

IN THE SUPREME COURT OF THE STATE OF NEVADA

**In Re: Manhattan West Mechanic's Lien  
Litigation**

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; HELIX ELECTRIC OF NEVADA, LLC; INTERSTATE PLUMBING & AIR CONDITIONING; 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;

No. 61131

Electronically Filed  
Nov 14 2012 03:54 p.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

HARSCO CORPORATION;  
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; PATENT  
CONSTRUCTION SYSTEMS;  
PROFESSIONAL DOOR AND MILL  
WORKS, LLC; READY MIX, INC.;  
RENAISSANCE POOLS & SPAS, INC.;  
REPUBLIC CRANE SERVICE, LLC; STEEL  
ENGINEERS, INC.; SUPPLY NETWORK,  
INC.; SUNSTATE COMPANIES, INC.;  
THARALDSON MOTELS II, INC.; THE  
PRESSURE GROUT, COMPANY; TRI CITY  
DRYWALL, INC.; UINTAH INVESTMENTS,  
LLC; AND ZITTING BROTHERS  
CONSTRUCTION, INC.,  
Real Parties in Interest.

JOINT MOTION OF PETITIONERS AND REAL PARTY IN INTEREST

SCOTT FINANCIAL CORPORATION FOR LEAVE FOR PETITIONER

TO FILE SUPPLEMENTAL BRIEF IN SUPPORT OF PETITION

AND TO AMEND BRIEFING SCHEDULE

Petitioners, appearing jointly through their respective counsel, and Real Party in Interest Scott Financial Corporation (collectively, the “Parties”), appearing through its counsel, hereby request that petitioners be granted leave to file a supplemental brief addressing the impact, if any, of this Court’s recent Opinion in *In re Fontainebleau Las Vegas Holdings*, 128 Nev. Adv. Op. No. 53 (October 25, 2012), on the questions presented in the petition and, in particular, on the priority of the mechanic’s liens at issue.

The Parties further request that the due date for real party in interest's answer to the petition, presently November 19, 2012, be vacated and the briefing schedule be amended as follows:

**Petitioners' Supplemental Brief**

**December 31, 2012**

**Real Party in Interest's Answer**

**February 14, 2013 (45 days)**

**Petitioners' Reply**

**March 18, 2013 (30 days)**

Respectfully Submitted:

<p>November 14, 2012</p> <p>STERLING LAW, LLC</p> <p><i>/s/ Beau Sterling</i></p> <p>By _____</p> <p>BEAU STERLING Nevada Bar No. 6833 228 South 4th Street, 1st Floor Las Vegas, Nevada 89101 (702) 583-3333</p> <p>PEEL BRIMLEY LLP</p>	<p>HOWARD &amp; HOWARD ATTORNEYS PLLC</p> <p>By _____</p> <p>GWEN RUTAR MULLINS Nevada Bar No. 3146 WADE B. GOCHNOUR Nevada Bar No. 6314 3800 Howard Hughes Parkway, Suite 1000 Las Vegas, Nevada 89169 (702) 257-1483 <i>Counsel for Petitioner APCO Construction, Inc.</i></p>
<p>By _____</p> <p>RICHARD L. PEEL. Nevada Bar No. 4359 MICHAEL T. GEBHART Nevada Bar No. 7718 3333 E. Serene Avenue, Suite 200 Henderson, Nevada 89074 (702) 990-7272</p> <p><i>Counsel for Lien Claimant Petitioners Other Than APCO Construction</i></p>	<p>MEIER &amp; FINE, LLC</p> <p>By _____</p> <p>GLENN F. MEIER Nevada Bar No. 6059 RACHEL E. DONN Nevada Bar No. 10568 2300 West Sahara Avenue, Suite 1150 Las Vegas, Nevada 89102 (702) 673-1000 <i>Counsel for Real Party in Interest Scott Financial Corporation</i></p>

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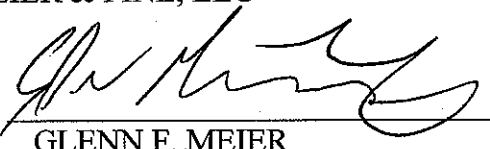
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## CERTIFICATE OF SERVICE

I hereby certify that on this date, the 14th day of November, 2012, I submitted the foregoing **Joint Motion of Petitioners and Real Party in Interest Scott Financial Corporation for Leave For Petitioner to File Supplemental Brief in Support of Petition and to Amend Briefing Schedule** for filing via the Court's eFlex electronic filing system. According to the system, electronic notification will be sent to the following registered participants:

Glenn Meier  
Wade Gochmour  
David Dachelet  
David Johnson  
Beau Sterling  
Richard Peel  
Martin Little  
Jeffrey Albregts  
R. Reade  
Michael Gebhart  
Jennifer Lloyd  
Brian Berman  
J. Jones  
Gwen Mullins  
Donald Williams  
Keith Gregory  
Eric Dobberstein  
Philip Varricchio  
Steven Morris  
Mark Ferrario

I further certify that, on this same date, I submitted the foregoing document for service on all parties in the underlying district court action (a mandatory electronic filing case) through the Eighth Judicial District Court's electronic filing system.

*/s/ Beau Sterling*

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BEAU STERLING