

1. Judicial District Eighth Judicial District Court
County Clark
District Ct. Case No. A587179

Department X
Judge Hon. Jessie Walsh

2. Attorney filing this docketing statement:

Attorney Jean A. Weil Telephone 702-314-1905
Firm Weil & Drage, APC
Address 6085 West Twain Avenue, Suite 203, Las Vegas, NV 89103
Client(s) WPH ARCHITECTURE, INC.

If this is a joint statement by multiple appellants, add the names and addresses of other counsel and the names of their clients on an additional sheet accompanied by a certification that they concur in the filing of this statement.

3. Attorney(s) representing respondent(s): Unknown. However, VEGAS VP, LP was represented by the following attorneys in the District Court proceedings:

Attorney Mark E. Ferrario, Esq., Tami D. Cowden, Esq., Lisa J. Zastrow, Esq.
Telephone (702) 792-7000/Fax: (702) 796-7181
Firm KUMMER, KAEMPFER, BONNER, RENSCHAW & FERRARIO
Address 3800 Howard Hughes Pkwy., 7th Floor, Las Vegas, NV 89169
Client(s) VEGAS VP, LP

(List additional counsel on separate sheet if necessary)

4. Nature of disposition below (check all that apply):

- ☐ Judgment after bench trial
- ☐ Judgment after jury verdict
- ☐ Summary judgment
- ☐ Default judgment
- ☐ Grant/Denial of NRCP 60(b) relief
- ☐ Grant/Denial of injunction
- ☐ Grant/Denial of declaratory relief
- ☐ Review of agency determination

- ☐ Dismissal:
 - ☐ Lack of jurisdiction
 - ☐ Failure to state a claim
 - ☐ Failure to prosecute
 - ☐ Other (specify):

- ☐ Divorce decree:
 - ☐ Original ☐ Modification
- ☒ Other disposition (specify): Review of
Arbitration Award

5. Does this appeal raise issues concerning any of the following?

- | | |
|--|--|
| <input type="checkbox"/> Child custody | <input type="checkbox"/> Termination of parental rights |
| <input type="checkbox"/> Venue | <input type="checkbox"/> Grant/Denial of injunction or TRO |
| <input type="checkbox"/> Adoption | <input type="checkbox"/> Juvenile matters |

N/A

6. Pending and prior proceedings in this court. List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal:

N/A

7. Pending and prior proceedings in other courts. List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (*e.g.*, bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition:

N/A

8. Nature of the action. Briefly describe the nature of the action, including a list of the causes of action pleaded, and the result below:

This dispute arises out of a contract wherein Vegas VP, LP ("Vegas VP") engaged WPH Architecture, Inc. ("WPH") to perform certain architectural services for a mid-rise condominium project known as the Metropolis Lofts and Flats located in Las Vegas, Nevada (the "Project"). After an unsuccessful mediation on or about March 7, 2007, Vegas VP filed an arbitration demand with the American Arbitration Association ("AAA") for claims of architectural malpractice against WPH related to the Project. The underlying two-week arbitration took place was before an AAA panel of arbitrators (the "Panel") and resulted in the Panel's January 6, 2009 Award of a complete defense verdict for WPH.

Thereafter, WPH submitted to the Panel a Post-Award Motion for Costs, Attorney's Fees and Interest, because, among other things, WPH had previously served two statutory Offers of Judgment, pursuant to Nevada Rules of Civil Procedure 68 and Nevada Revised Statutes 17.115, to Vegas VP, both of which were rejected. The Panel denied WPH's Post-Award Motion.

On April 7, 2009, WPH filed a motion in the Eighth Judicial District Court to, among other things, confirm in part, modify or correct the Award to order Vegas VP to pay WPH with its costs, attorneys' fees and interest as a result of Vegas VP rejecting both of WPH's statutory Offers of Judgment. The Eighth Judicial District Court subsequently ordered that WPH's subject motion to modify or correct the Award be denied. However, the District Court failed to otherwise confirm the remainder of the Award. Thereafter, WPH filed a motion to clarify the District Court's Order regarding confirmation of the Award. The District Court granted WPH's motion to clarify and issued a second Order confirming the Award.

WPH now appeals from the Eighth Judicial District Court's Order denying WPH'S subject motion to modify or correct the Award. To the extent that the District Court's second Order confirming the remainder of the Award grants WPH standing to appeal, WPH appeals same.

9. Issues on appeal. State concisely the principal issue(s) in this appeal (attach separate sheets as necessary):

The principal issue in this appeal is whether Nevada's statutory Offers of Judgment, as set forth in NRCP 68 and NRS 17.115, apply to arbitration proceedings venued in Nevada when (i) an agreement provides that arbitration proceedings are governed by the laws of the Nevada, (ii) the Project which is the subject of the dispute is located in Nevada and (iii) throughout the entirety of the arbitration proceedings, including the entire prehearing and hearing briefings, the parties and the Panel cited, relied upon and applied Nevada law.

The arbitration Panel did not believe it had jurisdiction to rule on the issue because it is a matter of first impression in Nevada. The District Court did not explain its Order in denying WPH's subject motion to modify or correct the Award.

