

Docket AA4721 Document 2016-24977

AA4722

AA4723

[illegible]

CODE SYMBOLS:

DIRECT PROJECT HOURS

FILE CODE:

Exploratory Planning

ප්‍ර. ෧෩(අ)ට

5. Schematic Design

Design Development
Working Drawings

உயிர்ப்பிடிப்பு

C : Construction Administration

PLEASE CONFIDENTIAL.

11



Heurlier

Overlaid

Shipping

JOB NUMBER:

INDEPENDENT

SECRET

ADDENDUM

Journal of

General PRA

ouid

1234

THE UNIVERSITY OF

MOVIES NOT WORKED!

Vacation

5101

Holiday

How many (people)?

३३

AA4726

	CODE SYMBOLS:	JOB NUMBER
DIRECT PROJECT HOURS		INDIRECT HOURS

HOW REWORKED	
Administration	1000
Clerical	2000
General FPA	3000
Promotional	4000
Legal	5000

RECEIVED BY

५५ पृष्ठ

AA4728

AA4729

॥ कथम् ॥

[illegible]

CODE SYMBOLS:

DIRECT PROJECT HOURS

JOB NUMBER

INDIRECT HOURS

PLEASE COPY

Exploratory Planning-
Planning
Schematic Design
Design Development
Working Drawings
Bidding
Construction Administration

PLATE COLLECTOR'S

Euphrate
 Overlmo
 H. Eugene
 H. Eugene

ALWAYS WORKED

Adm Instration	1000
Clrical	2000
General FPA	3000
Promotional	4000
Legal	5000

YOUR NOT WORKED

Vacation	7001
Sick	7002
Holiday	7003
Time Off (unpaid)	7004

MONTAGNA

REVIEWED BY:

பெரிய

NAME XAVIER YK117
WEEK 4.21.06

[illegible]

AA4734

EXHIBIT 14-PART 10

EXHIBIT 14-PART 10

NAME DAVID YELLY
WEEK ENDING: 4.18.00

CODE SYMBOLS:		JOB NUMBER:		HOURS NOT WORKED:	
DIRECT PROJECT HOURS		INDIRECT HOURS			
PHASE CODE: B Exploratory Planning P Planning S Schematic Design D Design Development W Working Drawings B Bidding C Construction Administration		PHASE CODES/ SUFFIXES: H Hearings X Overtime B Bidding		HOURS WORKED: Administration 1000 Clerical 2000 General FFA 3000 Promotional 4000 Legal 5000	
				Vacation 7001 Sick 7002 Holiday 7003 Time Off (unpaid) 7004	
				REVIEWED BY:	
				empl. #:	

STEPPAN 007343

5500

AA4737

NAME WIND MIT
WEEK ENDING 5/9/00

[illegible]

AA4738

STEPPAN 007345

521010

CODE SYMBOLS:	JOB NUMBER:
DIRECT PROJECT HOURS	INDIRECT HOURS
PHASE CODE	HOURS WORKED
E Exploratory Planning	Administration 1000
P Planning	Clerical 2000
S Schematic Design	General-FFA 3000
D Design Development	Promotional 4000
W Working Drawings	Legal 5000
B Bidding	
C Construction Administration	
	REVIEWED BY:
	emp#

附錄

STEPPAN 007346

AA4739

WEEK ENDING

DAVID NELSON

62	010
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Holiday 7003

STEPPAN 007347

NAME WANDY KAT
WEEK _____ DING: 69.06

AA4741

STEPPAN 007348

NAME DAVID KENY
WEEK ENDING 10/20/00

[illegible]

NAME DAVID YEN
WEEK ENDING: 10/23/06

[illegible]

STIEPPAN 007350

WEEK ENDING:

WANDNER

1	3	0	0
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CODE SYMBOLS:		JOB NUMBER:		HOURS NOT WORKED	
DIRECT PROJECT HOURS		INDIRECT HOURS			
PHASE CODE		HOURS WORKED			
E	Exploratory Planning	Administration	1000	Vacation	7001
P	Planning	Clerical	2000	Sick	7002
S	Schematic Design	General FFA	3000	Holiday	7003
D	Design Development	Promotional	4000	Time Off (unpaid)	7004
W	Working Drawings	Legal	5000		
B	Bidding				
C	Construction Administration				
		REVIEWED BY:		empt #	

emp. 77

1520 IN 007251

NAME AND WINT
WEEK ENDING: 7/7/00

CODE SYMBOLS:		JOB NUMBER:		HOURS NOT WORKED:	
DIRECT PROJECT HOURS		INDIRECT HOURS		Vacation	
PHASE CODE		HOURS WORKED:		Sick	
B	Exploratory Planning	Administration	1000	7001	
P	Planning	Clerical	2000	7002	
S	Schematic Design	General PFA	3000	7003	
D	Design Development	Promotional	4000	7004	
W	Working Drawings	Legal	5000	Time Off (unpaid)	
B	Bidding				
C	Construction Administration				
		REVIEWED		DVI	
				trip #	

STEPPAN 007352

WEEK ENDING: 7/14/00

STEPPAN 007353

AA4746

NAME DAVID VENTIL
WEEK ENDING 7 21 00

[illegible]

AA4747

STEPPAN 007354

NAM DAVIDALIST
WEEK ENDING: 8-4-01

AA4749

NAME DAVID YK11
WEEK ENDING: 8/11/06

CODE SYMBOLS:		JOB NUMBER:		HOURS NOT WORKED:	
DIRECT PROJECT HOURS		INDIRECT HOURS			
PHASE CODE	PHASE CODE SUFFIXES	HOURS WORKED		Vacation	7001
B	Exploratory Planning	Administration	1000	Sick	7002
P	Planning	Clerical	2000	Holiday	7003
S	Schematic Design	General FFA	3000	Time Off (unpaid)	7004
D	Design Development	Promotional	4000		
W	Working Drawings	Legal	5000		
B	Bidding				
C	Construction Administration				
		REVIEWED BY:		empl #	

