

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: MANHATTAN WEST  
MECHANIC'S LIEN LITIGATION

No. 61131

**FILED**

**JUN 27 2012**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY R. Malone  
DEPUTY CLERK

APCO CONSTRUCTION, A NEVADA  
CORPORATION; ACCURACY GLASS &  
MIRROR COMPANY, INC.; BUCHELE,  
INC.; BRUIN PAINTING  
CORPORATION; CACTUS ROSE  
CONSTRUCTION; FAST GLASS, INC.;  
HD SUPPLY WATERWORKS, LP;  
HEINAMAN CONTRACT GLAZING,  
INC.; HELIX ELECTRIC OF NEVADA,  
LLC; INTERSTATE PLUMBING & AIR  
CONDITIONING, INC.; SWPPP  
COMPLIANCE SOLUTIONS, LLC; AND  
WRG DESIGN, INC.,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
SUSAN SCANN, DISTRICT JUDGE,  
Respondents,

and

SCOTT FINANCIAL CORPORATION, A  
NORTH DAKOTA CORPORATION;  
AHERN RENTALS, INC.; ARCH  
ALUMINUM AND GLASS CO.; ATLAS  
CONSTRUCTION SUPPLY, INC.;  
BRADLEY J. SCOTT; CABINETEC,  
INC.; CELLCRETE FIREPROOFING OF  
NEVADA, INC.; CAMCO PACIFIC  
CONSTRUCTION CO., INC.; CLUB  
VISTA FINANCIAL SERVICES, LLC;  
CONCRETE VISIONS, INC.; CREATIVE

HOME THEATRE, LLC; CUSTOM  
SELECT BILLING, INC.; DAVE  
PETERSON FRAMING, INC.; E&E  
FIRE PROTECTION, LLC; EZA, P.C.;  
FERGUSON FIRE AND FABRICATION,  
INC.; GEMSTONE DEVELOPMENT  
WEST, INC.; GRANITE  
CONSTRUCTION COMPANY; HARSCO  
CORPORATION; HD SUPPLY  
WATERWORKS, LP;  
HYDROPRESSURE CLEANING;  
INQUIPCO; INSULPRO PROJECTS,  
INC.; JEFF HEIT PLUMBING, CO.,  
LLC; JOHN DEERE LANDSCAPE,  
INC.; LAS VEGAS PIPELINE, LLC;  
NEVADA PREFAB ENGINEERS;  
NOORDA SHEET METAL COMPANY;  
NORTHSTAR CONCRETE, INC.; PAPE  
MATERIAL HANDLING, INC.; PATENT  
CONSTRUCTION SYSTEMS;  
PROFESSIONAL DOOR AND MILL  
WORKS, LLC; READY MIX, INC.;  
RENAISSANCE POOLS & SPAS, INC.;  
REPUBLIC CRANE, LLC; STEEL  
ENGINEERS, INC.; SUPPLY  
NETWORK, INC.; SUNSTATE  
COMPANIES, INC.; THARALDSON  
MOTELS II, INC.; PRESSURE GROUT,  
CO.; TRI CITY DRYWALL, INC.;  
UINTAH INVESTMENTS, LLC; AND  
ZITTING BROTHERS  
CONSTRUCTION, INC.,  
Real Parties in Interest.

ORDER DENYING STAY AND  
DIRECTING PETITIONERS TO  
SUBMIT A PROPER PROOF OF SERVICE

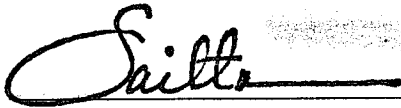
This is an original petition for a writ of mandamus or, in the alternative, prohibition challenging a district court summary judgment setting the priority of liens in a lien litigation case. Petitioners have filed an emergency motion to stay the district court proceedings pending resolution of this petition. Petitioners' motion indicates that a stay has already been granted in the district court. NRAP 8(a)(2)(A). Real party in interest Scott Financial Corporation filed an opposition to the motion.


In considering whether a stay is warranted, in the context of a petition for extraordinary relief, this court generally considers the following factors: (1) whether the object of the writ petition will be defeated if the stay is denied, (2) whether petitioners will suffer irreparable harm if the stay is denied, (3) whether real parties in interest will suffer irreparable or serious injury if the stay is granted, and (4) whether petitioners are likely to prevail on the merits of the writ petition. NRAP 8(c). Having considered petitioners' arguments and Scott Financial Corporation's opposition, we conclude that a stay is not warranted.

Moreover, review of the writ petition and other filed documents show that petitioners failed to attach a proper certificate of service to their petition or any of the motions filed in this court. NRAP 21(a)(1); NRAP 25(d). The docket sheet from the district court, attached only to the writ petition, does not satisfy the requirements of NRAP 25(d). Accordingly, within 11 days from the date of this order, petitioners shall file with this court a complete and proper certificate of service for the writ petition and all other documents filed with this court that complies with the requirements of NRAP 25(d)(1)(B). This court will take no further action on petitioners' writ petition or motion to limit the appendix until

petitioners fully comply with this order, NRAP 25(d)(3), and we caution petitioners that failure to comply with this order may lead to dismissal of this petition.

It is so ORDERED.<sup>1</sup>

\_\_\_\_\_, J.  
Saitta

\_\_\_\_\_, J.  
Pickering

\_\_\_\_\_, J.  
Hardesty

cc: Hon. Susan Scann, District Judge  
Sterling Law, LLC  
Peel Brimley LLP  
Howard & Howard  
Kemp, Jones & Coulthard, LLP  
Meier & Fine, LLC  
Eighth District Court Clerk

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<sup>1</sup>As this court does not have a complete service list, petitioners shall serve this order on all of the parties.