10. Pending proceedings in this court raising the same or similar issues. If you are aware of any proceeding presently pending before this court which raises the same or similar issues raised in this appeal, list the case name and docket number and identify the same or similar issues raised:

N/A

11. Constitutional issues. If this appeal challenges the constitutionality of a statute, and the state, any state agency, or any officer or employee thereof is not a party to this appeal, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

☒ N/A

☐ Yes

☐ No

If not, explain:

12. **Other issues.** Does this appeal involve any of the following issues?

- ☐ Reversal of well-settled Nevada precedent (on an attachment, identify the case(s))
- ☐ An issue arising under the United States and/or Nevada Constitutions
- ☒ A substantial issue of first impression
- ☒ An issue of public policy
- ☐ An issue where en banc consideration is necessary to maintain uniformity of this court's decisions
- ☐ A ballot question

If so, explain: It is a substantial issue of first impression whether Nevada's statutory Offers of Judgment, as set forth in NRCP 68 and NRS 17.115, apply to arbitration proceedings. It is an issue of public policy, because Nevada's statutory Offers of Judgment have the purpose of encouraging settlement of lawsuits before trial and the promotion of such a purpose can be achieved in a district court as well as in arbitration proceedings.

13. **Trial.** If this action proceeded to trial, how many days did the trial last? N/A

Was it a bench or jury trial? N/A

14. **Judicial disqualification.** Do you intend to file a motion to disqualify or have a justice recuse him/herself from participation in this appeal? If so, which Justice?

No.

TIMELINESS OF NOTICE OF APPEAL

15. **Date of entry of written judgment or order appeal from** 07/22/09 and 07/20/09.
Attach a copy. If more than one judgment or order is appealed from, attach copies of each judgment or order from which this appeal is taken.

If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

16. **Date written notice of entry of judgment or order served** 07/24/09 and 07/23/09.
Attach a copy, including proof of service, for each order or judgment appealed from.

Was service by:

- ☐ Delivery
- ☒ Mail

17. If the time for filing the notice of appeal was tolled by a post-judgment motion (NRCP 50(b), 52(b), or 59),

(a) Specify the type of motion, the date and method of service of the motion, and the date of filing.

- ☐ NRCP 50(b) Date served _____ By delivery ☐ or by mail ☐ Date of filing _____
- ☐ NRCP 52(b) Date served _____ By delivery ☐ or by mail ☐ Date of filing _____
- ☐ NRCP 59 Date served _____ By delivery ☐ or by mail ☐ Date of filing _____

Attach copies of all post-trial tolling motions.

NOTE: Motions made pursuant to NRCP 60 or motions for rehearing or reconsideration do not toll the time for filing a notice of appeal.

N/A

(b) Date of entry of written order resolving tolling motion _____.
Attach a copy.

N/A

(c) Date written notice of entry of order resolving tolling motion served _____.
Attach a copy, including proof of service.

Was service by:

- ☐ Delivery
☐ Mail

N/A

18. Date notice of appeal filed 08/19/09.

If more than one party has appealed from the judgment or order, list the date each notice of appeal was filed and identify by name the party filing the notice of appeal: N/A.

19. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(a), NRS 155.190, or other NRAP 4(a).

SUBSTANTIVE APPEALABILITY

20. Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:

- | | |
|---|---|
| <input type="checkbox"/> NRAP 3A(b)(1) | <input type="checkbox"/> NRS 155.190 (specify subsection) _____ |
| <input type="checkbox"/> NRAP 3A(b)(2) | <input type="checkbox"/> NRS 38.205 (specify subsection) _____ |
| <input type="checkbox"/> NRAP 3A(b)(3) | <input type="checkbox"/> NRS 703.376 |
| <input checked="" type="checkbox"/> Other (specify) <u>NRS 38.247</u> | |

Explain how each authority provides a basis for appeal from the judgment or order:

NRS 38.247(1)(c) provides that an appeal may be taken from an order confirming or denying confirmation of an arbitration award. NRS 38.247(2) provides that such an appeal must be taken as from an order or a judgment in a civil action.

The District Court denied WPH's motion to, among other things, confirm in part, modify or correct the Award to order Vegas VP to pay WPH its costs, attorneys' fees and interest as a result of Vegas VP rejecting both of WPH'S statutory Offers of Judgment. However, the District Court failed to otherwise confirm the remainder of the Award. WPH subsequently filed a motion to clarify pursuant to the provisions of NRS 38.241(4) and NRS 38.242(2) and the District Court made a second Order confirming the arbitration Award.

Thus, WPH appeals the District Court's Order denying its motion to, among other things, confirm in part, modify or correct the arbitration Award. To the extent that the second Order confirming the arbitration Award grants WPH standing to appeal, it appeals from the second Order.

COMPLETE THE FOLLOWING SECTION ONLY IF MORE THAN ONE CLAIM FOR RELIEF WAS PRESENTED IN THE ACTION (WHETHER AS A CLAIM, COUNTERCLAIM, CROSS-CLAIM, OR THIRD-PARTY CLAIM) OR IF MULTIPLE PARTIES WERE INVOLVED IN THE ACTION.