AA4750

NAME WINDY KAT
WEEK ENDING: 8/8/06

CODE SYMBOLS:		DIRECT PROJECT HOURS		INDIRECT HOURS		JOB NUMBER:	
PHASE CODE	PHASE CODE SUFFIXES:	HOURS WORKED:	HOURS NOT WORKED:				
B	Exploratory Planning	Administration	Vacation	7001			
P	Planning	Clerical	Sick	7002			
S	Schematic Design	General FFA	Holiday	7003			
D	Design Development	Promotional	Time Off (unpaid)	7004			
W	Working Drawings	Legal					
B	Bidding						
C	Construction Administration						
		REVIEWED BY:	emp# #				

AA4751

NAME: JOHN WEL
WEEK ENDING: 8/25/06

CODE SYMBOLS:		JOB NUMBER:		HOURS NOT WORKED:	
DIRECT PROJECT HOURS		INDIRECT HOURS			
PHASE CODE:		HOURS WORKED:		Vacation 7001	
B	Exploratory Planning	Administration	1000	Sick 7002	
P	Planning	Clerical	2000	Holiday 7003	
S	Schematic Design	General FFA	3000	Time Off (unpaid) 7004	
D	Design Development	Promotional	4000		
W	Working Drawings	Legal	5000		
B	Bidding				
C	Construction Administration				
		REVIEWED BY:		emp #	

STEPPAN 007359

AA4752

WEEK ENDING

ENDING: 9101e

Time Off: 110 cwt (piled) 7007

STEPPAN 007360

AA4753

NAME: ANDREW
WEEK ENDING: 9/6/16

CODE SYMBOLS:		JOB NUMBER:		HOURS NOT WORKED:	
DIRECT PROJECT HOURS		INDIRECT HOURS		Vacation	
PHASE CODE		HOURS WORKED:		Sick	
E Exploratory Planning		Administration 1000		Holiday	
F Planning		Clerical 2000		Time Off (unpaid) 7004	
S Schematic Design		General FFA 3000			
D Design Development		Promotional 4000			
W Working Drawings		Legal 5000			
B Bidding					
C Construction Administration					
		REVIEWED BY:		emp # 12171	

Exhibit # 1271

AA4754

NAME: DAVID YLIN
WEEK ENDING: 11/10/06

[illegible]

CODE SYMBOLS:

DIRECT PROJECT HOURS

PLATE COPIES

Exploratory Planning
Planning
Schematic Design
Design Development

JOE NUMBER 1

INDIRECT HOURS

FLYER CONSPIRACY

H
X
B

HOUSEWORK

	1000	2000	3000	4000
Administration				
Clerical				
General FFA				
Promotional				

FLOWER NOT WORKED!

Vacation	7001
Sick	7002
Holiday	7003
Time Off (unpaid)	7004

צדקה

EXHIBIT 19

EXHIBIT 19

318 P.3d 709
Supreme Court of Nevada.

DTJ DESIGN, INC., Appellant,

v.

FIRST REPUBLIC BANK, a
Nevada Corporation, Respondent.

No. 57165. | Feb. 13, 2014.

Synopsis

Background: Foreign architectural firm brought action against mortgagee for lien priority and unjust enrichment regarding mechanics' lien on property subject to deed of trust. The Eighth Judicial District Court, Clark County, Timothy C. Williams, J., granted summary judgment in favor of mortgagee. Firm appealed.

Holdings: The Supreme Court, Parraguirre, J., held that:

[1] foreign architectural firm's failure to comply with statutory registration requirements precluded lien foreclosure action, and

[2] registration requirement applied to corporations.

Affirmed.

West Headnotes (4)

[1] Appeal and Error

⚡ Cases Triable in Appellate Court

The Supreme Court reviews orders granting summary judgment de novo.

1 Cases that cite this headnote

[2] Judgment

⚡ Absence of issue of fact

Judgment

⚡ Presumptions and burden of proof

Summary judgment is appropriate if, when viewed in the light most favorable to the

nonmoving party, the record reveals there are no genuine issues of material fact and the moving party is entitled to judgment as a matter of law.

1 Cases that cite this headnote

[3] Licenses

⚡ Architects and Engineers

Foreign architectural firm's failure to register with the State Board of Architecture, as required by statute, precluded firm from bringing mechanics' lien foreclosure action, where, although firm employed a registered architect, statute expressly provided that business organizations were required to allege and prove that they had registered with the Board in order to maintain any action for collecting compensation for their services. West's NRSA 623.349(2).

Cases that cite this headnote

[4] Corporations and Business Organizations

⚡ Subjection to laws governing domestic corporations

Licenses

⚡ Occupations and Employments in General

Statutory requirement that architects register with the State Board of Architecture applied to corporations, and therefore applied to foreign architectural firm, where statute expressly set forth registration requirements applicable to corporations. West's NRSA 623.349.

Cases that cite this headnote

Attorneys and Law Firms

*709 Martin & Allison, Ltd., and Noah G. Allison and Debra L. Pieruschka, Las Vegas, for Appellant.

Gerrard Cox & Larsen and Douglas D. Gerrard and Gary C. Milne, Henderson, for Respondent.

BEFORE THE COURT EN BANC.

OPINION

By the Court, PARRAGUIRRE, J.:

In this appeal, we address the registration requirements set forth in NRS 623.349(2) in the context of a foreign architectural firm's ability to bring or maintain an action in Nevada. We conclude that regardless of whether a foreign firm employs a registered architect, NRS 623.349(2) and NRS 623.357 mandate that the firm be registered in Nevada in order to maintain an action on the firm's behalf. Accordingly, we affirm the district court's judgment.

