-0088-EJL-REB

**REPRESENTATION STATEMENT**

Pursuant to 9th Cir. R. 3-2(b), Doyle Beck, the defendant/appellant in the above named case, submits this Representation Statement identifying "all parties to the action along with the names, addresses and telephone numbers of their respective counsel."

Parties	Counsel
<b>Defendant:</b>  Doyle Beck	Bryan D. Smith, Esq. SMITH, DRISCOLL & ASSOCIATES, PLLC 414 Shoup Avenue P. O. Box 50731 Idaho Falls, Idaho 83405 Telephone: (208) 524-0731 Telefax: (208) 529-4166 Email: bds@eidaholaw.com

**REPRESENTATION STATEMENT - 1**

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<b>Plaintiff:</b>  R. WAYNE KLEIN, the Court Appointed Receiver of Trigon Group, Inc. and for the assets of Daren L. Palmer	John F. Kurtz, Esq. HAWLEY, TROXELL, ENNIS & HAWLEY, LLP 877 Main Street, Suite 1000 P.O. Box 1617 Boise, Idaho 83701-1617 Email: jkurtz@hawleytroxell.com
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DATED this 19<sup>th</sup> day of April, 2013.

SMITH, DRISCOLL & ASSOCIATES, PLLC

By: s/Bryan D. Smith  
Bryan D. Smith  
Attorneys for Defendant

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s/Bryan D. Smith  
Bryan D. Smith

#### REPRESENTATION STATEMENT - 2

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Attorney for Defendant/Appellant  
Doyle Beck

UNITED STATES DISTRICT COURT  
DISTRICT OF IDAHO - EASTERN DIVISION

R. WAYNE KLEIN, the Court Appointed  
Receiver of Trigon Group, Inc. and  
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Defendant.

Case No. 4:10-CV-0088-EJL-REB

**NOTICE SPECIFYING TRANSCRIPT AND  
STATEMENT OF ISSUES**

Pursuant to 9th Cir. R. 10-3, Doyle Beck, the defendant/appellant in the above named case, submits this Notice Specifying Transcript and Statement of the Issues. Beck specifies the following portions of the transcript that he intends to order from the court reporter:

**I. PORTIONS OF TRANSCRIPT SPECIFIED.**

Hearing	Portions of Transcript to be ordered:
Jury Trial - Day One (July 31, 2012)	<ul style="list-style-type: none"><li>• Testimony of Doyle Beck</li><li>• Testimony of R. Wayne Klein</li><li>• Argument heard outside presence of the jury</li></ul>

**NOTICE SPECIFYING TRANSCRIPT AND STATEMENT OF ISSUES - 1**

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Jury Trial - Day Two (August 1, 2012)	<ul style="list-style-type: none"><li>• Testimony of Daren Palmer</li><li>• Testimony of R. Wayne Klein</li><li>• Testimony of Duane Yost</li><li>• Argument heard outside presence of the jury</li></ul>
Jury Trial - Day Three (August 2, 2012)	<ul style="list-style-type: none"><li>• Testimony of R. Wayne Klein</li><li>• Testimony of Duane Yost</li><li>• Testimony of Doyle Beck</li><li>• Testimony of Allen Wright</li><li>• Argument heard outside presence of the jury</li></ul>
Jury Trial - Jury Instruction Conference (August 2, 2012)	<ul style="list-style-type: none"><li>• Entire transcript of conference</li></ul>
Jury Trial - Day Four (August 3, 2012)	<ul style="list-style-type: none"><li>• Argument heard outside the presence of the jury, including Defendant objecting to jury instruction 32a.</li></ul>

II. STATEMENT OF ISSUES THE APPELLANT INTENDS TO PRESENT ON APPEAL.

The Defendant intends to present the following issues on appeal:

- The court erred in giving Jury Instruction 32(a), on unjust enrichment; and
- The court erred in allowing Plaintiff to recover under a claim for unjust enrichment as a matter of law.

DATED this 19<sup>th</sup> day of April, 2013.

SMITH, DRISCOLL & ASSOCIATES, PLLC

By: s/Bryan D. Smith  
Bryan D. Smith  
Attorneys for Defendant

**NOTICE SPECIFYING TRANSCRIPT AND STATEMENT OF ISSUES - 2**

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I HEREBY CERTIFY that on this 19<sup>th</sup> day of April, 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent a notice of electronic filing to the following persons:

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