76

Envelope Information

Envelope Id
1770469

Submitted Date
11/16/2017 10:11 AM PST

Submitted User Name
deawna.crews@wilsonelser.com

Case Information

Location
Department 13

Category
Civil

Case Type
Business Court

Case Initiation Date
9/9/2008

Case #
08A571228

Assigned to Judge
Denton, Mark R.

Party Information

Party Type	Party Name	Lead Attorney
Counter Defendant	Zitting Brothers Constructi...	
Plaintiff	Apco Construction	
Defendant	Gemstone Development...	
Intervenor Defendant	Gemstone Development...	
Defendant	Scott Financial Corporation	
Intervenor Plaintiff	Arch Aluminum And Glas...	Jeffrey Albregts
Intervenor	Nevada Prefab Engineers...	Martin Little
Intervenor Defendant	Camco Pacific Constructi...	Steven Morris
Counter Claimant	Camco Pacific Constructi...	Steven Morris
Intervenor	Tri-City Drywall Inc	Jennifer Lloyd-Robinson

1 2 3 4 5 ... 10 items per page

1 - 10 of 149 items

Filings

Filing Code	Client Ref #	Filing Description
Supplement to Response and...	11647.00002 7531	Zitting Brothers Construction, I...
Reply - RPLY (CIV)		Zitting Brothers Construction, I...

Filing Details

Filing Type
EFileAndServe

Filing Code
Supplement to Response and Opposition - SRO (CIV)

Filing Description
Zitting Brothers Construction, Inc.'s Response To APCO Construction's Supplemental Opposition To Zitting Brothers Construction, Inc.'s Motion For Partial Summary Judgment

Client Reference Number
11647.00002 7531

Filing on Behalf of
Zitting Brothers Construction Inc

Filing Status
Accepted

Accepted Date
11/16/2017 12:27 PM PST

Stamped Documents

This is a collection of the court copies for this filing Download

Lead Document

File Name	Security	Download
1225750.pdf *9.35 MB*	Public Filed Document	Original Fil Court Cop

eService Details

Status	Name	Firm

10 1 - 10 of 140 items

Fees

Supplement to Response and Opposition - SRO (CIV)

Description	Amount
Filing Fee	$0.00
	Filing Total: $0.00

Reply - RPLY (CIV)

Description	Amount
Filing Fee	$0.00
	Filing Total: $0.00

Total Filing Fee	$0.00
E-File Fee	$3.50
	Envelope Total: $3.50

Party Responsible for Fees	Zitting Brothers...	**Transaction Amount**	$3.50
Payment Account	WEMED Diners...	**Transaction Id**	2356777
Filing Attorney	I-Che Lai	**Order Id**	001770469-0
Transaction Response	Payment Compl...		

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INVOICE

Invoice Date	Invoice Number
11/29/17	0004208408-260

To: **Jorge Ramirez, Esq.**
Wilson Elser Moskowitz, et al. LLP
300 S. Fourth Street
11th Floor
Las Vegas, NV 89101

Reference #: **1260003908** DKH
Billing Specialist: **Glenn Mason**
Email: **gmason@jamsadr.com**
Telephone: **(949) 224-4654**
Employer ID: **68-0542699**

RE: **APCO Construction vs. Gemstone Development West, Inc.**
FILE NUMBER: **11647.00002**
Representing: **Zitting Brothers Constrution, Inc.**
Hearing Type: **Court Reference**
Neutral(s): **Floyd Hale Esq.**

Rep# 19

Date/ Time	Description	Hours	Rate/Hr.	Total Billed	Your Share
10/30/17	Floyd Hale Esq. 10/30/2017 - Review discovery notice	0.10	495.00	49.50	2.06
11/03/17	Floyd Hale Esq. 11/3/2017 - Review discovery notice	0.10	495.00	49.50	2.07
11/06/17	Floyd Hale Esq. 11/6/2017 - Review discovery notice	0.10	495.00	49.50	2.05

Fees	6.18
Total	$ 6.18
Outstanding Balance as of 11/30/17	$ 43.87

Invoice total is based on the fee split agreed upon by all parties. If the case cancels or continues, fees are due per our cancellation and continuance policy. Please make checks payable to JAMS, Inc. **Payment is due upon receipt.**

Standard mail:
P.O. Box 845402
Los Angeles, CA 90084

Overnight mail:
18881 Von Karman Ave. Suite 350
Irvine, CA 92612

ESQUIRE

2700 Centennial Tower
101 Marietta Street
Atlanta GA 30303
888-486-4044
www.esquiresolutions.com
Tax ID # 45-3463120

Invoice INV1016131

Date	6/21/2017	**Client Number**	C10164
Terms	Net 30	**Esquire Office**	Las Vegas
Due Date	7/21/2017	**Proceeding Type**	Deposition
		Name of Insured	
		Adjuster	
		Firm Matter/File #	11647.00002
		Client Claim/Matter #	
		Date of Loss	

Bill To
Wilson Elser Moskowitz Edelman & Dicker, LLP
300 South 4th Street, 11th Floor
Las Vegas NV 89101

Services Provided For
Wilson Elser Moskowitz Edelman & Dicker - Las Vegas
Lai, I-Che
300 South 4th Street, 11th Floor
Las Vegas NV 89101

Job Date	Job #	Job Location	Case
6/5/2017	J0576165	Las Vegas, NEVADA	APCO CONSTRUCTION VS. GEMSTONE DEVELOPMENT W...

Description	Requested	Qty	Unit Price	Amount
TRANSCRIPT - COPY-WI	Brian Benson	125	3.45	431.25
EXHIBITS W/TABS	Brian Benson	296	0.50	148.00
DIGITAL TRANSCRIPT-PDF-PTX	Brian Benson	1	50.00	50.00
CONDENSED TRANSCRIPT	Brian Benson	1	25.00	25.00
HANDLING FEE	Brian Benson	1	20.00	20.00
WITNESS READ & SIGN LETTER	Brian Benson	1	0.00	0.00
EXHIBITS COLOR	Brian Benson	6	1.95	11.70

Subtotal	685.95
Shipping Cost (FedEx)	22.95
Total	708.90
Amount Due	$708.90

Attorney is responsible for payment of all charges incurred. Payment is due by "Due Date" shown on invoice. Failure to pay by "Due Date" may result in the assessment of a late fee. Transcript package typically includes transcript/word index, exhibits, appearance fee, condensed transcript, litigation support disk, shipping, video charges and may include other service charges based on job or region. Some services and rates may vary by job or region. Please contact your local office for specific detail and questions. Full Terms and Conditions are viewable online at www.esquiresolutions.com/invoice-terms. These stated terms and conditions, to the extent they contradict the rules and regulations in Arizona, do not apply. All aspects of this invoice and other business terms comply with the ethical obligations set forth in the AZ Code of Judicial Administration Section 7-206(J)(1)(g)(3) through (6).

Please detach and return this bottom portion with your payment or pay online at

www.esquireconnect.com

Remit to:
Esquire Deposition Solutions, LLC
P. O. Box 846099
Dallas, TX 75284-6099

Client Name	Wilson Elser Moskowitz Edelman
Client #	C10164
Invoice #	INV1016131
Invoice Date	6/21/2017
Due Date	7/21/2017
Amount Due	**$ 708.90**

ESQUIRE

2700 Centennial Tower
101 Marietta Street
Atlanta GA 30303
888-486-4044
www.esquiresolutions.com
Tax ID # 45-3463120

Invoice INV1042376

Date	8/2/2017	**Client Number**	C10164
Terms	Net 30	**Esquire Office**	Las Vegas
Due Date	9/1/2017	**Proceeding Type**	Construction Defect - PMK
		Name of Insured	
		Adjuster	
		Firm Matter/File #	11647.00002
		Client Claim/Matter #	
		Date of Loss	

Bill To

Wilson Elser Moskowitz Edelman & Dicker, LLP
300 South 4th Street, 11th Floor
Las Vegas NV 89101

Services Provided For

Wilson Elser Moskowitz Edelman & Dicker - Las Vegas
Lai, I-Che
300 South 4th Street, 11th Floor
Las Vegas NV 89101

Job Date	Job ID	Job Location	Case
7/19/2017	J0585160	Las Vegas, NEVADA	APCO CONSTRUCTION VS. GEMSTONE DEVELOPMENT W...

Description	Deponent	Qty	Unit Rate	Amount
TRANSCRIPT - O&1-WI	Mary Jo Allen	146	5.00	730.10
APP FEE: HALF DAY	Mary Jo Allen	1	114.00	114.00
EXHIBITS W/TABS	Mary Jo Allen	251	0.50	125.50
CONDENSED TRANSCRIPT	Mary Jo Allen	1	25.00	25.00
HANDLING FEE	Mary Jo Allen	1	20.00	20.00
WITNESS READ & SIGN LETTER	Mary Jo Allen	1	0.00	0.00
EXHIBITS COLOR	Mary Jo Allen	13	1.95	25.35

Subtotal	1,039.95
Shipping Cost (n/a)	0.00
Total	1,039.95
Amount Due	$1,039.95

Attorney is responsible for payment of all charges incurred. Payment is due by "Due Date" shown on invoice. Failure to pay by "Due Date" may result in the assessment of a late fee. Transcript package typically includes transcript/word index, exhibits, appearance fee, condensed transcript, litigation support disk, shipping, video charges and may include other service charges based on job or region. Some services and rates may vary by job or region. Please contact your local office for specific detail and questions. Full Terms and Conditions are viewable online at www.esquiresolutions.com/invoice-terms. These stated terms and conditions, to the extent they contradict the rules and regulations in Arizona, do not apply. All aspects of this invoice and other business terms comply with the ethical obligations set forth in the AZ Code of Judicial Administration Section 7-206(J)(1)(g)(3) through (6).