N/A

Attach separate sheets as necessary.

21. List all parties involved in the action in the district court:

If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal, e.g., formally dismissed, not served, or other:

22. Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims, or third-party claims, and the trial court's disposition of each claim, and how each claim was resolved (i.e., order, judgment, stipulation), and the date of disposition of each claim. Attach a copy of each disposition.

23. Attach copies of the last-filed version of all complaints, counterclaims, and/or cross-claims filed in the district court.

24. Did the judgment or order appealed from adjudicate ALL the claims alleged below and the rights and liabilities of ALL the parties to the action below?

- ☐ Yes
☐ No

25. If you answered "No" to question 24, complete the following:

(a) Specify the claims remaining pending below:

(b) Specify the parties remaining below:

(c) Did the district court certify the judgment or order appealed from as a final judgment pursuant to NRCP 54(b)?

- ☐ Yes
☐ No

If "Yes", attach a copy of the certification or order, including any notice of entry and proof of service.

(d) Did the district court make an express determination, pursuant to NRCP 54(b), that there is no just reason for delay and an express direction for the entry of judgment?

- ☐ Yes
☐ No

26. If you answered "No" to any part of question 25, explain the basis for seeking appellate review (e.g., order is independently appealable under NRAP 3A(b)):

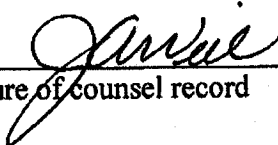
VERIFICATION

I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief, and that I have attached all required documents to this docketing statement.

WPA ARCHITECTURE, INC.
Name of appellant

WEIL AND DRAGE, APC
Name of counsel of record

9/8/09
Date


Signature of counsel record

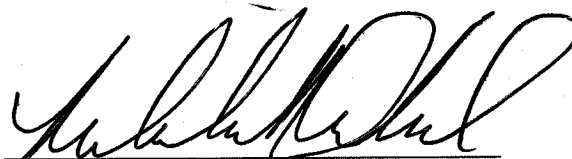
ORANGE COUNTY, CALIFORNIA
State and county where signed

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 8th day of September, 2009, I caused to be mailed and a copy of the foregoing **DOCKETING STATEMENT CIVIL APPEALS**, in a sealed envelope, postage prepaid, to the following counsel listed below:

Mark E. Ferrario, Esq.
Tami D. Cowden, Esq.
Lisa J. Zastrow, Esq.
KUMMER, KAEMPFER, BONNER,
RENSHAW & FERRARIO
3800 Howard Hughes Pkwy., 7th Floor
Las Vegas, NV 89169
(702) 792-7000/Fax: (702) 796-7181

**Attorneys for Defendant,
VEGAS VP, LP**



Michelle R. Wood
An employee of WEIL & DRAGE

ATTACHMENT “1”

1 **ORDR**

2 JEAN A. WEIL, ESQ.

3 (Nevada Bar No. 006532)

4 TREVOR O. RESURRECCION, ESQ.

5 (Nevada Bar No. 011253)

6 WEIL & DRAGE, APC

7 6085 West Twain Avenue, Suite 203

8 Las Vegas, Nevada 89103

9 (702) 314-1905 • Fax (702) 314-1909

10 Attorneys for Plaintiff,

11 WPH ARCHITECTURE, INC.

FILED

Jul 22 4 19 PM '09

E. J. Smith
CLERK OF THE COURT

12 **EIGHTH JUDICIAL DISTRICT COURT**

13 **CLARK COUNTY, NEVADA**

14 WPH ARCHITECTURE, INC., a Nevada
15 Corporation,

16 Plaintiff,

17 vs.

18 VEGAS VP, LP, a Nevada Limited
19 Partnership,

20 Defendant.

) CASE NO: A587179

) DEPT NO.: X

) **ORDER DENYING WPH ARCHITECTURE,**
) **INC.'S MOTION: (1) TO CONFIRM IN**
) **PART AND VACATE IN PART OR, IN THE**
) **ALTERNATIVE, TO MODIFY AND/OR**
) **CORRECT THE ARBITRATION AWARD;**
) **(2) TO CORRECT AN ORDER DENYING**
) **WPH ARCHITECTURE, INC.'S MOTION**
) **FOR COSTS, ATTORNEY'S FEES, AND**
) **INTEREST; AND (3) FOR JUDGMENT**
) **ALONG WITH REASONABLE COSTS,**
) **ATTORNEY'S FEES, AND EXPENSES**

) Hearing Date: May 13, 2009

) Hearing Time: In Chambers

21 ///

22 ///

1 **ORDER DENYING WPH ARCHITECTURE, INC.'S MOTION: (1) TO CONFIRM IN**
2 **PART AND VACATE IN PART OR, IN THE ALTERNATIVE, TO MODIFY AND/OR**
3 **CORRECT THE ARBITRATION AWARD; (2) TO CORRECT AN ORDER DENYING**
4 **WPH ARCHITECTURE, INC.'S MOTION FOR COSTS, ATTORNEY'S FEES, AND**
5 **INTEREST; AND (3) FOR JUDGMENT ALONG WITH REASONABLE COSTS,**
6 **ATTORNEY'S FEES, AND EXPENSES**

