

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Dec 31 2015 09:30 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

In Re: Manhattan West Mechanic's Lien
Litigation

No. 61131

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

**SCOTT FINANCIAL
CORPORATION'S MOTION
FOR EXTENSION OF TIME
TO ANSWER
PETITIONER'S PETITION
FOR *EN BANC*
RECONSIDERATION**

1 CONSTRUCTION CO., INC.; CLUB
2 VISTA FINANCIAL SERVICES, LLC;
3 CONCRETE VISIONS, INC.;
4 CREATIVE HOME THEATRE, LLC;
5 CUSTOM SELECT BILLING, INC.;
6 DAVE PETERSON FRAMING, INC.;
7 E&E FIRE PROTECTION, LLC; EZA,
8 P.C.; FERGUSON FIRE AND
9 FABRICATION, INC.; GEMSTONE
10 DEVELOPMENT WEST, INC.;
11 GRANITE CONSTRUCTION
12 COMPANY; HARSCO CORPORATION;
13 HYDROPRESSURE CLEANING;
14 INQUIPCO; INSULPRO PROJECTS,
15 INC.; JEFF HEIT PLUMBING, CO.,
16 LLC; JOHN DEERE LANDSCAPE,
17 INC.; LAS VEGAS PIPELINE, LLC;
18 NEVADA PREFAB ENGINEERS;
19 NOORDA SHEET METAL COMPANY;
20 NORTHSTAR CONCRETE, INC.; PAPER
21 MATERIAL HANDLING; PATENT
22 CONSTRUCTION SYSTEMS;
23 PROFESSIONAL DOOR AND MILL
24 WORKS, LLC; READY MIX, INC.;
25 RENAISSANCE POOLS & SPAS, INC.;
26 REPUBLIC CRANE SERVICE, LLC;
27 STEEL ENGINEERS, INC.; SUPPLY
28 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.

Real Party in Interest Scott Financial Corporation ("SFC") respectfully moves this Court for an extension of time for a period of 15 days from the current due date within which to file its answer to petitioner's petition for *en banc* reconsideration of this Court's opinion issued on September 24, 2015. Pursuant to this Court's order of December 22, 2015, that answers of all real parties in interest are now due on January 6, 2016. This extension of time would make SFC's answer due on or before January 21, 2016. This is SFC's first request for an extension of time.

1 This Court's opinion decided two discrete and complex issues regarding
2 the priority of claims between creditors when some creditors enter into a
3 subordination agreement that does not include all creditors. The decision on the
4 first issue has general application, while the decision on the second issue has
5 application only when the non-included creditor is a mechanic's lienor. This
6 Court's enlightened opinion protects and promotes the rights of mechanic's
7 lienors generally, despite the present petitioner's position on this critical issue.

8 Because the issues are complex, and because petitioners have muddied the
9 waters by conflating the separate issues, it will take some effort to clarify both
10 the old and the new issues raised for the first time on rehearing. Also, multiple
11 attorneys represent SFC, and some extra time will be necessary to vet the answer
12 through all counsel and the client. I simply cannot do a proper job of answering
13 this petition for rehearing *en banc* in the time period allotted, especially in light
14 of the intervening holidays. I note also that during this same time period I have
15 another brief to prepare and file on a shortened fuse in this Court, which will
16 require a substantial time commitment.

17 I believe that with the extension requested, we will be able to complete the
18 task to the level required to properly address the issues for this Court, and to
19 effectively represent our client.

20 I have been unable to reach opposing counsel to discuss this request.

21 This request is presented in good faith, and not for purposes of delay or
22 any other improper reason.

23 DATED this 31 day of December, 2015.

24 HUTCHISON & STEFFEN, LLC

25 

26 Mark A. Hutchison (4629)

27 Michael K. Wall (2098)

28 10080 West Alta Drive, Suite 200

Las Vegas, NV 89145


Attorneys for Scott Financial Corporation

CERTIFICATE OF SERVICE

I certify that I am an employee of HUTCHISON & STEFFEN, LLC and that on this date **SCOTT FINANCIAL CORPORATION'S MOTION FOR EXTENSION OF TIME TO ANSWER PETITIONER'S PETITION FOR EN BANC RECONSIDERATION** was filed electronically with the Clerk of the Nevada Supreme Court, and therefore electronic service was made in accordance with the master service list as follows:

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
Reuben Cawley
Gwen Mullins
Donald Williams
Keith Gregory
Eric Dobberstein
Philip Varricchio
Stven Morris
Mark Ferrario

DATED this 31st day of December, 2015.


An employee of Hutchison & Steffen, LLC