FACTS AND PROCEDURAL HISTORY

Appellant Downing, Thorpe & James Design, Inc. (DTJ), is an architectural firm incorporated in Colorado. Thomas W. Thorpe is a professional architect and one of DTJ's three founding principals. In 1998, Thorpe sought reciprocity to practice in Nevada and submitted two applications to the State Board of Architecture (the Board). First, he submitted an "Application for Architect Registration," which would allow him to practice individually as a foreign architect. Second, Thorpe submitted an "Application for Registration *710 of a Business and Firm Name Approval," which would allow DTJ to practice as a foreign corporation. Although the Board approved Thorpe's individual application for registration, there is no evidence that the Board ever received or approved DTJ's application to practice as a foreign corporation in Nevada.

In 2004, DTJ contracted with a Nevada developer to provide architectural services for a Las Vegas subdivision owned by Prima Condominiums, LLC (Prima). Prima obtained a \$14 million loan from respondent First Republic Bank in exchange for a promissory note secured by a deed of trust on one of the subdivision's units, the Bergamo building. As additional security, First Republic demanded an assignment of all construction documents associated with the Bergamo building, including DTJ's architectural drawings. DTJ consented to the assignment in exchange for \$350,000 of the loan proceeds. The parties agreed that in the event of foreclosure, First Republic's access to DTJ's plans was conditioned upon DTJ being paid in full for services completed to date. Prima subsequently defaulted on its payments.

In July 2008, DTJ recorded a notice of mechanic's lien against the property for unpaid services to date. In December 2008, First Republic foreclosed and purchased the property at a trustee's sale. DTJ then brought an action against First Republic for lien priority and unjust enrichment. The district court bifurcated the trial into two phases: lien priority (phase one) and lien valuation (phase two). After a hearing on phase one, the district court concluded that DTJ was a valid claimant with lien priority over First Republic's deed of trust.

Prior to phase two, First Republic moved for summary judgment, arguing that NRS 623.357 prohibited DTJ from maintaining its lien foreclosure action because DTJ had not properly registered as a foreign corporation under NRS 623.349(2) or satisfied the state's foreign corporation statutory filing requirements under NRS 80.010(1). First Republic also argued that DTJ's unjust enrichment claim lacked legal basis. The district court concluded that because DTJ had failed to comply with Nevada's statutory registration and filing provisions, DTJ was barred from maintaining an action against First Republic. The district court further concluded that there was no legal basis for DTJ's unjust enrichment claim, and it granted First Republic's motion for summary judgment. DTJ now brings this appeal.

DISCUSSION

Standard of review

[1] [2] This court reviews orders granting summary judgment de novo. *Day v. Zube*, 112 Nev. 972, 977, 922 P.2d 536, 539 (1996). Summary judgment is appropriate if, when viewed in the light most favorable to the nonmoving party, the record reveals there are no genuine issues of material fact and the moving party is entitled to judgment as a matter of law. *Pegasus v. Reno Newspapers, Inc.*, 118 Nev. 706, 713, 57 P.3d 82, 87 (2002).

The district court properly concluded that DTJ was barred from maintaining its action against First Republic

[3] The district court concluded that DTJ failed to comply with the requirements of both NRS 623.349(2) and NRS 80.010(1). Noncompliance with either provision would preclude DTJ from bringing or maintaining an action in Nevada, and we begin by addressing the district court's application of NRS 623.349(2).

[4] The practice of architecture in Nevada is governed by the provisions of NRS Chapter 623. NRS 623.357 provides that “[n]o person [or] firm ... may bring or maintain any action ... for the collection of compensation” for architectural services without first “alleging and proving that such plaintiff was duly registered under this chapter at all times during the performance of such act or contract.” Accordingly, DTJ was required to plead and prove that it was properly registered pursuant to NRS Chapter 623 as part of its *prima facie* case seeking compensation for its architectural services.

With regard to the registration process, NRS 623.349 provides:

***711** 1. *Architects* ... may join or form a partnership, corporation, limited-liability company or other business organization or association with registrants and licensees outside of their field of practice, *or with persons who are not registered or licensed*, if control and *two-thirds ownership of the business organization or association is held by persons registered or licensed in this State* pursuant to the applicable provisions of this chapter....

2. If a partnership, *corporation* ... or other form of business organization or association wishes to practice pursuant to the provisions of this section, it must:

(a) Demonstrate to the Board that it is in *compliance with all provisions* of this section.

(b) Pay the fee for a certificate of registration pursuant to NRS 623.310.

(c) Qualify to do business in this State.

(Emphases added).

On appeal, DTJ argues that the district court's application of NRS 623.349(2) was flawed because the statutory registration requirement applies only to natural persons and a corporation is incapable of registration. *See* NRS 623.190 (defining applicant as “[a]ny person who is at least 21 years of age ... and who meets the requirements for education and practical training established by the Board”). We disagree, as NRS 623.349(2) expressly sets forth registration requirements applicable to corporations, and NRS Chapter 623's provisions otherwise apply to registrants as people and businesses, interchangeably. *See, e.g.,* NRS 623.357 (“No person, firm, ... or other organization may bring or maintain any action” in Nevada without proof of registration); NRS 623.350(2) (referring to “a business organization or association which

holds a certificate issued pursuant to NRS 623.349”). Thus, we conclude that NRS 623.349's registration requirements apply to foreign architectural firms.

Next, DTJ contends that NRS 623.349(2) does not preclude an unregistered *firm* from foreclosing on a lien for work that was performed by a registered *architect*.¹ This argument is unpersuasive.

NRS 623.349(1) allows registered *architects* to partner with unregistered architects and form a business organization to practice in Nevada, so long as the registered architects satisfy a two-thirds ownership requirement. In order for a foreign *business* to operate as a separate entity in Nevada, it must satisfy the requirements found in NRS 623.349 by demonstrating to the Board that registered architects within the firm satisfy the two-thirds ownership provision under NRS 623.349(1), and that the business is qualified to do business in this state and has paid the requisite registration fee under NRS 623.349(2)(a)-(c). *See also* NRS 623.349(2) (d) and (e) (corporation and partnership requirements).