7 Plaintiff, WPH ARCHITECTURE, INC.'S Motion: (1) To Confirm in Part and Vacate in
8 Part or, in the Alternative, to Modify and/or Correct the Arbitration Award; (2) To Correct an
9 Order Denying WPH Architecture, Inc.'s Motion for Costs, Attorney's Fees, and Interest; and (3)
10 For Judgment Along with Reasonable Costs, Attorney's Fees, and Expenses was heard in
11 chambers on May 13, 2009. The Court having considered the documents before it orders as
12 follows:

13 IT IS ORDERED, ADJUDGED AND DECREED that Plaintiff, WPH ARCHITECTURE,
14 INC.'S Motion: (1) To Confirm in Part and Vacate in Part or, in the Alternative, to Modify and/or
15 Correct the Arbitration Award; (2) To Correct an Order Denying WPH Architecture, Inc.'s Motion
16 for Costs, Attorney's Fees, and Interest; and (3) For Judgment Along with Reasonable Costs,
17 Attorney's Fees, and Expenses is hereby DENIED.

18 IT IS SO ORDERED.

19 DATED this 21 day of July, 2009.

20 **JESSIE WALSH**
21 **DISTRICT COURT JUDGE**

22 Respectfully submitted by:

23 WEIL & DRAGE, APC

24  #7495
25 JEAN A. WEIL, ESQ.

26 (Nevada Bar No. 006532)

27 TREVOR O. RESURRECCION, ESQ.

28 (Nevada Bar No. 011253)

6085 West Twain Avenue, Suite 203

Las Vegas, NV 89103

ATTACHMENT “2”

1 **ORDR**

2 JEAN A. WEIL, ESQ.

3 (Nevada Bar No. 006532)

4 TREVOR O. RESURRECCION, ESQ.

5 (Nevada Bar No. 011253)

6 WEIL & DRAGE, APC

7 6085 West Twain Avenue, Suite 203

8 Las Vegas, Nevada 89103

9 (702) 314-1905 • Fax (702) 314-1909

10 Attorneys for Plaintiff,

11 WPH ARCHITECTURE, INC.

FILED

JUL 20 10 50 AM '09

CLERK OF COURT

12 **EIGHTH JUDICIAL DISTRICT COURT**

13 **CLARK COUNTY, NEVADA**

14 WPH ARCHITECTURE, INC., a Nevada
15 Corporation,

16 Plaintiff,

17 vs.

18 VEGAS VP, LP, a Nevada Limited
19 Partnership,

20 Defendant.

) CASE NO: A587179

) DEPT NO.: X

) **ORDER GRANTING WPH**
) **ARCHITECTURE, INC.'S MOTION TO**
) **CLARIFY COURT'S ORDER REGARDING**
) **WPH ARCHITECTURE, INC.'S MOTION:**
) **(1) TO CONFIRM IN PART AND VACATE**
) **IN PART OR, IN THE ALTERNATIVE, TO**
) **MODIFY AND/OR CORRECT THE**
) **ARBITRATION AWARD; (2) TO CORRECT**
) **AN ORDER DENYING WPH**
) **ARCHITECTURE, INC.'S MOTION FOR**
) **COSTS, ATTORNEY'S FEES, AND**
) **INTEREST; AND (3) FOR JUDGMENT**
) **ALONG WITH REASONABLE COSTS,**
) **ATTORNEY'S FEES, AND EXPENSES**

) Hearing Date: July 8, 2009

) Hearing Time: In Chambers

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This matter, having come on for hearing on July 8, 2008 in Chambers for Plaintiff, WPH ARCHITECTURE, INC.'S Motion to Clarify Court's Order Regarding WPH Architecture, Inc.'s Motion: (1) to Confirm in Part and Vacate in Part or, in the Alternative, to Modify and/or Correct the Arbitration Award; (2) to Correct an Order Denying WPH Architecture, Inc.'s Motion for Costs, Attorney's Fees, and Interest; and (3) for Judgment Along with Reasonable Costs, Attorney's Fees, and Expenses, no opposition having been made thereto, and the Court having considered the papers and pleadings on file herein:

IT IS ORDERED, ADJUDGED AND DECREED that Plaintiff, WPH ARCHITECTURE, INC.'S Motion to Clarify Court's Order Regarding WPH Architecture, Inc.'s Motion: (1) to Confirm in Part and Vacate in Part or, in the Alternative, to Modify and/or Correct the Arbitration Award; (2) to Correct an Order Denying WPH Architecture, Inc.'s Motion for Costs, Attorney's Fees, and Interest; and (3) for Judgment Along with Reasonable Costs, Attorney's Fees, and Expenses is hereby GRANTED and that the underlying arbitration award is hereby CONFIRMED.

DATED this 11 day of July, 2009.