Please detach and return this bottom portion with your payment or pay online at

www.esquireconnect.com

Remit to:

Esquire Deposition Solutions, LLC
P. O. Box 846099
Dallas, TX 75284-6099

Client Name	Wilson Elser Moskowitz Edelman
Client #	C10164
Invoice #	INV1042376
Invoice Date	8/2/2017
Due Date	9/1/2017
Amount Due	**$ 1,039.95**

Invoice

Legal Copy Cats & Printing

300 S. Fourth Street, #6
Las Vegas, NV 89101

Bill To
Wilson, Elser, Moskowitz, et al Attn: A/P 300 S. 4th St. 11th FL. Las Vegas, NV 89101

Date	Invoice #
4/8/2010	64165

Client Name	Terms	Case or Matter No.
Nicole	10 Days/EOM	11647.00002

Quantity	Description	Amount
1,192	B/W SCANS TO PDF FILES	71.52T
31	COLOR SCANS TO FILE	18.29T
1	COPY FILES TO CD/DVD	0.00T
	Sales Tax	7.27

Total $97.08

QC'd By
LW

EXHIBIT F

SUBCONTRACT AGREEMENT

PROJECT: **The West Manhattan Condominiums** Contract NO. **168-3** APCO Construction Project No. **168**
PROJECT LOCATION: West Russell Road and Rocky Hill Street, Las Vegas, NV, 89148

OWNER: **Gemstone Development West, Inc., 9121 West Russell Rd, Unit 117, Las Vegas Nevada 89148**

ARCHITECT/ENGINEER: **OZ Architecture,** 303.861.5704 Huron Street , Denver . CO . 80202 . **Redwine Engineering** (303) 575-9510 700 17th Street, Denver, CO 80202 . **Jordan & Skala Engineers,** (702) 362-5111, 2900 S. Rancho Dr, Suite 102, Las Vegas Nevada 89102. **WRG Engineering** (702990-9300 3011 West Horizon Ridge Parkway, Suite 100, Henderson Nevada 89052.

THIS AGREEMENT (hereinafter "the Subcontract") is entered into in consideration of the mutual promises made this 17th day of April , 2007, between:

ASPHALT PRODUCTS CORPORATION also known as APCO Construction, (hereinafter called the "Contractor") 3432 N. Fifth Street, North Las Vegas, Nevada 89032. Office: (702) 734-0198, Fax: (702) 734-0396. Nevada Contractors License No. **14563.**

And

Zitting Brothers Construction, Inc. (hereinafter called the "Subcontractor").
P.O. Box 178
Hurricane, UT 84737
P 435-635-4068 F 435-635-4137

Subcontractor's NV Contractor's License No. **58955** Limit: **Unlimited**

Contractor and Subcontractor agree as follows:

1. Contract Documents

1.1 The Contract Documents for this Subcontract Agreement, shall include all exhibits and other documents attached hereto or made a part thereof by reference, all drawings designed by **OZ Architecture, Redwine Engineering, Jordan & Skala Engineers, WRG Engineering** and approved by **Gemstone Development West, Inc.** and the Primary Contract between the Owner and Contractor (hereinafter "the Prime Contract"), including all exhibits, and other documents attached thereto or made part hereof by reference, the Project Specifications and Contract Documents, the Project Plans, and all addendum and subsequent modifications issued thereto. (All Contract Documents identified herein shall be hereinafter collectively referred to as the "Contract Documents").

1.2 The Contract Documents are available in Contractor's office. Subcontractor acknowledges that it has carefully examined the Contract Documents and fully understands them. Copies of the Plans and Specifications will be provided to Subcontractor, upon request, at Subcontractor's Cost. Subcontractor shall, prior to the commencement of the Work, review and compare all of the Subcontract Documents relating to the performance of the Subcontractor and any and all errors, ambiguities and inconsistencies shall immediately be reported to the Contractor in writing and resolved to Subcontractor's satisfaction.

APCO Construction
Subcontractor

1.3 Subcontractor is bound to the Contractor to the same extent and duration that Contractor is bound to Owner. Subcontractor assumes toward Contractor all obligations, liabilities and responsibilities that Contractor, by the Contract Documents, has assumed toward the Owner in the Prime Contract. Contractor shall further have the benefit of all rights, remedies, redress and limitations in respect to Subcontractor and all things done and used by Subcontractor in performance of its Work, which the Owner and its agents have against Contractor in the Contract Documents or by law. Any and all decisions by the Owner or its agents relative to interpretation of the Contract Documents or any ambiguity or discrepancy therein shall be binding on the Subcontractor to the same extent such are binding on Contractor. Subcontractor shall bind **lower tier** subcontractors and suppliers to full compliance with all Contract Documents, including all performance obligations and responsibilities which subcontractor assumes toward Contractor.

2. Scope of Work

2.1 Subcontractor agrees to furnish all supervision and labor, furnish and install all materials, equipment and supplies required, and do all things necessary to fully complete all of the items of work ("the Subcontract Work"), referred to in **Exhibit "A": Subcontractor Scope of Work** And Exhibit "B": Z.B.C. SZ
Bid proposal # Rev5574 Dated 10-05-07

2.2 Subcontractor warrants to Contractor and Owner that all Work shall be performed in a neat, skillful, good and workmanlike manner and will be fit for its intended use both as to workmanship and materials. Subcontractor agrees that all materials and equipment furnished by Subcontractor shall be new and of the best description and quality of their respective kinds, unless otherwise specified and ordered by Contractor in writing. Subcontractor warrants that the materials and equipment furnished and the Work performed will strictly comply with the Contract Documents and this Subcontract, and shall be satisfactory to Owner and Contractor.

2.3 Equal Opportunity Clause

During the performance of any contract, Subcontractor, unless exempt, agrees as follows:

2.3.1 Subcontractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. Subcontractor will take affirmative action to ensure that color, religion, sex or national origin. Such action shall include, but not limited to the following; employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. Subcontractor agrees to post in conspicuous places, available to employee and applicants for employment, notices to be provided by the government contracting officer setting forth the provisions of this nondiscrimination clause.

2.3.2 Subcontractor will, in all solicitations or advertisements for employees placed by or on behalf of Subcontractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.

3. Contract Price and Payments

3.1 In consideration of the strict and complete and timely performance of all Subcontract Work, Contractor agrees to pay Subcontractor or in the payment quantities and schedules as is more fully described in **Exhibit "A": Subcontractor's Scope of Work.** And exhibit "B": Z.B.C. (Subcontractor) SZ
bid proposal # Rev 5574 Dated 10-05-07

3.2 In Consideration of the promises, covenants and agreements of Subcontractor herein contained, and the full, faithful and prompt performance of the Work in accordance with the Contract Documents, Contractor agrees to pay, and Subcontractor agrees to receive and accept as full compensation for doing all Work and

furnishing all materials and equipment contemplated and embraced in this Subcontract, and for all loss or damage arising out of the nature of said Work, or from all actions of the elements or from any unforeseen difficulties or obstacles which may arise or be encountered in the performance of the Work, and for all risks of every description connected with the Work, and for all expense incurred by or in consequence of the suspension, interruption or discontinuance of the Work, and for well and faithfully completing the Work and the whole thereof in the manner and according to the requirements and instructions of Contractor and Owner or Owner's agents in charge of the Work, if any, payment in the amount of the Subcontract Price.

3.3 Subcontractor, upon request of Contractor, and on such date as Contractor shall designate, shall submit to Contractor, in form and content acceptable to Contractor, a monthly billing, no later than the 25th of each month, showing quantities of Subcontract work that has been satisfactorily completed in the preceding month, as well as backup material for same for submittal to the Owner. Failure to submit by the 25th of each month may result in that monthly payment application being rolled over to the following month. Subcontractor shall also submit an original executed Conditional Release, in the form required by Contractor, verifying payment of all laborers, subcontractors, equipment and material suppliers. Subcontractor shall also furnish required releases from any sub-subcontractors and/or materials suppliers that have notified Contractor of their presence on the Project. Subcontractor further agrees to provide all required employment security department, fringe benefit trust funds, certified payroll, and/or other reports as may be required by the Contractor or the Contract Documents.

3.4 The progress payment to Subcontractor shall be one hundred percent (100%) of the value of Subcontract work completed (less 10% retention) during the preceding month as determined by the Owner, less such other amounts as Contractor shall determine as being properly withheld as allowed under this Article or as provided elsewhere in this Subcontract. The estimates of Owner as to the amount of Work completed by Subcontractor shall be binding upon Contractor and Subcontractor and shall conclusively establish the amount of Work performed by Subcontractor. As a condition precedent to receiving partial payments from Contractor for Work performed, Subcontractor shall execute and deliver to Contractor, with its application for payment, a full and complete release **(Forms attached)** of all claims and causes of action Subcontractor may have against Contractor and Owner through the date of the execution of said release, save and except those claims specifically listed on said release and described in a manner sufficient for Contractor to identify such claim or claims with certainty. Upon the request of Contractor, Subcontractor shall provide an Unconditional Waiver of Release in form required by Contractor for any previous payment made to Subcontractor. Any payments to Subcontractor shall be conditioned upon receipt of the actual payments by Contractor from Owner. Subcontractor herein agrees to assume the same risk that the Owner may become insolvent that Contractor has assumed by entering into the Prime Contract with the Owner.