Here, the record shows that despite Thorpe's registration status, DTJ itself had not complied with NRS 623.349(2)'s provisions. Moreover, the Board's executive testified that it never received DTJ's application and that even if it had, the Board would have denied DTJ's request because Thorpe did not satisfy the two-thirds ownership requirement under NRS 623.349(1). Thus, Thorpe's individual status has no bearing on whether DTJ, a separate entity, may bring or maintain an action for compensation for its services.

Also, to the extent that DTJ argues that Thorpe should individually be able to foreclose on the lien as a registered architect, we disagree. The record shows that DTJ, not Thorpe, entered into the development contract, which was signed by Steven James as DTJ's principal-in-charge. James is not registered in Nevada, and Thorpe testified that he did not become coprincipal on the project with James until nearly a year after the development contract was signed.

Because NRS 623.357 expressly provides that business organizations must allege and prove that they have registered with the ***712** Board in order to maintain any action for collecting compensation for their services, we conclude that the burden was on DTJ to prove its registration status and that First Republic was not required to plead DTJ's failure to register as an affirmative defense. *Cf.* NRCP 9(a). Further, because the record shows that DTJ failed to comply with

the provisions set forth in NRS 623.349(2), we conclude that NRS 623.357 prohibits DTJ from bringing or maintaining an action in Nevada for compensation for its architectural services and summary judgment in First Republic's favor was proper based solely on this ground.

In reaching this conclusion, we decline to revisit the district court's finding that DTJ similarly failed to satisfy the foreign corporation filing requirements of NRS 80.010(1). We further decline to revisit the district court's dismissal of DTJ's unjust enrichment claim for lack of a legal basis. Although the parties and the district court only addressed whether there was a legal basis for DTJ's unjust enrichment claim, we conclude that this claim is also barred by NRS 623.357 due to DTJ's failure to prove its registration status.

This conclusion is not altered by our holding in *Loomis v. Lange Financial Corp.*, 109 Nev. 1121, 1128, 865 P.2d 1161, 1165 (1993) (citing *Nev. Equities v. Willard Pease Drilling*, 84 Nev. 300, 303, 440 P.2d 122, 123 (1968)), which recognized a substantial compliance exception in addressing the viability of an unlicensed contractor's equitable causes of action in a contract claim. Although DTJ may have attempted

to register in 1998, there is nothing in the record to suggest that the application was ever received or approved, nor does the record show that DTJ ever attempted to remediate the situation. Rather, DTJ has been involved with at least four similar development projects over the past 15 years, despite its noncompliance with NRS 623.349. Accordingly, we conclude that the district court's dismissal was proper. *Id.*; see also *Interstate Commercial Bldg. Servs., Inc. v. Bank of Am. Nat'l Trust & Sav. Ass'n*, 23 F.Supp.2d 1166, 1175 (D.Nev.1998) (discussing the substantial compliance exception for an unlicensed contractor's equitable claims); *Hotel Riviera Inc. v. Torres*, 97 Nev. 399, 403, 632 P.2d 1155, 1158 (1981) ("If a decision below is correct, it will not be disturbed on appeal even though the lower court relied upon wrong reasons.")

We concur: GIBBONS, C.J., and PICKERING, HARDESTY, DOUGLAS, CHERRY, and SAITTA, JJ.

Parallel Citations

130 Nev. Adv. Op. 5

Footnotes

- 1 DTJ also argues that NRS 623.349(2) impermissibly conflicts with NRS 108.243, which allows a mechanic's lien to be assigned "in the same manner as any other chose in action." Because DTJ failed to raise this argument in district court, we will not consider it on appeal. *Old Aztec Mine, Inc. v. Brown*, 97 Nev. 49, 52, 623 P.2d 981, 983 (1981).

4/7/2006

[illegible]

4/14/2006

[illegible]

AA4681

STEPAN 007292

4/21/2006

[illegible]

STEPPAN 007293

NAME NATHAN OGLE

4/28/2006

[illegible]

AA4683

STEPPAN 007294

5/5/2006

[illegible]

AA4684

STEPPAN 007295

5/12/2006

[illegible]

AA4685

STEPPAN 007296

5/19/2006

[illegible]

AA4686

STEPAN 007297

5/26/2006

[illegible]

STEPPAN 007298

AA4687

6/2/2006

[illegible]

STEPPAN 007299

AA4688

6/9/2006

[illegible]

AA4689

STEPPAN 007300

6/16/2006

[illegible]

<u>HOURS NOT WORKED:</u>	
VACATION	7001
SICK	7002
HOLIDAY	7003
TIME OFF (UNPAID)	7004

EMPLOYEE # 13007

INDIRECT HOURS:
HOURS WORKED:

1000
2000
3000
4000
5000

PHASE CODE SUFFIXES:

H: HEARINGS
X: OVERTIME
B: BIDDING

DIRECT PROJECT HOURS

PHASE CODE: EE EXPLOITATORY PLANNING
PP PLANNING
SS SCHEMATIC DESIGN
DD DESIGN: DEVELOPMENT
WW WORKING DRAWINGS

CONSTRUCTION ADMINISTRATION

REVIEWED BY:

AA4690

STEPPAN 007301

EXHIBIT 14-PART 8

EXHIBIT 14-PART 8

5/23/2006

[illegible]

CODE SYMBOLS

DIRECT PROJECT HOURS

PHASE CODE:
E EXPLORATORY PLANNING

PLANNING

S. SCHEFFEL-ATC DESIGN

DESIGN DEVELOPMENT

WORKING DRAWINGS

B. BIDDING:

CONS "RUCTION ADMINISTRATION

INDIRECT HOURS:

HOURS WORKED:

ADMINISTRATE

CLERICAL

GENERAL:

PROMQ:

LEGAL

REVIEWED BY:

CHASE CODE SUFFIXES:

F. HEARINGS

ADDITIONAL OVERTIME:

F. BIDDING

Reg-76
Siz-4

HOURS NOT WORKED:

VACATION 7001

SICK 7002

HOLIDAY 7003

TIME OFF (UNPAID) 7004

EMPLOYEE # 13007

STEPPAN 007302

7/14/2006

[illegible]

