

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

No. 61131

FILED

MAY 23 2014

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

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; 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.

ORDER REGARDING SUBSTITUTION

Counsel for certain petitioners has filed a "Substitution of Real Party in Interest" indicating that in light of an assignment of claims and rights entered into between RLMW Investments, LLC, and S.R. Bray Corp, d/b/a/ Power Plus, RLMW Investments has acquired from Power Plus any and all affirmative claims brought by Power Plus including its mechanic's lien claims that are the subject of the underlying consolidated

district court action. Petitioners' counsel Richard Peel of Peel Brimley LLC states that "[a]s a result, Power Plus hereby substitutes RLMW as the real party in interest in place and instead of Power Plus as to the Affirmative Claims only (the "Substitution") in the Lower Court Action and the Appeal." The Substitution further indicates that the law firm of Peel Brimley LLP will be counsel of record for RLMW in its capacity of substituted real party in interest.

While Peel Brimley represents all petitioners with the exception of petitioner APCO Construction, this writ proceeding does not include Power Plus as either a petitioner or real party in interest. Although Power Plus may be a party in one or more of the underlying consolidated district court cases, Power Plus is not a party to this writ proceeding, and while counsel states that the Substitution applies to the "Lower Court Action and the Appeal," there is no appeal as the underlying action is ongoing. Accordingly, because Power Plus is not a party to this writ proceeding, no action will be taken on the Substitution.

It is so ORDERED.

 , C.J.

cc: Sterling Law, LLC
Peel Brimley LLP/Henderson
Howard & Howard
Snell & Wilmer, LLP/Las Vegas
Cotton, Driggs, Walch, Holley, Woloson & Thompson/Las Vegas
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Watt, Tieder, Hoffar & Fitzgerald, LLP
Hamrick & Evans LLP
Keith E. Gregory & Associates
Varricchio Law Firm
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Jolley Urga Wirth Woodbury & Little
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Eighth District Court Clerk