3.5 Progress payments will be made by Contractor to Subcontractor within 15 days after Contractor actually receives payment for Subcontractor's work from Owner. The progress payment to Subcontractor shall be one hundred percent (100%) of the value of Subcontract work completed (less 10% retention) during the preceding month as determined by the Owner, less such other amounts as Contractor shall determine as being properly withheld as allowed under this Article or as provided elsewhere in this Subcontract. The estimates of Owner as to the amount of Work completed by Subcontractor shall be binding upon Contractor and Subcontractor and shall conclusively establish the amount of Work performed by Subcontractor. As a condition precedent to receiving partial payments from Contractor for Work performed, Subcontractor shall execute and deliver to Contractor, with its application for payment, a full and complete release **(Forms attached)** of all claims and causes of action Subcontractor may have against Contractor and Owner through the date of the execution of said release, save and except those claims specifically listed on said release and described in a manner sufficient for Contractor to identify such claim or claims with certainty. Upon the request of Contractor, Subcontractor shall provide an Unconditional Waiver of Release in form required by Contractor for any previous payment made to Subcontractor. Any payments to Subcontractor shall be conditioned upon receipt of the actual payments by Contractor from Owner. Subcontractor herein agrees to

assume the same risk that the Owner may become insolvent that Contractor has assumed by entering into the Prime Contract with the Owner.

3.6 Contractor shall have the right at all times to contact lower tier subcontractors and suppliers to verify that they are being paid by Subcontractor for labor or materials furnished for use in the Subcontract Work. If it appears that labor, material or other costs incurred in the performance of the Subcontract Work are not being paid when due, Contractor may take whatever steps it deems necessary to insure that the progress payments will be utilized to pay such costs, including, but not limited to, the issuance of joint checks payable to the claimant after written notice to Subcontractor, or additionally, making payment directly to claimant after written notice to Subcontractor. If such payment by Contractor exceeds the balance of payments due or to become due to Subcontractor from Contractor, then Subcontractor shall be liable to Contractor for the difference.

3.7 Contractor is hereby expressly granted the right to off set any sums due the Subcontractor under the provisions of this Subcontract against any obligation that may be due from Subcontractor to Contractor regardless of the source of said obligation. When requested by Contractor, Subcontractor shall furnish to Contractor a verified and itemized statement showing the names and addresses of all entities who have furnished or may furnish labor, materials, and/or equipment for the Subcontract Work together with the amount due or to become due for such work.

SZ

3.8 The 10 percent withheld retention shall be payable to Subcontractor upon, and only upon the occurrence of all the following events, each of which is a condition precedent to Subcontractor's right to receive final payment hereunder and payment of such retention: (a) Completion of the entire ~~project~~ Building described in the Contract Documents; (b) The approval and final acceptance of the ~~project~~ Building Work by Owner; (c) Receipt of final payment by Contractor from Owner; (d) Delivery to Contractor from Subcontractor all as-built drawings for it's scope of work and other close out documents; (e) Delivery to Contractor from Subcontractor a Release and Waiver of Claims from all of Subcontractor's laborers, material and equipment suppliers, and subcontractors providing labor, materials or services to the Project, **(Forms attached)**. If any sub-subcontractor, supplier or other person refuses to furnish a release or waiver required by the Owner or Contractor, the Subcontractor shall, upon the request of Contractor, furnish a bond satisfactory to the owner and Contractor to indemnify them against any such claim or lien. Should the existence of any unsatisfied or undischarged claim, obligation or lien arising in conjunction with Subcontractor's Work become known after final payment is received from Contractor, Subcontractor shall promptly pay on demand all actual amounts Contractor and/or Owner pay in bonding around, satisfying, discharging or defending any such claim, obligation or lien, including all costs and attorney's fees incurred in connection therewith. Final payment shall not relieve Subcontractor from liability, or for warranty or guaranty, or for indemnity obligations for faulty or defective Work. (F) Building is considered complete as soon as drywall is completed. SZ

3.9 Subcontractor agrees that Contractor shall have no obligation to pay Subcontractor for any changed or extra work performed by Subcontractor until or unless Contractor has actually been paid for such work by the Owner. Unless contractor has executed + approved change order directing subcontractor to preform certain changes in writing and certain changes have been completed by subcontractor. SZ

3.10 Progress payments and Final Payment shall not be considered or construed as evidence of acceptance of any part of Subcontractor's work until final acceptance of the Project by Owner.

4. Prosecution of Work

4.1 TIME IS OF THE ESSENCE OF THIS SUBCONTRACT.

(a) Seven (7) copies of all Subcontractor submittals shall be received by Contractor to suit the requirements of the approved CPM target schedule unless otherwise agreed to in writing by Contractor. Subcontractor agrees to provide plan-sized sheets for all submittals of required size

24"x36" including one (1) sepia & five (6) blue line prints. Product specifications shall be provided in standard 8-1/2" by 11" paper, three hole punched and inserted into three ring binders labeled **"The Manhattanwest Condominiums"**. Any required re-submittals shall be submitted within five working days of receipt of request from the Owner.

(b) Final acceptance and approval of this Subcontract Agreement is contingent upon approval of Subcontractor's Submittals by the Owner/Architect/Engineer.

(c) Any delays in the submittal process caused in whole or part by Subcontractor may be grounds for immediate termination of this Subcontract Agreement and subject Subcontractor to damages as provided in Sections 8 and 9 below.

Subcontractor agrees to commence the Subcontract Work within five (5) calendar days after receiving notification from Contractor to proceed, or within such other time as may be specified by Contractor, and to proceed at such points as Contractor may designate, and to continue diligently in its performance in accordance with the Contractor's project schedule and at a pace that will cause no delay in the progress of the Contractor's or other subcontractor's work.

4.2 Upon request, Subcontractor shall promptly provide Contractor with scheduling information, in the format required in the Contract Documents, or any other information relating to the order or nature of the Subcontract Work. Subcontractor agrees that the project schedule may be revised by Contractor as work progresses. Contractor may require Subcontractor to prosecute segments of the Subcontract Work in phases as Contractor may specify. Subcontractor shall comply with instructions given by Contractor, including any instructions to suspend, delay or accelerate the Subcontract Work. Subcontractor shall not be entitled to any extra compensation from Contractor for any such suspension, delay or acceleration unless specifically agreed to in writing by the Contractor and Owner and paid for by Owner. The Owner's payment to Contractor of extra compensation for any such suspension, delay, or acceleration shall be a condition precedent to Subcontractor's right, if any, to receive such extra compensation from Contractor.

4.3 Subcontractor shall keep the work area reasonably clean of debris, daily, resulting from the performance of its work and shall remove from the work area all debris generated by the execution of the Subcontract work. Non-compliance with verbal direction from Prime Contractor's Project Superintendent for cleanup shall result in one (1) written notice for clean-up. Upon failure to properly police the debris from their own activity, 24 hours after written notification this subcontractor will be fined $500.00 plus the cost for clean-up.

4.4 Subcontractor, in undertaking to complete the Subcontract Work within the time specified, avows that it has considered ordinary delays incident to such work; including, but not limited to delays in securing materials, equipment or workmen, and minor changes, omissions or additions, unavoidable casualties, normal weather conditions, strikes or lockouts. If Subcontractor shall be delayed in the performance of the Work by any act or neglect of the Owner or Architect, or by agents or representatives of either, or by changes ordered in the Work, or by fire, unavoidable casualties, national emergency, or by any cause other that the intentional interference of Contractor, Subcontractor shall be entitled, as Subcontractor's exclusive remedy, to an extension of time reasonably necessary to compensate for the time lost due to the delay, but only if Subcontractor shall notify Contractor in writing within twenty four (24) hours after such occurrence, and only if Contractor shall be granted such time extension by Owner. No time extension will be allowed for delays or suspensions of work caused or contributed to by Subcontractor, and no time extension will be granted Subcontractor that will render Contractor liable for liquidated damages or other loss under the Contract Documents. The Subcontractor understands that this is an aggressive schedule and that should the Subcontractor fail to staff the Project with the proper workforce, to stay on schedule, then it is understood that the Subcontractor will have it's workforce work overtime and/or weekends to maintain the pace of the schedule solely at the subcontractors expense.

4.5 In addition to other damages and remedies provided in this Subcontract, Subcontractor agrees to pay any liquidated damages that may be assessed against the Contractor by the Owner, as provided in the Contract Documents, for any project delays caused by Subcontractor. Such damages shall be paid for each working day the Subcontract Work remains incomplete beyond the time specified for subcontract completion plus any extension thereof agreed to in writing by the Contractor, and granted by Owner.

4.6 Contractor shall not be liable to Subcontractor for delays caused by reason of fire or other casualty, or on account of riots, strikes, labor trouble, terrorism, acts of God, cataclysmic event, or by reason of any other event or cause beyond Contractor's control, or contributed to by Subcontractor.

4.7 All Subcontract work done and all Subcontract materials delivered to the project site shall become Contractor's property, and said material shall not be removed by Subcontractor or any other party from the project site without Contractor's written consent. After completion and final acceptance of the Subcontract work and final payment, Subcontractor shall promptly remove all remaining material, equipment and debris of Subcontractor.