<u>HOURS NOT WORKED:</u>	
VACATION	7001
SICK	7002
HOLIDAY	7003
TIME OFF (UNPAID)	7004

INDIRECT HOURS:
HOURS WORKED:
ADMINISTRATIVE
CLERICAL
GENERAL
PROMOTIONAL
LEGAL

PHASE CODE SUFFIXES:
H HEARINGS
X OVERTIME
B BIDDING

DIRECT PROJECT HOURS
PHASE CODE:
E EXPLORATORY PLANNING
P PLANNING
S SCHEMATIC DESIGN
D DESIGN DEVELOPMENT
W WORKING DRAWINGS
B BIDDING
C CONSTRUCTION ADMINISTRATION

EMPLOYEE # 170061

RECEIVED BY

STEPPAN 007303

AA4693

7/21/2006

[illegible]

STEPPAN 007304

AA4694

Case-77
Sub-3

1000
2000
3000
4000
5000

INDIRECT HOURS:
HOURS WORKED:
ADMINISTRATIVE
CLERICAL
GENERAL
PROMOTIONAL
LEGAL

PHASE CODE SUFFIXES:
H HEARINGS
X OVERTIME
B BIDDING

DIRECT PROJECT HOURS
PHASE CODE:
E EXPLORATORY PLANNING
P PLANNING
S SCHEMATIC DESIGN
D DESIGN DEVELOPMENT
W WORKING DRAWINGS

REVIEWED BY:

C. CONSTRUCTION ADMINISTRATION

STLEPPAN 007305

NAME NATHAN OGLE

ARCHITECTURE PLANNING URBAN DESIGN

8/11/2006

[illegible]

STEPPAN 007307

NAME NATHAN OGLE

ARCHITECTURE PLANNING URBAN DESIGN

8/18/2006

[illegible]

STEPPAN 007308

9/1/2006

[illegible]

STEPPAN 007309

[illegible]

STEPPAN 007310

ARCHITECTURE PLANNING URBAN DESIGN

9/22/2006

[illegible]

AA470

DIRECT PROJECT HOURS

DIRECT PROJECT PHASE CODE:

E EXPLORATORY PLANNING

PLANNING

S. SCHEMATIC DESIGN

SCHEMATIC DESIGN
DESIGN DEVELOPMENT

DESIGN DEVELOPMENT
WORKING DRAWINGS

WORKING
BIDDING

BIDDING
CONSTRUCTION ADMINISTRATION

PHASE CODE SUFFIXES:

H. HEARINGS:

X OVERTIME

BIDDING

Discusses

INDIRECT HOURS:

HOURS WORKED:

ADMINISTRATIVE

CLERICAL:

GENERAL:

PROMOTION

LEGAL

HOURS NOT WORKED:

VACATION 7001

SICK 7002

HOLIDAY 7003

TIME OFF (IN HOURS) = 7004

TIME OFF (UNPAID) 7004

EMPLOYEE # 13007

REVIEWED BY:

STEPPAN 007311

STEPPAN 007312

10/13/2006

[illegible]

NAME: NATHAN OGLE

ARCHITECTURE PLANNING URBAN DESIGN

10/20/2006

[illegible]

STEPPAN 007315

NAME NATHAN OGLE

ARCHITECTURE PLANNING URBAN DESIGN

10/27/2006

[illegible]

STEPPAN 007316

NAME NATHAN OGLE

11/3/2006

[illegible]

STEPPAN 007317

11/11/2006

[illegible]

STEPPAN 007318

NAME NATHAN OGLE

11/17/2006

[illegible]

STEPPAN 007319

DAVID TRITT

EXHIBIT 14-PART 9

EXHIBIT 14-PART 9

[illegible]

AA4718

[illegible]

[illegible]

NAME JOE PRESTON
WEEK ENDING 04/14/06

STEPAN 007251

NAME JOE PRESTON
WEEK ENDING 04/21/06

[illegible]

STEPPAN 007252

AA4638

NAME JOE PRESTON
WEEK ENDING 04/28/06

AA4639

STIEPPAN 007253

NAME JOE PRESTON
WEEK ENDING 05/05/06

AA4640

STEPPAN 007254

NAME JOE PRESTON
WEEK ENDING 05/12/06

AA4641

STLEPPAN 007255

NAME JOE PRESTON
WEEK ENDING 06/16/06

[illegible]

STEPPAN 007256

AA4642

NAME JOE PRESTON
WEEK ENDING 06/30/06

[illegible]

NAME JOE PRESTON
WEEK ENDING 07/07/06

[illegible]

NAME JOE PRESTON
WEEK ENDING 07/14/06

[illegible]

AA4645

STEPPAN 007259

NAME JOE PRESTON
WEEK ENDING 07/28/06

[illegible]

STEPPAN 007260

AA4646

EXHIBIT 14-PART 6

EXHIBIT 14-PART 6

NAME JOE PRESTON
WEEK ENDING ~~XXBBLPSX~~
 5000703

[illegible]

STEPPAN 007261

AA4648

NAME JOE PRESTON
WEEK ENDING 08/11/06

AA4649

NAME JOE PRESTON
WEEK ENDING 08/25/06

[illegible]

STEPPAN 007263

AA4650

NAME JOE PRESTON
WEEK ENDING 09/08/06

AA4651

NAME : JOE PRESTON
WEEK ENDING : 09/15/06

AA4652

STEPPAN 007765

NAME JOE PRESTON
WEEK ENDING 10/20/06

[illegible]

AA4653

STEPPAN 007766

NATHAN OGLE

10/14/2005

[illegible]

AA4655

STEPPAN 007267

10/21/2005

[illegible]

CODE SYMBOLS

DIRECT PROJECT HOURS

PHASE CODE: 1 E EXPLORATORY PLANNING
2 P PLANNING
3 S SCHEMATIC DESIGN
4 D DESIGN DEVELOPMENT
5 W WORKING DRAWINGS
6 B BIDDING
7 C CONSTRUCTION ADMINISTRATION

INDIRECT HOURS:

HOURS WORKED:
ADMINISTRATIVE
CLERICAL
GENERAL
PROMOTIONAL
LEGAL

PHASE CODE SUFFIXES:

H HEARINGS
 K OVERTIME
 B BIDDING

HOURS NOT WORKED:

	7001	7002	7003	7004
VACATION				
SICK				
HOLIDAY				
TIME OFF (UNPAID)				

CONSTRUCTION ADMINISTRATION

...אשר יבא אליו

1990-1991

STEPPAN 007268

AA4656

[illegible]

JOB NO.	CODE	JOB TITLE	SAT	SUN	MON	TUES	THUR	FRI	IN DIR	DIR	WEEKLY JOB REMARKS & DESCRIPTION OF TASKS
14	C										
12					1.00			1.00		0.00	Construction Administration/Billing/Jack
18	S									0.00	
2	S									0.00	Contract/City
										0.00	Rob Hendrickson
									0.00		Quadrilla/Bruce Walker
1	P									0.00	
	P									0.00	
										0.00	Task II Agreement
2										0.00	
1										0.00	
1										0.00	
					2.00	2.00	3.00	1.00		0.00	IMS/USDC/Luncheon
										0.00	
										0.00	
										0.00	
										0.00	
										0.00	
										0.00	
										0.00	
0515	S				2.00	3.00	3.00	1.00		0.00	
										0.00	
										0.00	
										0.00	
										0.00	
										0.00	
										0.00	
3000		GENERAL									
7001		VACATION									
7002		SICK									
7003		HOLIDAY									
7004		RF TIMEOFF									
		TOTAL DAILY HOURS	0.00	0.00	8.00	8.00	8.00	8.00	17.00	23.00	TOTAL WEEKLY INDIRECT HOURS
										40.00	TOTAL WEEKLY HOURS

CODE SYMBOLS

DIRECT PROJECT HOURS:

PHASE CODE:

EXPLORATION

PLANNING SCHEMATIC DESIGN

DESIGN DEVELOPMENT

WORKING DRAWINGS

CONSTITUTIONAL BIDDING

CONSTRUCTION ADMINISTRATION:

PHASE CODE SUFFIXES:

H. HEARINGS

X OVERTIME
B BIDDING

8. **ANALYSIS**

Age Group	Percentage of Respondents
18-29	85%
30-49	80%
50-69	75%
70+	65%

Age Group	Percentage of Respondents
18-29	85%
30-49	80%
50-69	75%
70+	70%

INDIRECT HOURS:

HOURS WORKED:

ADMINISTRATIVE
CLERICAL

GENERAL

PROMOTIONAL

LEGAL:

REVIEWED BY:

HOURS NOT WORKED:

NAME	DATE	TIME	REASON	STATUS
VACATION	7001			
SICK	7002			

SICK	7002
HOLIDAY	7003

TIME OFF (UNPAID) 7004

EMERSON # 13007

EMPLOYEE # 13007

STEPPAN 007272

AA4661

AA4663

12/16/2005

[illegible]

DIRECT PROJECT HOURS	
PHASE CODE:	
E EXPLORATORY PLANNING	
P PLANNING	
S SCHEMATIC DESIGN	
D DESIGN DEVELOPMENT	
W WORKING DRAWINGS	
B BIDDING	
C CONSTRUCTION ADMINISTRATION	

<u>HOURS NOT WORKED:</u>	
VACATION	7001
SICK	7002
HOLIDAY	7003
TIME OFF (UNPAID)	7004

EMPLOYEE # 13007

INDIRECT HOURS _____
HOURS WORKED:
 ADMINISTRATIVE _____
 CLERICAL _____
 GENERAL _____
 PROMOTIONAL _____
 LEGAL _____

PHASE CODE SUFFIXES:
H - HEARINGS
X - OVERTIME
B - BIDDING

REVIEWED BY:

STEPPAN 007276

[illegible]

CODE SYMBOLS

DIRECT PROJECT HOURS

PHASE CODE: E EXPLORATORY PLANNING

EXPLORATORY PLANNING

SCHEMATIC DESIGN

SCHEMATIC DESIGN

DESIGN DEVELOPMENT WORKING DRAWINGS

WORKING DRAWINGS
BIDDING

3 RIDING
C CONSTRUCTION ADMINISTRATION

PHASE CODE SUFFIXES:

H HEARINGS

X: OVERTIME

8 BIDDING

INDIRECT HOURS:

HOURS WORKED:

ADMINISTRATIVE:

CLERICAL:

GENERAL

PROMOTIONAL

PROMOTIONAL
LEGAL

LEGAL:

HOURS NOT WORKED:

VACATION	7001
----------	------

SICK 7002

HOLIDAY 7003

TIME OFF (UNPAID) 7034

TIME OFF (UNPAID) : 7034

Age Group	Percentage of Respondents
18-29	65
30-49	75
50-69	85
70+	90

EMPLOYEE # 13007

STEPPAN 007277

NAME NATHAN OGLE

12/30/2005

CODE:SYMBOLS

PHASE CODE: EXPLORATORY PLANNING:

5 SCHEMATIC

WORKING

CONSTRUCT

100

HOURS WORKED:
ADMINISTRATIVE

GENERAL:

LEGAL

REVIEWED BY:

Age Group	Percentage of Respondents
18-29	85%
30-49	80%
50-69	75%
70+	70%

10

PHASE CODE SUFFIXES:
H - HEARINGS

BIDDING

[illegible]

100

Age Group	Percentage of Respondents
18-29	85%
30-49	80%
50-69	75%
70+	65%

HOURS NOT WORKED:
VACATION:

HOLIDAY 57

100

EMPLOYEE # 131

Trial	Control (n = 10)	MCI (n = 10)	AD (n = 10)
1	95	85	75
2	95	85	75
3	95	80	70
4	95	75	65
5	95	75	65

100

90

80

70

60

50

40

30

20

10

0

100

STEPPAN 007278

1/13/2006

[illegible]

AA4668

STEPPAN 007280

EXHIBIT 14-PART 7

EXHIBIT 14-PART 7

[illegible]

[illegible]

NAME NATHAN OGLE

2/17/2006

STI:PPAN 007284

STEPPAN 007285

3/3/2006

[illegible]

STEPAN 007286

[illegible]

3/24/2006

[illegible]

[illegible]

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN ILIESCU, JR. individually, JOHN
ILIESCU, JR. and SONNIA SANTEE
ILIESCU, as Trustees of the JOHN
ILIESCU, JR. AND SONNIA ILIESCU
1992 FAMILY TRUST AGREEMENT,

Appellants

vs.