WEIL & DRAGE, APC

S. Residential Constructors v. Vexar KP 2022.015; *VEXIAS KP v. WPH* Pleadings Order granting WPH's motion to clarify the

ATTACHMENT “3”

1 **NEOJ**
2 **JEAN A. WEIL, ESQ.**
3 **(Nevada Bar No. 006532)**
4 **TREVOR O. RESURRECCION, ESQ.**
5 **(Nevada Bar No. 011253)**
6 **WEIL & DRAGE, APC**
7 **6085 West Twain Avenue, Suite 203**
8 **Las Vegas, Nevada 89103**
9 **(702) 314-1905 • Fax (702) 314-1909**
10 **jweil@weildrage.com**
11 **tresurreccion@weildrage.com**
12 **Attorneys for Plaintiff,**
13 **WPH ARCHITECTURE, INC.**

FILED
JUL 27 3 38 PM '09
Earl D. [Signature]
CLERK OF THE COURT

9 **EIGHTH JUDICIAL DISTRICT COURT**

10 **CLARK COUNTY, NEVADA**

11 **WPH ARCHITECTURE, INC., a Nevada**
12 **Corporation,**

13 **Plaintiff,**

14 **vs.**

15 **VEGAS VP, LP, a Nevada Limited**
16 **Partnership,**

17 **Defendant.**

) **CASE NO: A587179**

) **DEPT NO.: X**

) **NOTICE OF ENTRY OF ORDER DENYING**
) **WPH ARCHITECTURE, INC.'S MOTION:**
) **(1) TO CONFIRM IN PART AND VACATE**
) **IN PART OR, IN THE ALTERNATIVE, TO**
) **MODIFY AND/OR CORRECT THE**
) **ARBITRATION AWARD; (2) TO CORRECT**
) **AN ORDER DENYING WPH**
) **ARCHITECTURE, INC.'S MOTION FOR**
) **COSTS, ATTORNEY'S FEES, AND**
) **INTEREST; AND (3) FOR JUDGMENT**
) **ALONG WITH REASONABLE COSTS,**
) **ATTORNEY'S FEES, AND EXPENSES**

) **Hearing Date: May 13, 2009**

) **Hearing Time: In Chambers**

28 **///**

1 **NOTICE OF ENTRY OF ORDER DENYING WPH ARCHITECTURE, INC.'S MOTION:**
2 **(1) TO CONFIRM IN PART AND VACATE IN PART OR, IN THE ALTERNATIVE, TO**
3 **MODIFY AND/OR CORRECT THE ARBITRATION AWARD; (2) TO CORRECT AN**
4 **ORDER DENYING WPH ARCHITECTURE, INC.'S MOTION FOR COSTS,**
5 **ATTORNEY'S FEES, AND INTEREST; AND (3) FOR JUDGMENT ALONG WITH**
6 **REASONABLE COSTS, ATTORNEY'S FEES, AND EXPENSES**

7 TO: ALL INTERESTED PARTIES:

8 PLEASE TAKE NOTICE that an ORDER DENYING WPH ARCHITECTURE, INC.'S
9 MOTION: (1) TO CONFIRM IN PART AND VACATE IN PART OR, IN THE ALTERNATIVE,
10 TO MODIFY AND/OR CORRECT THE ARBITRATION AWARD; (2) TO CORRECT AN
11 ORDER DENYING WPH ARCHITECTURE, INC.'S MOTION FOR COSTS, ATTORNEY'S
12 FEES, AND INTEREST; AND (3) FOR JUDGMENT ALONG WITH REASONABLE COSTS,
13 ATTORNEY'S FEES, AND EXPENSES was entered in the above-entitled court on the 22nd day of
14 July, 2009. A copy of said ORDER is attached hereto.

15 DATED this 24th day of July, 2009.

16 WEIL & DRAGE, APC

17 JEAN A. WEIL, ESQ.

18 (Nevada Bar No. 006532)

19 TRENTOR O. RESURRECCION, ESQ.

20 (Nevada Bar No. 011253)

21 6085 West Twain Avenue, Suite 203

22 Las Vegas, NV 89103

23 (702) 314-1905 • Fax (702) 314-1909

24 Attorneys for Plaintiff,

25 WPH ARCHITECTURE, INC.

CERTIFICATE OF SERVICE

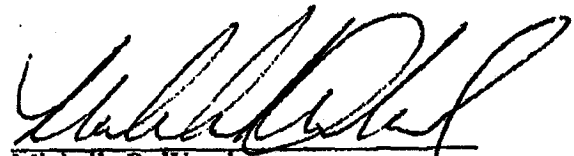
WPH ARCHITECTURE, INC. vs. VEGAS VP, LP

District Court Case No.: A587179

I HEREBY CERTIFY that on the 24th day of July, 2009, I caused to be mailed a copy of the foregoing NOTICE OF ENTRY OF ORDER DENYING WPH ARCHITECTURE, INC.'S MOTION: (1) TO CONFIRM IN PART AND VACATE IN PART OR, IN THE ALTERNATIVE, TO MODIFY AND/OR CORRECT THE ARBITRATION AWARD; (2) TO CORRECT AN ORDER DENYING WPH ARCHITECTURE, INC.'S MOTION FOR COSTS, ATTORNEY'S FEES, AND INTEREST; AND (3) FOR JUDGMENT ALONG WITH REASONABLE COSTS, ATTORNEY'S FEES, AND EXPENSES, in a sealed envelope, postage prepaid, to the following counsel listed below:

Mark E. Ferrario, Esq.
Tami D. Cowden, Esq.
Lisa J. Zastrow, Esq.
KUMMER, KAEMPFER, BONNER,
RENSHAW & FERRARIO
3800 Howard Hughes Pkwy., 7th Floor
Las Vegas, NV 89169
(702) 792-7000/Fax: (702) 796-7181

Attorneys for Defendant,
VEGAS VP, LP


Michelle R. Wood
An employee of WEIL & DRAGE

1 **ORDR**

2 **JEAN A. WEIL, ESQ.**

3 **(Nevada Bar No. 006532)**

4 **TREVOR O. RESURRECCION, ESQ.**

5 **(Nevada Bar No. 011253)**

6 **WEIL & DRAGE, APC**

7 **6085 West Twain Avenue, Suite 203**

8 **Las Vegas, Nevada 89103**

9 **(702) 314-1905 • Fax (702) 314-1909**

10 **Attorneys for Plaintiff,**

11 **WPH ARCHITECTURE, INC.**

FILED

JUL 22 4 19 PM '09

E. J. [Signature]
CLERK OF THE COURT

12 **EIGHTH JUDICIAL DISTRICT COURT**

13 **CLARK COUNTY, NEVADA**

14 **WPH ARCHITECTURE, INC., a Nevada**
15 **Corporation,**

16 **Plaintiff,**

17 **vs.**

18 **VEGAS VP, LP, a Nevada Limited**
19 **Partnership,**

20 **Defendant.**

) **CASE NO: A587179**

) **DEPT NO.: X**

) **ORDER DENYING WPH ARCHITECTURE,**
) **INC.'S MOTION: (1) TO CONFIRM IN**
) **PART AND VACATE IN PART OR, IN THE**
) **ALTERNATIVE, TO MODIFY AND/OR**
) **CORRECT THE ARBITRATION AWARD;**
) **(2) TO CORRECT AN ORDER DENYING**
) **WPH ARCHITECTURE, INC.'S MOTION**
) **FOR COSTS, ATTORNEY'S FEES, AND**
) **INTEREST; AND (3) FOR JUDGMENT**
) **ALONG WITH REASONABLE COSTS,**
) **ATTORNEY'S FEES, AND EXPENSES**

) **Hearing Date: May 13, 2009**

) **Hearing Time: In Chambers**

21 **///**

22 **///**

1 **ORDER DENYING WPH ARCHITECTURE, INC.'S MOTION: (1) TO CONFIRM IN**
2 **PART AND VACATE IN PART OR, IN THE ALTERNATIVE, TO MODIFY AND/OR**
3 **CORRECT THE ARBITRATION AWARD; (2) TO CORRECT AN ORDER DENYING**
4 **WPH ARCHITECTURE, INC.'S MOTION FOR COSTS, ATTORNEY'S FEES, AND**
5 **INTEREST; AND (3) FOR JUDGMENT ALONG WITH REASONABLE COSTS,**
6 **ATTORNEY'S FEES, AND EXPENSES**

7 Plaintiff, WPH ARCHITECTURE, INC.'S Motion: (1) To Confirm in Part and Vacate in
8 Part or, in the Alternative, to Modify and/or Correct the Arbitration Award; (2) To Correct an
9 Order Denying WPH Architecture, Inc.'s Motion for Costs, Attorney's Fees, and Interest; and (3)
10 For Judgment Along with Reasonable Costs, Attorney's Fees, and Expenses was heard in
11 chambers on May 13, 2009. The Court having considered the documents before it orders as
12 follows:

13 IT IS ORDERED, ADJUDGED AND DECREED that Plaintiff, WPH ARCHITECTURE,
14 INC.'S Motion: (1) To Confirm in Part and Vacate in Part or, in the Alternative, to Modify and/or
15 Correct the Arbitration Award; (2) To Correct an Order Denying WPH Architecture, Inc.'s Motion
16 for Costs, Attorney's Fees, and Interest; and (3) For Judgment Along with Reasonable Costs,
17 Attorney's Fees, and Expenses is hereby DENIED.

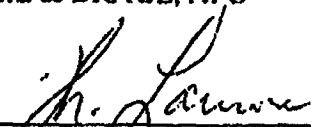
18 IT IS SO ORDERED.

19 DATED this 21 day of July, 2009.

20 **JESSIE WALSH**
21 **DISTRICT COURT JUDGE**

22 Respectfully submitted by:

23 WEIL & DRAGE, APC

24  #7915
25 JEAN A. WEIL, ESQ.

26 (Nevada Bar No. 006532)

27 TREVOR O. RESURRECCION, ESQ.

28 (Nevada Bar No. 011253)

6085 West Twain Avenue, Suite 203

Las Vegas, NV 89103

ATTACHMENT “4”

1 NEOJ
2 JEAN A. WEIL, ESQ.
3 (Nevada Bar No. 006532)
4 TREVOR O. RESURRECCION, ESQ.
5 (Nevada Bar No. 011253)
6 WEIL & DRAGE, APC
7 6085 West Twain Avenue, Suite 203
8 Las Vegas, Nevada 89103
9 (702) 314-1905 • Fax (702) 314-1909
10 jweil@weildrage.com
11 tresurreccion@weildrage.com
12 Attorneys for Plaintiff,
13 WPH ARCHITECTURE, INC.