5. Changes and Claims

5.1 Contractor may order or direct changes, additions, deletions or other revisions in the Subcontract work without invalidating the Subcontract. No changes, additions, deletions, or other revisions to the Subcontract shall be valid unless made in writing. Subcontractor mark up shall be limited to 10% overhead and profit in addition to the direct cost of the work. No markup shall be allowed on over time for original scope of work acceleration.

5.2 Subcontractor, prior to the commencement of such changed or revised work, shall submit, (within 24 hours of request) to Contractor, written copies of the cost or credit proposal, including work schedule revisions, for changes, additions, deletions or other revisions in a manner consistent with the Contract Documents. Contractor shall not be liable to Subcontractor for a greater sum, or additional time extensions, than Contractor obtains from Owner for such additional work, less reasonable overhead and profit due to Contractor, and also less professional and attorney's fees, costs, and other expenses incurred by Contractor in the collection of any such sum or time extension. Payment to Subcontractor for such work shall be conditioned upon Contractor's actual receipt of payment from the Owner and such payment by Owner to Contractor with whatever documentation or support, as Contractor may deem necessary to negotiate with Owner.

5.3 In any dispute between Contractor and Owner as to amount, classification, price, time or value of Subcontract Work, or any Subcontract material or supplies, or any delay in the prosecution of the Subcontract work caused by Owner, or any other matter whatsoever pertaining to the Subcontract work, Subcontractor agrees to promptly and adequately provide Contractor with whatever documentation or support as Contractor may deem necessary to negotiate with Owner.

5.4 Contractor may dispute, appeal resist, litigate or arbitrate any decision of Owner, without being deemed to have admitted any obligation or liability to Subcontractor, and if the decision shall be against Contractor, then Subcontractor shall be bound thereby. Subcontractor may, at its own expense, participate with Contractor in arbitration or legal proceedings. Subcontractor shall bear part or all costs, including attorneys' fees and legal expenses, incurred by Contractor in any such proceeding involving a claim, which, if allowed, would result in one or more payments to Subcontractor. Subcontractor's costs shall bear to the total amount sought in the proceeding. Prosecution of any such claim or proceeding shall be at the sole risk of Subcontractor, and Contractor shall have no liability for or in relation to the outcome.

6. Assignments

6.1 Subcontractor shall not assign or sublet the Subcontract or any part of the Subcontract Work or any payments due hereunder, without prior written consent of Contractor. Any such assignment made by Subcontractor without Contractor's prior written consent is void, and shall be grounds for termination of this Subcontract by Contractor, terminates the Subcontractor's right to any further payment and authorizes Contractor to withhold all monies due or to become due to Subcontractor.

7. Taxes

7.1 All applicable taxes, contributions, interest and/or penalties due under any federal, state, or municipal statute or regulation arising from Subcontractor's Work are included in the price to be paid to Subcontractor under the Subcontract. Subcontractor shall indemnify, defend, and save Contractor and Owner harmless from all liability, loss, and expense resulting from Subcontractor's failure to satisfy such obligations. Subcontractor shall, on demand, provide proof that all taxes and other charges have been, and are being properly paid.

7.2 If Contractor is assessed or charged for any Subcontractor taxes, contributions, interest or penalties, Contractor shall have the right to withhold such amount from funds due or the become due under the Subcontract, and to pay directly to taxing authorities any sums otherwise due Subcontractor, but not otherwise subject to offset in accordance with Section 3 above, upon receipt of a tax levy from such taxing authority.

8. Default and Termination

8.1 If, in the opinion of Contractor or Owner, Subcontractor fails, at any time, to supply a sufficient number of properly skilled workmen or sufficient materials and equipment of the proper quality; or fails to adequately or timely perform the Subcontract work to the satisfaction of Contractor or Owner; or becomes insolvent or makes any filing under the Acts of Congress relating the bankruptcy; or fails, neglects and/or refuses to comply with the project plans and specification; or fails to perform the Subcontract work in a good and workmanlike manner; or causes any stoppage of the work of the other trades upon the project; or fails to correct defective work; or fails to comply in any other respect with the terms and conditions of this Subcontract, Contractor may declare a default by Subcontractor as herein provided.

8.2 Contractor shall provide prompt written notice of default to Subcontractor, by regular mail or as may otherwise be considered to reasonably provide notice to Subcontractor at Subcontractor's place of business described above. Such notice shall be complete upon deposit at a regular receptacle of the U.S. mail, Fax Transmission or upon actual hand delivery as provided herein.

In the event of default by Subcontractor as provided above, Contractor may, at his option, demand Subcontractor to cure or otherwise correct the default and breach within three calendar days after written notice by Contractor. If, after three days, Subcontractor has failed to cure and correct the default, Contractor may, at his sole option, provide any such labor, materials or equipment as may be necessary to complete the Work covered by this Subcontract Agreement and thereafter deduct the cost thereof from any money then due or thereafter to become due to Subcontractor under this Agreement. Alternatively, Contractor may terminate Subcontractor's right to proceed with the Work and thereafter enter upon the premises and take control of all materials, tools, equipment, and/or appliances of Subcontractor, and may employ any other person, persons, or organizations to finish the Work and provide the labor, materials and equipment to accomplish that purpose. Following completion of the Work by the Contractor or other persons or organizations, all unused materials, tools, equipment and/ or appliances shall be returned to

Subcontractor. Subcontractor shall not be entitled to rent or payment of any kind for the use of Subcontractor owned equipment or materials, nor shall Contractor be liable for any damages arising from said use unless resulting from gross negligence, or willful destruction by Contractor.

In the event Subcontractor has provided a payment or performance bond to Contractor, in accordance with Section 10 of this Agreement, and following expiration of the three days cure period, Contractor will make notice and demand by registered mail upon Subcontractor's surety to complete the Work covered by this Subcontract Agreement. In the event Subcontractor's surety fails to notify Contractor within 10 days after receipt of notice and demand by Contractor of surety's election to complete the work on behalf of Subcontractor, such failure shall be deemed a waiver by surety to exercise its rights to complete the Work. Thereafter, Contractor may at his sole option, complete the Work as otherwise provided by this Section.

8.3 In case of any such termination of Subcontractor's right to proceed with the Work, Subcontractor shall not be entitled to receive any further payment under this Subcontract Agreement until the Work undertaken by Contractor in his prime contract is completely finished. At that time, if the unpaid balance of the amount to be paid under this Agreement exceeds the expenses incurred by Contractor in finishing Subcontractor's Work, such excess shall be paid by Contractor to Subcontractor; but, if such expense shall exceed the unpaid balance, then Subcontractor shall promptly pay to Contractor the amount by which such expense exceeds the unpaid balance.

"Expense" as referred to in this Section shall include all direct and indirect costs incurred by Contractor for furnishing labor, materials, and equipment; to complete the Work covered by this Subcontract Agreement. "Expense" shall further include, but shall not be limited to, replacement of Subcontractor costs, liquidated damages incurred by Contractor, extended field office overhead, and home office overhead, Contractor's attorneys fees and costs, and any and all other damages sustained by Contractor by reason of Subcontractor's default.

8.4 In the event Contractor elects to use its own labor forces to complete Subcontractor's Work, Subcontractor and Subcontractor's surety agree to pay Contractor for such Work at the following rates: (a) Labor – At Contractor's then prevailing labor rates, plus labor burden, including, but not limited to, employment taxes, liability insurance, workmen compensation insurance, and all other benefits; (b) Contractor Owned Equipment-At the then prevailing Equipment Rental Rates as established by the Blue Book for Contraction Equipment as published by Data Quest; all rental costs shall be determined by dividing the monthly rental rate by twenty-two days per month to determine a daily rental rate. Hourly rental rates shall be determined by dividing the daily rate by eight; (c) Materials, Rental Equipment-Direct Invoice Costs, including transportation, if any; (d) Replacement Subcontractor-Direct Invoice Costs paid Replacement Subcontractor; (e) Field and home office overhead; (f) Ten percent profit on all expenses indicated in a-e above.

In lieu of computing overhead, as provided for above, Contractor may, at his sole option, elect to assess a charge, on items a, b, and c above, of 15% for General Overhead expenses. In addition, Contractor may assess a charge on items a, b, and c above 10% for Profit. Contractor shall be entitled to an additional markup on any and all of such expenses. Contractor shall also be entitled to an additional markup of 5% for General Overhead and 10% for Profit on all expenses and cost incurred pursuant to item d and e above.

8.5 If the cost to complete the Subcontract work is more than the unpaid balance of the Subcontract, then Subcontractor shall be liable to Contractor for the deficiency, and Contractor may hold, sell or otherwise realize upon any Subcontractor materials or equipment, or take other steps to collect the deficiency, including making a claim against Subcontractor's surety.

8.6 Whether Contractor exercises one or more of the above options or rights, nothing contained herein shall release Subcontractor within the specified time. Subcontractor agrees in the event of default that it will immediately assign and turn over to Contractor all sub-contracts, material contracts, or orders, bills of lading for material en route, and any other necessary data or information that would minimize the cost of completion of the Subcontract work.

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9. Termination for ~~Convenience~~ Nonperformance

9.1 Right to Terminate for ~~Convenience.~~ Nonperformance The Contractor shall have the right to terminate for ~~convenience~~ Nonperformance, at any time, and with ~~or without~~ cause, Subcontractor's performance of all or part of the Subcontract or Subcontract Work, as defined in paragraph 2.1.