MARK B. STEPPAN,

Respondent.

Electronically Filed
Aug 11 2016 03:38 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

Supreme Court No. 68346
Washoe County Case No. CV07-
00341
(Consolidated w/CV07-01021)

**APPELLANTS' SUPPLEMENTAL APPENDIX
VOLUME XX**

Appeal from the Second Judicial District Court of the State of Nevada
in and for the County of Washoe County
Case No. CV07-00341

G. MARK ALBRIGHT, ESQ.

Nevada Bar No. 001394

D. CHRIS ALBRIGHT, ESQ.

Nevada Bar No. 004904

ALBRIGHT, STODDARD, WARNICK & ALBRIGHT

801 South Rancho Drive, Suite D-4

Las Vegas, Nevada 89106

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dca@albrightstoddard.com

Counsel for Appellants

DOCUMENT INDEX

DOC.	FILE/HRG. DATE	DOCUMENT DESCRIPTION	VOL.	BATES NOS.
72	04/17/08	Additional Exhibits to Applicants/ Defendants' Motion for Partial Summary Judgment not previously attached with original Appellants Appendix including Exhibits 1, 3, pages 25-152 of Exhibit 7, 8, 9, pages 13-56 of Exhibit 12	XII, XIII	AA2572-2912
73	Taken 09/29/08 Filed 12/11/13	Deposition Transcript of Mark Steppan on September 29, 2008 (Pages 1-75)	XIII	AA2913-2987
74	Taken 02/16/10 Filed 12/11/13	Deposition Transcript of Mark Steppan on February 16, 2010 (Pages 1-203), including Exhibits	XIII, XIV	AA2988-3279
75	Taken 03/02/10 Filed 12/11/13	Deposition Transcript of Mark Steppan on March 2, 2010 (Pages 1-420), including Exhibits	XIV, XV, XVI, XVII	AA3280-3958
76	Taken 03/03/10 Filed 12/11/13	Deposition Transcript of Mark Steppan on March 3, 2010 (Pages 421-519), including Exhibits	XVII, XVIII, XIX	AA3959-4402
77	09/27/12	Order Granting Mark Steppan's Motion for Reconsideration and Denying Motion to Dismiss, and Order Granting John Iliescu's Motion for Reconsideration and Denying [Hale Lane's] Motion for Summary Judgment	XIX	AA4403-4408
78	02/14/13	Second Stipulation to Stay Proceedings Against Defendant Hale Lane and Order to Stay and to Dismiss Claims Against Defendants Dennison, Howard and Snyder without Prejudice	XIX	AA4409-4411

DOC.	FILE/HRG. DATE	DOCUMENT DESCRIPTION	VOL.	BATES NOS.
79	10/27/14	Additional Exhibits to Defendants' Motion for NRCP 60(b) Relief From Court's Findings of Fact, Conclusions of Law and Decision and Related Orders not previously attached to Appellant's Appendix, including Exhibits 1, 2, 3, 4, 5, 6, 7, 8, 10, 13, 14, and 19	XIX, XX	AA4412-4761

ALPHABETICAL INDEX

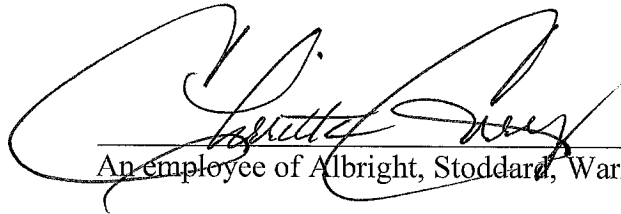
DOC.	FILE/HRG. DATE	DOCUMENT DESCRIPTION	VOL.	BATES NOS.
72	04/17/08	Additional Exhibits to Applicants/ Defendants' Motion for Partial Summary Judgment not previously attached with original Appellants Appendix including Exhibits 1, 3, pages 25-152 of Exhibit 7, 8, 9, pages 13-56 of Exhibit 12	XII, XIII	AA2572-2912
79	10/27/14	Additional Exhibits to Defendants' Motion for NRCP 60(b) Relief From Court's Findings of Fact, Conclusions of Law and Decision and Related Orders not previously attached to Appellant's Appendix, including Exhibits 1, 2, 3, 4, 5, 6, 7, 8, 10, 13, 14, and 19	XIX, XX	AA4412-4761
73	Taken 09/29/08 Filed 12/11/13	Deposition Transcript of Mark Steppan on September 29, 2008 (Pages 1-75)	XIII	AA2913-2987
74	Taken 02/16/10 Filed 12/11/13	Deposition Transcript of Mark Steppan on February 16, 2010 (Pages 1-203), including Exhibits	XIII, XIV	AA2988-3279

DOC.	FILE/HRG. DATE	DOCUMENT DESCRIPTION	VOL.	BATES NOS.
75	Taken 03/02/10 Filed 12/11/13	Deposition Transcript of Mark Steppan on March 2, 2010 (Pages 1-420), including Exhibits	XIV, XV, XVI, XVII	AA3280-3958
76	Taken 03/03/10 Filed 12/11/13	Deposition Transcript of Mark Steppan on March 3, 2010 (Pages 421-519), including Exhibits	XVII, XVIII, XIX	AA3959-4402
77	09/27/12	Order Granting Mark Steppan's Motion for Reconsideration and Denying Motion to Dismiss, and Order Granting John Iliescu's Motion for Reconsideration and Denying [Hale Lane's] Motion for Summary Judgment	XIX	AA4403-4408
78	02/14/13	Second Stipulation to Stay Proceedings Against Defendant Hale Lane and Order to Stay and to Dismiss Claims Against Defendants Dennison, Howard and Snyder without Prejudice	XIX	AA4409-4411