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EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

WPH ARCHITECTURE, INC., a Nevada
Corporation,

Plaintiff.

vs.

VEGAS VP. I.P. a Nevada Limited
Partnership.

Defendant.

) CASE NO: A587179
)
) DEPT NO.: X
)
)
) **NOTICE OF ENTRY OF ORDER**
) **GRANTING WPH ARCHITECTURE, INC.'S**
) **MOTION TO CLARIFY COURT'S ORDER**
) **REGARDING WPH ARCHITECTURE,**
) **INC.'S MOTION: (1) TO CONFIRM IN**
) **PART AND VACATE IN PART OR, IN THE**
) **ALTERNATIVE, TO MODIFY AND/OR**
) **CORRECT THE ARBITRATION AWARD;**
) **(2) TO CORRECT AN ORDER DENYING**
) **WPH ARCHITECTURE, INC.'S MOTION**
) **FOR COSTS, ATTORNEY'S FEES, AND**
) **INTEREST; AND (3) FOR JUDGMENT**
) **ALONG WITH REASONABLE COSTS,**
) **ATTORNEY'S FEES, AND EXPENSES**

) Hearing Date: July 8, 2009

) Hearing Time: In Chambers

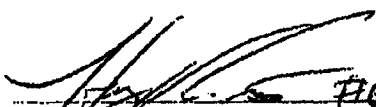
1 **NOTICE OF ENTRY OF ORDER GRANTING WPH ARCHITECTURE, INC.'S MOTION**
2 **TO CLARIFY COURT'S ORDER REGARDING WPH ARCHITECTURE, INC.'S**
3 **MOTION: (1) TO CONFIRM IN PART AND VACATE IN PART OR, IN THE**
4 **ALTERNATIVE, TO MODIFY AND/OR CORRECT THE ARBITRATION AWARD; (2)**
5 **TO CORRECT AN ORDER DENYING WPH ARCHITECTURE, INC.'S MOTION FOR**
6 **COSTS, ATTORNEY'S FEES, AND INTEREST; AND (3) FOR JUDGMENT ALONG**
7 **WITH REASONABLE COSTS, ATTORNEY'S FEES, AND EXPENSES**

8 TO: ALL INTERESTED PARTIES:

9 PLEASE TAKE NOTICE that an ORDER GRANTING WPH ARCHITECTURE, INC.'S
10 MOTION TO CLARIFY COURT'S ORDER REGARDING WPH ARCHITECTURE, INC.'S
11 MOTION: (1) TO CONFIRM IN PART AND VACATE IN PART OR, IN THE ALTERNATIVE,
12 TO MODIFY AND/OR CORRECT THE ARBITRATION AWARD; (2) TO CORRECT AN
13 ORDER DENYING WPH ARCHITECTURE, INC.'S MOTION FOR COSTS, ATTORNEY'S
14 FEES, AND INTEREST; AND (3) FOR JUDGMENT ALONG WITH REASONABLE COSTS,
15 ATTORNEY'S FEES, AND EXPENSES was entered in the above-entitled court on the 20th day of
16 July, 2009. A copy of said ORDER is attached hereto.

17 DATED this 23rd day of July, 2009.

18 WEIL & DRAGE, APC

19  716448
20 JEAN A. WEIL, ESQ.
21 (Nevada Bar No. 006532)
22 TREVOR O. RESURRECCION, ESQ.
23 (Nevada Bar No. 011253)
24 6085 West Twain Avenue, Suite 203
25 Las Vegas, NV 89103
26 (702) 314-1905 • Fax (702) 314-1909
27 Attorneys for Plaintiff,
28 WPH ARCHITECTURE, INC.

CERTIFICATE OF SERVICE

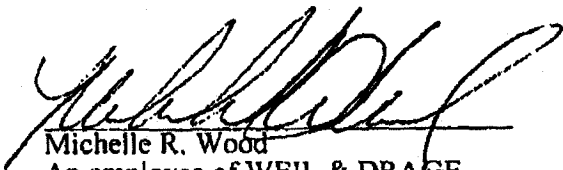
WPH ARCHITECTURE, INC. vs. VEGAS VP, LP

District Court Case No.: A587179

I HEREBY CERTIFY that on the 23rd day of July, 2009, I caused to be mailed a copy of the foregoing NOTICE OF ENTRY OF ORDER GRANTING WPH ARCHITECTURE, INC.'S MOTION TO CLARIFY COURT'S ORDER REGARDING WPH ARCHITECTURE, INC.'S MOTION: (1) TO CONFIRM IN PART AND VACATE IN PART OR, IN THE ALTERNATIVE, TO MODIFY AND/OR CORRECT THE ARBITRATION AWARD; (2) TO CORRECT AN ORDER DENYING WPH ARCHITECTURE, INC.'S MOTION FOR COSTS, ATTORNEY'S FEES, AND INTEREST; AND (3) FOR JUDGMENT ALONG WITH REASONABLE COSTS, ATTORNEY'S FEES, AND EXPENSES, in a sealed envelope, postage prepaid, to the following counsel listed below:

Mark E. Ferrario, Esq.
Tami D. Cowden, Esq.
Lisa J. Zastrow, Esq.
KUMMER, KAEMPFER, BONNER,
RENSHAW & FERRARIO
3800 Howard Hughes Pkwy., 7th Floor
Las Vegas, NV 89169
(702) 792-7000/Fax: (702) 796-7181

Attorneys for Defendant,
VEGAS VP, LP


Michelle R. Wood
An employee of WEIL & DRAGE

1 **ORDR**

2 JEAN A. WEIL, ESQ.

3 (Nevada Bar No. 006532)

4 TREVOR O. RESURRECCION, ESQ.

5 (Nevada Bar No. 011253)

6 WEIL & DRAGE, APC

7 6085 West Twain Avenue, Suite 203

8 Las Vegas, Nevada 89103

9 (702) 314-1905 • Fax (702) 314-1909

10 Attorneys for Plaintiff,

11 WPH ARCHITECTURE, INC.

JUL 20 10 50 AM '09

CLERK OF COURT

12 **EIGHTH JUDICIAL DISTRICT COURT**

13 **CLARK COUNTY, NEVADA**

14 WPH ARCHITECTURE, INC., a Nevada
15 Corporation,

16 Plaintiff,

17 vs.

18 VEGAS VP, LP, a Nevada Limited
19 Partnership,

20 Defendant.

) CASE NO: A587179

)

) DEPT NO.: X

)

)

)

)

) **ORDER GRANTING WPH**

) **ARCHITECTURE, INC.'S MOTION TO**

) **CLARIFY COURT'S ORDER REGARDING**

) **WPH ARCHITECTURE, INC.'S MOTION:**

) **(1) TO CONFIRM IN PART AND VACATE**

) **IN PART OR, IN THE ALTERNATIVE, TO**

) **MODIFY AND/OR CORRECT THE**

) **ARBITRATION AWARD; (2) TO CORRECT**

) **AN ORDER DENYING WPH**

) **ARCHITECTURE, INC.'S MOTION FOR**

) **COSTS, ATTORNEY'S FEES, AND**

) **INTEREST; AND (3) FOR JUDGMENT**

) **ALONG WITH REASONABLE COSTS,**

) **ATTORNEY'S FEES, AND EXPENSES**

)

)

) Hearing Date: July 8, 2009

)

) Hearing Time: In Chambers

21 ///

22 ///

1 **ORDER GRANTING WPH ARCHITECTURE, INC.'S MOTION TO CLARIFY**
2 **COURT'S ORDER REGARDING WPH ARCHITECTURE, INC.'S MOTION: (1) TO**
3 **CONFIRM IN PART AND VACATE IN PART OR, IN THE ALTERNATIVE, TO**
4 **MODIFY AND/OR CORRECT THE ARBITRATION AWARD; (2) TO CORRECT AN**
5 **ORDER DENYING WPH ARCHITECTURE, INC.'S MOTION FOR COSTS,**
6 **ATTORNEY'S FEES, AND INTEREST; AND (3) FOR JUDGMENT ALONG WITH**
7 **REASONABLE COSTS, ATTORNEY'S FEES, AND EXPENSES**

8 This matter, having come on for hearing on July 8, 2008 in Chambers for Plaintiff, WPH
9 ARCHITECTURE, INC.'S Motion to Clarify Court's Order Regarding WPH Architecture, Inc.'s
10 Motion: (1) to Confirm in Part and Vacate in Part or, in the Alternative, to Modify and/or Correct
11 the Arbitration Award; (2) to Correct an Order Denying WPH Architecture, Inc.'s Motion for
12 Costs, Attorney's Fees, and Interest; and (3) for Judgment Along with Reasonable Costs,
13 Attorney's Fees, and Expenses, no opposition having been made thereto, and the Court having
14 considered the papers and pleadings on file herein:

15 IT IS ORDERED, ADJUDGED AND DECREED that Plaintiff, WPH ARCHITECTURE,
16 INC.'S Motion to Clarify Court's Order Regarding WPH Architecture, Inc.'s Motion: (1) to
17 Confirm in Part and Vacate in Part or, in the Alternative, to Modify and/or Correct the Arbitration
18 Award; (2) to Correct an Order Denying WPH Architecture, Inc.'s Motion for Costs, Attorney's
19 Fees, and Interest; and (3) for Judgment Along with Reasonable Costs, Attorney's Fees, and
20 Expenses is hereby GRANTED and that the underlying arbitration award is hereby CONFIRMED.

21 IT IS SO ORDERED.

22 DATED this 17 day of July, 2009.

23 **JESSIE WALSH**
24 DISTRICT COURT JUDGE

25 WEIL & DRAGE, APC

26 JEAN A. WEIL, ESQ.
27 (Nevada Bar No. 006532)
28 TREVOR O. RESURRECCION, ESQ.
 (Nevada Bar No. 011253)
 6085 West Twain Avenue, Suite 203
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