9.2 Notice to Subcontractor. The Contractor SZ shall provide Subcontractor with written notice of the termination two calendar days in advance of the effective date of the termination. The two-day period shall begin to run upon receipt of the termination for ~~convenience~~ Nonperformance notice by the Subcontractor.

9.3 Subcontractor's Obligations. Upon receipt of the written notice of termination, the Subcontractor shall:

A. Stop all work or its performance of all the Subcontractor or Subcontract Work that has been terminated, or stop work on the part of the Subcontract Work that has been terminated if its performance of only part of the Subcontract Work has been terminated.

B. Enter into no further sub-subcontracts or place any orders for supplies, materials, or facilities, except as necessary to complete any portion of the Subcontract Work not terminated for convenience.

C. Terminate all sub-subcontracts or orders to the extent related to the terminated Subcontract Work.

D. As directed by the Contractor, transfer title and deliver to the Contractor any fabricated or unfabricated parts, work in progress, completed work, supplies, and other materials produced or acquired for the Subcontractor or Subcontract Work terminated and the completed or partially completed plans, drawings, information, and other property that, if the Subcontract had been completed, the Subcontractor would be required to furnish to the Contractor.

E. Complete non-terminated portions of the Subcontractor Work if the Subcontractor's performance of only a part of the Subcontract Work has been terminated.

F. Use its best efforts to sell, as directed by the Contractor, any materials of the types referred to in paragraph (D) above; provided, however, that the Subcontractor is not required to extend credit to any purchaser of this material and may acquire the material under the conditions prescribed by, and at prices approved by, the Contractor. The proceeds from the sale of such material shall be applied to reduce any payment due from the Contractor under this Subcontract, and credited to the price or cost of the Subcontract Work, or paid in any other manner directed by the Contractor.

G. Submit with 60 days of the effective date of termination, to the Contractor, a written termination claim, along with all documentation required to support the claim.

H. Take any other action toward termination as directed by the General Contractor.

9.4 Effect of Owner's Termination of Contractor. If there has been a termination of the Contractor's contract with the Owner, the Subcontractor shall be paid the amount due from the Owner to the Contractor for the Subcontractor's completed work, as provided in the Contract Documents, after payment by the Owner to the Contractor.

9.5 Compensation. If the Contractor's contract has not been terminated, the Contractor shall pay the Subcontractor as follows:

A. The direct cost of the work performed by Subcontractor prior to termination.

B. Overhead, general, and administrative expenses (including those for any sub-subcontracts) in an amount equal to 5% percent of direct costs.

C. 5% percent profit of the total of the amounts allowed in paragraphs (A) and (B) above. If, however, it appears that the Subcontractor would have sustained a loss on the entire Subcontract had it been completed, no profit shall be compensated by the Contractor, and the amounts paid for the termination shall not be compensated for.

9.6 Items Not Compensated. The Subcontractor shall not be compensated for.

A. Any accounting, legal, clerical, or other expenses incurred by the Subcontractor in the preparation of the Subcontractor's termination claim.

B. Unabsorbed overhead and anticipated lost profits.

9.7 Permitted Deductions. The Contractor shall be entitled to deduct from any payment due the Subcontractor (A) any advance payment it has made to the Subcontractor for work not yet performed under the terms of the Subcontract and (B) the amount of any claim that the Contractor has against the Subcontractor.

9.8 Consideration. If no work has been performed by the Subcontractor at the time of termination, Subcontractor shall be paid the sum of $100.00 for its undertaking an obligation to perform.

9.9 Settlement and Release of Any and All Claims. The settlement of termination costs pursuant to Paragraph 9.5 of this Clause shall constitute a settlement and release of any and all claims, known and unknown by the Subcontractor, arising prior to termination.

10. Bonds

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10.1 Should the Contractor require it, the Subcontractor shall execute a Labor and Material Bond and Faithful Performance Bond in an amount equal to 100% of the Subcontract Price in Section 3. Said bonds shall be executed by a corporate surety acceptable to Contractor, shall name Asphalt Products Corporation as an Obligee, and shall further name and protect all persons and entities to the same extent as may be required of Contractor pursuant to the Prime Contract. The cost of the bonds shall be added to the Subcontract amount. The terms of this Subcontract Agreement are incorporated by reference into the bonds required by this section, and the terms, conditions, and remedies of Contractor, shall prevail over any similar terms contained in said bond. By issuing a bond to Subcontractor pursuant to this Agreement, the Subcontractor's surety specifically agrees to be bound to Contractor to the same extent and in the same amount as Subcontractor.

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11. **Indemnity and Insurance** -

11.1 INSURANCE REQUIREMENTS – Unless the Contract Documents require otherwise, Subcontractor agrees to procure and maintain, at his sole cost and expense, the following insurance coverage,

1. **Worker's Compensation:** Coverage A. Statutory policy form; Coverage B. Employer's liability; Bodily injury by accident - $1,000,000 each accident; Bodily injury by disease- $1,000,000 each employee. Coverage shall be maintained in accordance with NRS 616 and 617.

2. **Commercial Auto Coverage:** Auto liability limits of not less than $1,000,000 each accident combined bodily injury and property damage liability insurance including, but not limited to, owned autos, hired or non-owned autos.

3. **Comprehensive General Liability or Commercial General Liability, "Occurrence Form" only. "Claims Made" is not acceptable.** The limits of liability shall not be less than:

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   a) Comprehensive General Liability: $1,000,000 combined single limit bodily/property damage per occurrence or,

   b) Commercial General Liability: The limits of liability shall not be less than: Each Occurrence limit - $1,000,000; Personal injury limit - $1,000,000; Products Completed Operations Aggregate Limit - $5,000,000; General Aggregate Limit (other than products-completed operations).

4. Excess Liability: Umbrella Form or Follow Form Excess where necessary to meet required minimum amounts of coverage.

5. **The Project is covered by an OCIP.** Subcontractor shall enroll into this OCIP. Subcontractor shall be responsible for a deductible/SIR equal to that of the subcontractors' non-OCIP GL policy; not to be less than $20,000 for light hazard trade contractors, $25,000 for medium hazard trade contractors and $75,000 for high hazard trade contractors.

6. Any deductible or self-insured retention must be declared on the Certificate and is subject to prior approval.

7. Liability Policy forms must include: a) Premises and operation with no X, C or U exclusions; b) Products and completed operations coverage (Subcontractor agrees to maintain this coverage for a minimum of 1 year following completion of his work); c) Full blanket contractual coverage; d) Broad form property damage including completed operations or its equivalent; e) An endorsement naming Asphalt Products Corporation, Gemstone LVS, LLC. and any other required interest as additional insured(s); f) An endorsement stating: "Such coverage as is afforded by this policy for the benefit of the additional insured(s) shall be noncontributing with the coverage provided under this policy."

8. **Other Requirements:** (a) All policies must contain an endorsement affording an unqualified thirty (30) days notice of cancellation to the additional insured(s) in the event of cancellation or reduction in coverage; (b) All policies must be written by insurance companies whose rating in the most

9. recent Best's rating guide, is not less than A:VII Rating must be shown on Certificate under "Companies Affording Coverage"; (c) Certificates of insurance with the required endorsement evidencing the coverage must be delivered to APCO Construction prior to commencement of any work under this Contract; **(see attached samples)** (d) If the Subcontractor fails to secure and maintain the required insurance, Asphalt Products Corporation shall have the right (without obligation to do so, however) to secure same in the name and for the account of the Subcontractor in which event the Subcontractor shall pay the costs thereof and furnish upon demand all information that may be required in connection therewith. (e) Liability insurance policies containing warranties must be reviewed for prior approval and acceptance by Contractor. (f) The Subcontractor's insurance shall be primary with respects to Asphalt Products Corporation, its officers, employees and volunteers.

11.2 INDEMNIFICATION

a) **General Indemnity:** All work covered by this agreement that is performed at the project site, or performed in preparing or delivering materials or equipment to the project site, or in providing services for the Project, shall be at the sole risk of the Subcontractor. Subcontractor, to the fullest extent permitted by law, with respect to all such work which is covered by or incidental to this agreement, shall defend all claims through legal counsel acceptable to Contractor, and indemnify and hold Contractor, it's insurance carriers and bonding companies, Owner and any other interested party designated by Contractor, or their agents, employees or representatives (collectively referred to as "Indemnities") harmless from and against any claim, liability, loss, damage, cost, expense, including attorney's fees, awards, fines or judgments arising by reason of the death or bodily injury to persons, injury or damage to tangible property, including the loss of use therefrom, whether or not it is caused in part by an Indemnitee; provided, however, that the Subcontractor shall not be obligated under this agreement to indemnify the Indemnities with respect to damages which are ultimately determined to be due the sole negligence or willful misconduct of the Indemnities.

b) **Indemnity Not Limited:** In any and all claims against the Indemnities by any employee of the Subcontractor, or lower tier subcontractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, the indemnification obligation under this Paragraph shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable under any Workers' or Workmen Compensation Acts, disability benefit acts or other employee benefit acts. Said indemnity is intended to apply during the period of this Agreement and shall survive the expiration or termination of the Agreement until such time as action on account of any matter covered by such indemnity is barred by the applicable Statute of Limitations.

