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Tracie K. Lindeman  
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4 Marisa L. Maskas, Esq.

5 Nevada Bar No. 10928

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13 *Attorneys for Plaintiff,*

14 *Cashman Equipment Company*

15 **DISTRICT COURT**  
16 **CLARK COUNTY, NEVADA**

17 CASHMAN EQUIPMENT COMPANY, a  
18 Nevada corporation,

19 Plaintiff,

20 vs.

CASE NO.: A642583

DEPT.: 32

Consolidated with Case No.: A653029

21 CAM CONSULTING INC., a Nevada  
22 corporation; ANGELO CARVALHO, an  
23 individual; JANEL RENNIE aka JANEL  
24 CARVALHO, an individual; WEST EDNA  
25 ASSOCIATES, LTD., dba MOJAVE  
26 ELECTRIC, a Nevada corporation; WESTERN  
27 SURETY COMPANY, a surety; THE  
28 WHITING TURNER CONTRACTING  
COMPANY, a Maryland corporation;  
FIDELITY AND DEPOSIT COMPANY OF  
MARYLAND, a surety; TRAVELERS  
CASUALTY AND SURETY COMPANY OF  
AMERICA, a surety; QH LAS VEGAS LLC, a  
foreign limited liability company; PQ LAS  
VEGAS, LLC, a foreign limited liability  
company; L W T I C SUCCESSOR LLC, an  
unknown limited liability company; FC/LW  
VEGAS, a foreign limited liability company;  
DOES 1 - 10, inclusive; and ROE  
CORPORATIONS 1 - 10, inclusive;

Defendants.

**CASE APPEAL STATEMENT**

AND ALL RELATED MATTERS.

Plaintiff, CASHMAN EQUIPMENT COMPANY ("Cashman"), by and through its counsel of record, PEZZILLO LLOYD, hereby submits the following Case Appeal Statement:

1. Name of appellant filing this case appeal statement: CASHMAN EQUIPMENT COMPANY.
2. Identify the judge issuing the decision, judgment, or order appealed from: Hon. Rob Bare
3. Identify each appellant and the name and address of counsel for each appellant: CASHMAN EQUIPMENT COMPANY c/o Jennifer R. Lloyd, Esq., Pezzillo Lloyd, 6725 Via Austi Pkwy., Suite 290, Las Vegas, NV 89119.
4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent (if the name of a respondent's appellate counsel is unknown, indicate as much and provide the name and address of that respondent's trial counsel): WEST EDNA ASSOCIATES, LTD., dba MOJAVE ELECTRIC ("Mojave"); WESTERN SURETY COMPANY ("Western"); THE WHITING TURNER CONTRACTING COMPANY ("Whiting Turner"); FIDELITY AND DEPOSIT COMPANY OF MARYLAND ("Fidelity"); TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA ("Travelers"); QH LAS VEGAS LLC ("QH"); PQ LAS VEGAS, LLC ("PQ"); L W T I C SUCCESSOR LLC ("LWTIC"); and FC/LW VEGAS, c/o Brian Boschee, Esq., Cotton, Driggs, et al., 400 S. 4<sup>th</sup> St., 3<sup>rd</sup> Fl., Las Vegas, NV 89101.
5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so, whether the district court granted that attorney permission to appear under SCR 42 (attach a copy of any district court order granting such permission): Not applicable in this matter.
6. Indicate whether appellant was represented by appointed or retained counsel in the district court: Retained counsel.
7. Indicate whether appellant is represented by appointed or retained counsel on appeal: Retained counsel.
8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave: Not appearing in forma pauperis.
9. Indicate the date the proceedings commenced in the district court (e.g., date complaint, indictment, information, or petition was filed): The initial complaint was filed on June 3, 2011.

10. Provide a brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the district court: Cashman filed the matter in district court seeking payment for materials supplied to the New Las Vegas City Hall project (the "Project") in Clark County, Nevada. Cashman supplied these materials, which consisted of generators, switchgear and associated items and the materials were incorporated into the Project, but Cashman did not receive payment. Certain claims were resolved before trial. The matter proceeded to trial January 21, 2014 on the following claims: Cashman's mechanic's lien claim against Mojave and the surety that issued the lien release bond, Western, on the lien release bond; Cashman's payment bond claim against Mojave and the surety that issued the bond, Western; Cashman's security interest in the materials against Mojave, Cashman's claim for Fraudulent Transfer against Mojave, Cashman's claim for unjust enrichment against the owners of the Project at the time of construction and Mojave's claim of misrepresentation against Cashman. The district court's Findings of Fact and Conclusions of Law were entered on May 5, 2014. Cashman is appealing this judgment. The district court erred in denying recovery to Cashman on its mechanic's lien claim, its payment bond claim and its fraudulent transfer claim. The district court erred in reducing Cashman's award on its security interest claim using an equitable fault analysis and the district court erred in conditioning payment of the amount awarded on Cashman's unjust enrichment claim on performance of work by Cashman at the Project. The district court erred in ruling that any proceeds from the criminal case be split between Cashman and Mojave equally.
11. Indicate whether the case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior proceeding: On July 18, 2012, Defendants filed a Motion to Procure Codes seeking a preliminary injunction from the Court requiring Cashman to start up the equipment even though Cashman has not received payment for the equipment from the party with which it contracted. The Court granted the Motion and issued the preliminary injunction without making the required findings in support. Cashman filed a Notice of Appeal on September 13, 2012. The appeal is currently stayed pending final judgment of this matter per Order filed on April 15, 2014.
12. Indicate whether this appeal involves child custody or visitation: Not applicable in this matter.

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13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:  
Appellant believes settlement is a possibility.

DATED: June 5, 2014

PEZZILLO LLOYD

By: 

Jennifer R. Lloyd, Esq.

Nevada Bar No. 9617

Marisa L. Maskas, Esq.

Nevada Bar No. 10928

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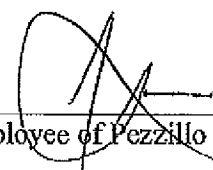
*Attorneys for Plaintiff,*

*Cashman Equipment Company*

**CERTIFICATE OF SERVICE**

The undersigned, an employee of the law firm of PEZZILLO LLOYD, hereby certifies that on  
June 5, 2014, a true and correct copy of the foregoing document, **CASE APPEAL  
STATEMENT**, was served by placing said copy in an envelope, postage fully prepaid, in the U.S.  
Mail at Las Vegas, Nevada, said envelope(s) addressed to:

Brian Boschee, Esq.  
COTTON, DRIGGS, ET AL.  
400 S. 4<sup>th</sup> St., 3<sup>rd</sup> Fl.  
Las Vegas, NV 89101  
*Attorneys for Respondents*

  
An Employee of Pezzillo Lloyd