CERTIFICATE OF SERVICE

Pursuant to NRAP 25(c), I hereby certify that I am an employee of ALBRIGHT, STODDARD, WARNICK & ALBRIGHT, and that on this 11th day of August, 2016, the foregoing **APPELLANTS' SUPPLEMENTAL APPENDIX VOLUME XX**, 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:

Michael D. Hoy, Esq.
HOY CHRISSINGER KIMMEL P.C.
50 West Liberty Street, Suite 840
Reno, Nevada 89501
(775) 786-8000
mhoy@nevadalaw.com
Attorney for Respondent Mark Steppan


An employee of Albright, Stoddard, Warnick & Albright

AA4599

[illegible]

1 (mc:Off (unpaid) 3,7004

emp# 20700

AA4602

EXHIBIT 14-PART 4

EXHIBIT 14-PART 4

JOB NO.	DASH	CODE	JOB TITLE	Sat	Sun	Mon	Tue	Wed	Thur	Fri	IN DIR	DIR	WEEKLY JOB REMARKS & DESCRIPTIONS OF TASKS	P.A.
			[REDACTED]			3	1			3	7			
			[REDACTED]			5	4					9		
			[REDACTED]				1					1		
0575	01	5	REGNO			1	1					2		
			[REDACTED]					10	10	5	25			
			[REDACTED]				2				2			
						9	9	10	10	9	34	12		
			TOTAL DAILY HOURS										TOTAL WEEKLY INDIRECT AND DIRECT HOURS	
													TOTAL WEEKLY HOURS	
<div style="display: flex; justify-content: space-between;"> <div> <p>CODE SYMBOLS:</p> <p>DIRECT PROJECT HOURS</p> <p>PHASE CODE</p> <ul style="list-style-type: none"> B Exploratory Planning P Planning S Schematic Design D Design Development W Working Drawings B Bidding C Construction Administration </div> <div> <p>JOB NUMBER:</p> <p>INDIRECT HOURS</p> <p>HOURS WORKED</p> <ul style="list-style-type: none"> Administration 1000 Clerical 2000 General FPA 3000 Promotional 4000 Legal 5000 </div> <div> <p>PHASE CODE SUFFIXES:</p> <ul style="list-style-type: none"> H Hearings X Overlms B Bidding </div> <div> <p>HOURS NOT WORKED:</p> <ul style="list-style-type: none"> Vacation 7001 Sick 7002 Holiday 7003 Time Off (unpaid) 7004 </div> </div>														

AA4606

AA4607

AA4608

AA4609

AA4610

CODE SYMBOLS:	JOB NUMBER:
DIRECT PROJECT HOURS	INDIRECT HOURS
40	

<u>PLANSK CODEL</u>	<u>PLANSK CODES</u>	<u>HOURS WORKED</u>	<u>HOURS NOT WORKED</u>
B Exploratory Planning	H Hearings	Administration 1000	Vacation 7001
P Planning	X Overtime	Clerical 2000	Sick 7002
S Schematic Design	B Bidding	General EPA 3000	Holiday 7003
D Design Development		Promotional 4000	Time Off (unpaid) 7004
W Working Drawings		Legal 5000	

C. Construction Administration

REVIEWED BY:

STEPPAN 007227

0070

[illegible]

Time Off (unpaid) = 7004

STEPPAN 007229

WEEK ENDING:

ENDING: 3.10.04

[illegible]

STEPPAN 007230

emp # 170

AA4614

E. Exploratory Planning
P. Planning
S. Schematic Design
D. Design Development
W. Working Drawings
B. Bidding
C. Construction Administration

H	Hearings
X	Overtime
B	Bidding

Administration	1000
Clerical	2000
General FFA	3000
Promotional	4000
Legal	5000

	7001	7002	7003	7004
Vacation				
Sick				
Holiday				
Time Off (unpaid)				

empl # 00700

3-24-06

empd # Q0700

AA4616

3.31.00

Time Off (unpaid) 7004

STEPPAN 007233

WEEK ENDING:

NAME: WALTER STEPHAN
ENDING: 4-7-06

empl # 00700

AA4618

AA4619

JOE PRESTON

AA4621

STIEPPAN 007236

NAME JOE PRESTON
WEEK ENDING 10/21/05

AA4622

STEPPAN 007237

NAME JOE PRESTON
WEEK ENDING 10/28/05

AA4623

STEPAN 007238

NAME JOE PRESTON
WEEK ENDING 11/04/05

[illegible]

STEPPAN 007239

AA4624

EXHIBIT 14-PART 5

EXHIBIT 14-PART 5

NAME JOE PRESTON
WEEK ENDING 11/11/05

[illegible]

STEPPAN 007240

NAME JOE PRESTON
WEEK ENDING 12/16/05

[illegible]

STEPAN 007241

AA4627

NAME JOE PRESTON
WEEK ENDING 01/06/06

STEPPAN 007242

[illegible]

NAME : JOE PRESTON
WEEK ENDING : 02/24/06

[illegible]

NAME: JOE PRESTON
WEEK ENDING: 03/03/06

STEPPAN 007245

AA4631

NAME JOE PRESTON
WEEK ENDING 03/10/06

[illegible]

STEPPAN 007246

NAME JOE PRESTON
WEEK ENDING ~~XXXXXX~~ 03/17/06

STEPPAN 007247

NAME JOE PRESTON
WEEK ENDING 03/24/06

[illegible]

AA4634

STEPPAN 007248

NAME JOE PRESTON
WEEK ENDING 03/31/08

[illegible]

STEPPAN 007249

AA4635

NAME JOE PRESTON
WEEK ENDING 04/07/06

[illegible]

STLEPPAN 007250