12. Warranty and Guarantee

12.1 Subcontractor agrees to promptly repair, rebuild, replace or make good, without cost to Contractor or Owner, any defects due to faulty workmanship and/or materials which may appear within the guarantee or warranty period established in the Contract Documents. If no such period is stipulated in the contract Documents, then Subcontractor's guarantee shall be for a period of two year from the date Certificate of Occupancy is obtained for the project. Subcontractor shall require similar guarantees from all vendors and lower tier subcontractors.

13. Patents

13.1 Subcontractor agrees to pay all applicable patent royalties and license fees and to defend all suits or claims made for infringement of any patent rights involved in the Subcontract work.

14. Compliance with Regulations, Applicable Law and Safety

14.1 All Work, labor, services and materials to be furnished by Subcontractor shall strictly comply with all applicable federal, state, and local laws, rules, regulations, statutes, ordinances, building codes, and directives now in force or hereafter in effect as may be required by the Prime Contract. Subcontractor shall satisfy and comply with the foregoing as a part of the Subcontract without any additional compensation.

14.2 Subcontractor agrees that the prevention of accidents to workmen engaged in the work under the Subcontract is solely its responsibility. If requested, Subcontractor shall submit a safety plan for review by Contractor. Contractor's review of any safety plan shall not be deemed to release Subcontractor, or in any way diminish its indemnity or other liability as assumed under the Subcontract, nor shall it constitute an assumption of liability by Contractor.

14.3 When so ordered, Subcontractor shall stop any part of the Work that the Contractor or Owner deems unsafe until corrective safety measures, satisfactory to Contractor and or Owner, have been taken. Should Subcontractor neglect to adopt such corrective measures, Contractor may do so and deduct the cost from payments due or to become due to Subcontractor. Upon request, Subcontractor shall timely submit copies of all accident or injury reports to Contractor.

14.4 Subcontractor agrees to cooperate with the Contractor in efforts to prevent injuries to workmen employed by either party in carrying out operations covered by this agreement, and to adopt and place in effect OSHA requirements and such practical suggestions as may be offered by the Contractor and/or the Owner to promote safety and safe working conditions. Should the Subcontractor fail to fulfill its obligations in relation to safety matters on the job site, at the option of the Contractor, this Agreement, upon ten (10) days written notice to Subcontractor, may be cancelled, and the Subcontractor required to immediately remove his equipment and employees from the project.

15. Damage to Work

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15.1 All loss or damage to Subcontractors' work resulting from any cause whatsoever other than that of fire shall be borne and sustained by Subcontractor and shall be solely at its risk until final acceptance by Contractor, Owner, or Owner's Representative. Subcontractor shall at all times and at its sole expense fully secure and protect against any damage, injury, destruction, theft or loss, all work and all labor, materials, supplies, tools and equipment furnished by Subcontractor or its sub-subcontractors, laborers and material men. Subcontractor shall at its sole expense promptly repair or replace damage to the work of others, or to any part of the project, resulting from Subcontractor's activities.

16. Inspection and Approvals

16.1 Contractor and Owner at all times shall have the right to inspect Subcontractor's materials, workmanship and equipment. Subcontractor shall provide facilities necessary to effect such inspection, whether at the place of manufacture, the project site, or any intermediate point. This point of inspection may be exercised at any time during performance of the Subcontract Work.

16.2 Any Subcontract work or material furnished that fails to meet the requirements or specifications of the Contract Documents, or the Subcontract, shall be promptly removed and replaced by Subcontractor at its own cost and expense. If, in the opinion of Contractor or Owner, it would not be economical or expedient to

correct or remedy all or any part of the rejected Subcontract work or materials, then Contractor, at its option may deduct from payments due or to become due to Subcontractor either: (a) such amount as in Contractor's sole judgment represents the difference between the fair value of the Subcontract work and materials rejected and the value if same had been performed in full compliance with the Contract documents; or (b) such reductions in price that are provided for or determined for this purpose under the Contract Documents.

16.3 The Subcontractor shall keep, maintain and require its subcontractors and suppliers to keep and maintain all books, papers, records, files, accounts, reports, bid documents with backup data, and all other materials relating to the Contract Documents and Project.

16.4 All of the material set forth in paragraph 16.3 shall be made available to the Owner and to Contractor for auditing, inspection and copying and shall be produced, upon request, at either the Owner's offices or such other place as Contractor may specify. Said request for information shall be limited to instances when specifically required to comply with at request for information by the Owner, and should not be construed as a general right by Contractor to request proprietary or privileged information of Subcontractor.

17. Arbitration

17.1 Contractor shall have the option to, and Subcontractor shall be required to resolve all claims, disputes and matters in question arising out of, or relating to the Subcontract, or breach thereof, except for claims which have been waived by the making or acceptance of final payment, by submission to arbitration in the time period and in accordance with the Contract Documents.

17.2 In accordance with Paragraph 17.1, Subcontractor hereby waive its right to otherwise litigate any and all such disputes, claims and matters in question in any court or governmental tribunal in any jurisdiction. If Subcontractor submits any matter to arbitration hereunder, at its sole option, Contractor may refuse to arbitrate any such disputes, claims, and matters in question. In that event, and in only that event, Subcontractor may litigate the matters subject to its demand for arbitration.

17.3 All arbitration and other legal proceedings instituted pursuant to this Section shall be conducted in Las Vegas, Nevada, or at such other venue as Contractor and Subcontractor shall agree to in writing.

17.4 The award rendered by the arbitrator(s) shall be final and judgment may be entered upon it in accordance with applicable law in any court having jurisdiction.

17.5 Unless otherwise agreed in writing, the Subcontractor shall carry on the Subcontract work and maintain the schedule of work pending arbitration or litigation, and the Contractor shall continue to make payments in accordance with the Subcontract.

17.6 To the extent not prohibited by their contracts with others, the claims and disputes of Owner, Contractor, Subcontractor and other Subcontractors involving a common question of fact or law shall be heard by the same arbitrator(s) in a single proceeding.

17.7 This Agreement to arbitrate shall not apply to any claim of contrition or indemnity asserted by one party to the Subcontract against the other party and arising out of any action brought in a state or federal court, or in arbitration by a person who is under no obligation to arbitrate the subject matter of such action with either of the parties hereto; or does not consent to such arbitration.

17.8 In any dispute arising over the application of paragraph 17.7, all questions regarding the arbitration requirements of this section shall be decided by the appropriate court and not by arbitration.

18. Miscellaneous

18.1 Contractor's waiver of any of the provisions of the Subcontract, or Contractor's failure to exercise any options or legal remedies provided therein, shall not be construed as a general waiver of its right thereafter to require such compliance or to exercise such option or remedy.

18.2 The Subcontract, including all Contract Documents as provided in Section One, comprises the entire Agreement between the parties relating to the Subcontract Work and no other agreements, representations, terms, provisions or understandings concerning the Subcontract Work have been made. All modifications or amendments to the Subcontract must be in writing.

18.3 To the best knowledge and belief of the parties, the Subcontract contains no provision that is contrary to Federal or State law, ruling or regulation. However, if any provision of this Subcontract shall conflict with any such law, ruling or regulation, then such provision shall continue in effect to the extent permissible. The illegality of any provisions, or parts thereof, shall not affect the enforceability of any other provisions of this Subcontract.

18.4 The Subcontract shall be construed and interpreted according to the laws of the State of Nevada.

18.5 In the event either party employs an attorney to institute a lawsuit or to demand arbitration for any cause arising out of the Subcontract Work or the Subcontract, or any of the Contract Documents, the prevailing party shall be entitled to all costs, attorney's fees and any other reasonable expenses incurred therein.

18.6 All sections and headings are descriptive only and are not controlling.

18.7 Contractor's rights and remedies under the Subcontract are not exclusive and Contractor shall have all other remedies available at law or in equity to enforce the Subcontract.

IN WITNESS WHEREOF: The parties hereto have executed this Agreement for themselves, their heirs, executors, successors, administrators, and assignees on the day and year first above written.

Zitting Brothers Construction, Inc.	APCO CONSTRUCTION
Pres	Project Manager
TITLE	TITLE

EXHIBIT 'A'
Subcontractor Scope of Work
APCO Contract No. 0168

This Agreement includes the supply of all labor, materials, tools, equipment, supervision, management, permits and taxes necessary to complete the BELOW SCOPE OF WORK for the referenced Project in accordance with the Contract Documents including Addenda/Delta Number(s) ___ through ___ Subcontractor acknowledges that he has performed his own take-off, site visit and therefore, any items necessary to complete the work depicted in accordance with the Contract Documents, shall be included in this Agreement. The Subcontractor also acknowledges that all of the costs related to the successful completion of the work including any unforeseen or unseen items, or as described herein, are included in the amount reflected in the schedule below.

The Scope of Work shall specifically include but not be limited to the following list of bid items:

Wood Framing, Sheathing, and Shimming Complete: Complete work per governing codes, furnish and install all necessary Design, Labor, Material, Equipment, Cartage, Freight, Supervision, Taxes and Necessary Insurance to install and complete ~~all Glass~~ Labor and ~~Glazing~~ Materials, including ~~Spandrel Glass~~ Submittals per plans by OZ Architecture, Redwine Engineering, Jordan & Skala Engineers, WRG Engineering (see attached Project Drawing List) for the amount of **Fourteen Million Four Hundred and Sixty One Thousand and no/100, ($14,461,000.00) for the project. The breakdown for these costs are as follows:** SZ SZ

Building Type 1 Podium:	**$ 1,805,000.00**	X 6 Buildings = 10,830,000
Building Type 4 Podium:	**$ 1,400,000.00**	X 1 Building = 1,400,000
Building Type 5 Podium:	**$ 1,115,500.00**	X 2 Buildings = 2,231,000
		Total = 14,461,000

Our understanding of the clarifications / qualifications associated with your bid is as follows: Your proposal is hereby amended to reflect the terms and conditions of this subcontract. APCO Construction may at its option exercise its right to choose any or all alternate/option items of work as shown on your proposal at the stated alternate price during the course of construction

Zitting Brothers Construction, Inc.

Sam

pres.

TITLE

APCO CONSTRUCTION

Project Manager

TITLE

APCO Construction
Subcontractor SZ

SPECIAL CONDITIONS

In addition to the conditions outlined in the Subcontract Agreement, the following Special Conditions shall form a part of the Subcontract Agreement.

(a) The Subcontractor shall be responsible for clean up of employees break & lunch trash on the job site. Subcontractor employees are not to wander around the Owner/General Contractor jobsite office area while on duty. No parking of private vehicles will be allowed in the Owners Operations Area. NO EXCEPTIONS.

(b) The Contractor will provide an adequate temporary construction area for staging.
Enclosed with security fence. SZ

(c) The Contractor will provide reasonable access to all working areas.

(d) The Subcontractor shall be responsible for the cleaning of his work area and removing its debris and all work shall be left in a clean condition following his activities. The APCO shall be the sole judge to determine the cleanliness.

(e) The Contractor will provide one (1) set of full size conformed construction documents for the Subcontractor's use. Additional sets may be purchased by the Subcontractor from a source designated by the Contractor. Plan change drawings will be supplied in the same quantities.

(f) Subcontractor must submit a "Daily Work Report" **(see attached Appendix 'C')** prior to 10:00 a.m. the following day for all work performed on the job site the previous day. Subcontractor monthly pay requests will not be accepted for processing unless all "Daily Work Reports" for the pay period have been submitted to the Contractor.

(g) Subcontractor is required to submit a Payroll Certificate representing all work performed on the job site on a monthly basis. The Payroll Certificate must be submitted no later than the 1st of the month for all work performed during the previous month. Subcontractor shall use a format similar to AIA G702 & G703.

(h) The Subcontractor is required to attend weekly site progress meetings and to participate in the preparation of Monthly updates of the Project schedule.

(i) The Contractor cannot guarantee continuity of progress of work; Subcontractor shall employ as many mobilizations as required to complete the work as required by the project schedule.

(j) The Subcontractor shall provide drinking water for its own employee's.

(k) Subcontractor shall at all times protect stored equipment, materials from: damage from weather, sun. Materials shall be stored off the ground and not in contact the ground.

(l) APCO Construction cannot guarantee price stability and therefore cannot grant any additional monies to subcontractor due to escalation of price between bid/quote time and when materials/labor/shipping is actually purchased and/or incorporated into the project. SZ See exhibit "B" for exception on material pricing.

APCO Construction _____
Subcontractor SZ

Form **W-9**
(Rev October 2004)
Department of the Treasury
Internal Revenue Service

Request for Taxpayer Identification Number and Certification

Give form to the requester. Do not send to the IRS.

Print or type
See Specific Instructions on page 2.

Name (as reported on your income tax return)

Business name, if different from above

Check appropriate box: ☐ Individual/ Sole proprietor ☐ Corporation ☐ Partnership ☐ Other ▶ ☐ Exempt from backup withholding

Address (number, street, and apt or suite no.)

Requester's name and address (optional)

City, state, and ZIP code

List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on Line 1 to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. *If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.*

Social security number

or

Employer identification number

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. person (including a U.S. resident alien).

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. (See the instructions on page 4.)

Sign Here Signature of U.S. person ▶ Date ▶

Purpose of Form

A person who is required to file an information return with the IRS, must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

U.S. person. Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),

2. Certify that you are not subject to backup withholding, or

3. Claim exemption from backup withholding if you are a U.S. exempt payee.

Note. *If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.*

For federal tax purposes you are considered a person if you are:

- an individual who is a citizen or resident of the United States,
- a partnership, corporation, company, or association created or organized in the United States or under the laws of the United States, or
- any estate (other than a foreign estate) or trust. See Regulation section 301.7701-6(a) for additional information.

Foreign person. If you are a foreign person, use the appropriate Form W-8 (see Publication 515, Withholding of Tax on Nonresident Aliens and Foreign Entities).

Nonresident alien who becomes a resident alien. Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the recipient has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement that specifies the following five items:

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.

2. The treaty article addressing the income.

3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.

APPENDIX "C"

JOB NO		SUBCONTRACTOR DAILY REPORT	NO.
Project:			Date:
Activity Location:			
Company:			Craft:

CLASSIFICATION	NAME	HOURS	DESCRIPTION OR CODE

EQUIPMENT	HOURS	DESCRIPTION

WORK PERFORMED

FOREMAN:	PRINTED NAME:
SIGNATURE:	DATE:

52

ACORD™ CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YY) 01/03/2003

PRODUCER

All Liability Insurance to be provided by OCIP

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE

INSURED

INSURER A:
INSURER B:
INSURER C:
INSURER D:
INSURER E:

VOID

SAMPLE

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
A	GENERAL LIABILITY X COMMERCIAL GENERAL LIABILITY CLAIMS MADE [X] OCCUR X XCU Included X Blkt Contractual GENL AGGREGATE LIMIT APPLIES PER: POLICY [X] PRO-JECT LOC				EACH OCCURRENCE	$ 1,000,000
					FIRE DAMAGE (Any one fire)	$ 300,000
					MED EXP (Any one person)	$ 10,000
					PERSONAL & ADV INJURY	$ 1,000,000
					GENERAL AGGREGATE	$ 2,000,000
					PRODUCTS - COMP/OP AGG	$ 2,000,000
A	AUTOMOBILE LIABILITY X ANY AUTO X ALL OWNED AUTOS SCHEDULED AUTOS X HIRED AUTOS X NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ea accident)	$ 1,000,000
					BODILY INJURY (Per person)	$
					BODILY INJURY (Per accident)	$
					PROPERTY DAMAGE (Per accident)	$
	GARAGE LIABILITY ANY AUTO				AUTO ONLY - EA ACCIDENT	$
					OTHER THAN AUTO ONLY: EA ACC	$
					AGG	$
	EXCESS LIABILITY OCCUR CLAIMS MADE DEDUCTIBLE RETENTION $				EACH OCCURRENCE	$
					AGGREGATE	$
						$
						$
						$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				X WC STATUTORY LIMITS / OTHER	
					E.L. EACH ACCIDENT	$ 1,000,000
					E.L. DISEASE - EA EMPLOYEE	$ 1,000,000
					E.L. DISEASE - POLICY LIMIT	$ 1,000,000
	OTHER					

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS

APCO Construction, its directors, officers, employees, and the Owner are included as Additional Insured under the General Liability policy per the terms and conditions of the contract.

CERTIFICATE HOLDER

ADDITIONAL INSURED; INSURER LETTER:

APCO Construction
3432 N. 5th Street
N. Las Vegas, NV 89032

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

POLICY NUMBER: COMMERCIAL GENERAL LIABILITY

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED - OWNERS, LESSEES OR CONTRACTORS (FORM B)

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART
SCHEDULE

Name of Person or Organization:

(If no entry appears above, information required to complete this endorsement will be shown in the Declarations as applicable to this endorsement.

WHO IS AN INSURED (Section II) is amended to include as an insured the person or organization shown in the Schedule, but only with respect to liability arising out of "your work" for that insured by or for you.

Coverage is primary and non-contributing with respect to insurance carried by *additional insureds.

AS RESPECTS:

SAMPLE

Authorized Signature

APPLICATION AND CERTIFICATE FOR PAYMENT

TO GENERAL CONTRACTOR:

PROJECT :

APPLICATION NO:
PERIOD:
PROJECT NOS.:

Distribution to:
☐ OWNER
☐ ARCHITECT
☐ CONTRACTOR
☐

FROM SUBCONTRACTOR:

VIA ARCHITECT:

CONTRACT DATE:

CONTRACT FOR :

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract.
Continuation sheet is attached.

1. **ORIGINAL CONTRACT SUM** _____ _____
2. **Net change by Change Orders** .....$ _____
3. **CONTRACT SUM TO DATE** (Line 1 +\- 2).....$ _____
4. **TOTAL COMPLETED & STORED TO DATE** .....$ _____
   (Column G on schedule of values)
5. RETAINAGE
   a. 10% of completed work $ _____
      (Columns D + E on G703)
   b. 10% of Stored Material $ _____
      (Columns F on G703)
      Total Retainage (line 5a 5b or
      total in column I on G703).....$ _____ -
6. **TOTAL EARNED LESS RETAINAGE** .....$ _____ -
   (Line 4 less Line 5 Total)
7. **LESS PREVIOUS CERTIFICATES FOR PAYMENT**
   (Line 6 form prior Certificate).....$ _____
8. **CURRENT PAYMENT DUE**.....$ [-]
9. **BALANCE TO FINISH, INCLUDING RETAINAGE**
   (Line 3 less Line 6) $ _____ -

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
TOTAL CHARGES APPROVED IN PREVIOUS MONTHS BY OWNER	0	-
Total approved this Month	0	0
TOTALS	0	-
NET CHANGES by change order		-

The undersigned contractor certifies that to the best of the Contractor's knowledge , information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payments were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR

By:_____ Date:_____

State of: Nevada
County of: Clark
Subscribed and sworn to before me this
_____ day of _____ 2007

Notary Public: _____

My Commision Expires:

ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observation and data comprising this application, the Architect certifies to the Owner that to the best of the quantity of the work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED.....$_____

(Attach explanation if amount certified differs from the amount applied for, Initial all figures on this application and on the Continuation sheet that are changed to conform to the amount certified)

ARCHITECT:

By_____ Date:_____

This Certificate is not negotiable. The amount certified is payable to the contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

CONTINUATION SHEET

APPLICATION AND CERTIFICATE FOR PAYMENT,
containing Contractor's signed certification, is attached.

Project:
Billing Number:
Period:

A	B	C	D	E	F	G	H	I		J	K
					WORK COMPLETED		MATERIALS	TOTAL			
							PRESENTLY	COMPLETED		BALANCE	RETAINAGE
ITEM	DESCRIPTION OF WORK	QUANTITY	UNIT	TOTAL	FROM PREVIOUS		STORED	AND STORED	%	TO	
NO.				CONTRACT	APPLICATIONS	THIS PERIOD	(NOT IN	TO DATE	(G/C)	FINISH	
					(D + E)		D OR E)	(D+E+F)		(C-G)	

APCO00044614
AA 004677

LABOR PAYMENT AFFIDAVIT

Property Name _____

Property Location _____

Undersigned's Customer _____

Payment Period Through _____

The undersigned subcontractor declares under penalty of perjury that the signatures appearing herein below constitute a complete list of all persons who have performed labor on behalf of the subcontractor for the project designated above during the specified period and whom the undersigned has paid for their labor performed on behalf of the subcontractor for said specified period, and provides the indemnity set forth below.

SUBCONTRACTOR: _____
(Type or Print Name of Subcontractor)

BY: _____
(Signature of Person Authorized to Sign for Subcontractor)

The undersigned persons performing labor for the subcontractor represent, warrant and affirm by signing this affidavit that each person has been paid in full for all labor supplied to the above designated project through the Payment Period. Each of the undersigned further represents, warrants and affirms that there are no checks or other conditional instruments of payment that have not cleared the bank and payment has actually been received by each of the undersigned. **IF YOU HAVE NOT BEEN PAID, DO NOT SIGN THIS AFFIDAVIT.**

The subcontractors and each of the undersigned indemnifies and agrees to defend for all costs, losses, fees and expenses incurred by Nevada Construction Services in the event that any representation or warranty or affirmation in this Labor Payment Affidavit is untrue.

NOTICE: THIS DOCUMENT IS A REPRESENTATION AND WARRANTY BY YOU THAT YOU HAVE BEEN PAID. THIS DOCUMENT IS ENFORCEABLE AGAINST YOU IF YOU SIGN IT.

LABORER'S NAME	DATE	LABORER'S SIGNATURE

APCO CONSTRUCTION
3432 N. 5th Street • North Las Vegas, NV 89032
Phone: (702) 734-0198 • Fax: (702)734-0396
E-mail: apcoconstruction.com • NCL: 14563

UNCONDITIONAL WAIVER AND RELEASE
UPON FINAL PAYMENT

Property Name: _____

Property Location: _____

Undersigned's Customer: _____

Inv./Pmt Application No: _____

Payment Amount: _____

Amount of Disputed Claims: _____

The undersigned has been paid in full for all work, materials and equipment furnished to his Customer for the above described Property and does hereby waive and release any notice of lien, any private bond right, any claim for payment and any rights under any similar ordinance, rule or statute related to payment rights that the undersigned has on the above described Property, except for the payment of Disputed Claims, if any, noted above. The undersigned warrants that he either has already paid or will use the money received from the final payment promptly to pay in full all laborers, subcontractors, materialmen and suppliers for all work, materials or equipment that are the subject of the waiver and release.

Dated: _____ _____

By: _____

Its: _____

Notice: This document waives rights unconditionally and states that you have been paid for giving up those rights. This document is enforceable against you if you sign it, even if you have not been paid. If you have not been paid, use a Conditional Release form.

APCO
CONSTRUCTION
3432 N. 5th Street • North Las Vegas, NV 89032
Phone: (702) 734-0198 • Fax: (702)734-0396
E-mail: apcoconstruction.com • NCL: 14568

CONDITIONAL WAIVER AND RELEASE
UPON FINAL PAYMENT

Property Name: _____

Property Location: _____

Undersigned's Customer: _____

Inv./Pmt Application No: _____

Payment Amount: _____

Payment Period: _____

Amount of Disputed Claims: _____

Upon receipt by the undersigned of a check in the above referenced Payment Amount payable to the undersigned, and when the check has been properly endorsed and has been paid by the bank on which it is drawn, this document becomes effective to release and the undersigned shall be deemed to waive any notice of lien, any private bond right, any claim for payment and any rights under any similar ordinance, rule or statute related to payment rights that the undersigned has on the above described Property to the following extent:

This release covers the final payment to the undersigned for all work, materials or equipment furnished by the undersigned to the Property or to the Undersigned's Customer and does not cover payment for Disputed Claims, if any. Before any recipient of the document relies on it, he should verify evidence of payment to the undersigned. The undersigned warrants that he either has already paid or will use the money received from the final payment promptly to pay in full all laborers, subcontractors, materialmen and suppliers for all work, materials or equipment that are the subject of the waiver and release.

Dated: _____ _____

By: _____

Its: _____

APCO
CONSTRUCTION
3432 N. 5th Street • North Las Vegas, NV 89032
Phone: (702) 734-0198 • Fax: (702)734-0396
E-mail: apcoconstruction.com • NCL: 14568

CONDITIONAL WAIVER AND RELEASE
UPON PROGRESS PAYMENT

Property Name: _____

Property Location: _____

Undersigned's Customer: _____

Inv./Pmt Application No: _____

Payment Amount: _____

Upon receipt by the undersigned of a check in the above referenced Payment Amount payable to the undersigned, and when the check has been properly endorsed and has been paid by the bank on which it is drawn, this document becomes effective to release and the undersigned shall be deemed to waive any notice of lien, any private bond right, any claim for payment and any rights under any similar ordinance, rule or statute related to payment rights that the undersigned has on the above described Property to the following extent:

This release covers a progress payment for the work, materials or equipment furnished by the undersigned to the Property or to the Undersigned's Customer which are the subject of the Invoice or Payment Application, but only to the extent of the Payment Amount or such portion of the Payment Amount as the undersigned is actually paid, and does not cover any retention withheld, any items, modifications or changes pending approval, disputed items and claims, or items furnished that are not paid. Before any recipient of the document relies on it, he should verify evidence of payment to the undersigned. The undersigned warrants that he either has already paid or will use the money he receives from this progress payment promptly to pay in full all laborers, subcontractors, materialmen and suppliers for all work, materials or equipment that are the subject of the waiver and release.

Dated: _____ _____

By: _____

Its: _____

APCO CONSTRUCTION
3432 N. 5th Street • North Las Vegas, NV 89032
Phone: (702) 734-0198 • Fax: (702)734-0396
E-mail: apcoconstruction.com • NCL: 14563

UNCONDITIONAL WAIVER AND RELEASE
UPON PROGRESS PAYMENT

Property Name: _____

Property Location: _____

Undersigned's Customer: _____

Inv./Pmt Application No: _____

Payment Amount: _____

The undersigned has been paid and has received a progress payment in the above referenced Payment Amount for all work, materials and equipment the undersigned furnished to his Customer for the above described Property and does hereby waive any notice of lien, any private bond right, any claim for payment and any rights under any similar ordinance, rule or statute related to payment rights that the undersigned has on the above described Property to the following extent:

This release covers a progress payment for the work, materials or equipment furnished by the undersigned to the Property or to the Undersigned's Customer which are the subject of the Invoice or Payment Application, but only to the extent of the Payment Amount or such portion of the Payment Amount as the undersigned is actually paid, and does not cover any retention withheld, any items, modifications or changes pending approval, disputed items and claims, or items furnished that are not paid. The undersigned warrants that he either has already paid or will use the money he receives from this progress payment promptly to pay in full all laborers, subcontractors, materialmen and suppliers for all work, materials or equipment that are the subject of the waiver and release.

Dated: _____ _____

By: _____

Its: _____

Notice: This document waives rights unconditionally and states that you have been paid for giving up those rights. This document is enforceable against you if you sign it to the extent of the Payment Amount or the amount received. If you have not been paid, use a Conditional Release form.

ZITTING BROTHERS CONSTRUCTION, INC.
PO BOX 178
HURRICANE UT 84737
TEL: 435/635-4068
FAX: 435/635-4137

BID

EXHIBIT "B"

DATE	BID #
10/8/2007	5679

NAME / ADDRESS	JOB REFERENCE:
APCO CONSTRUCTION ATTN: SHAWN BOWNE FAX:702-734-0396	MANHATTAN WEST

DESCRIPTION		TOTAL
BID INCLUDES LABOR ,LUMBER,TRUSSES,FASTENERS,HARDWARE AND LIFTING EQUIPMENT AS REQUIRED TO COMPLETE ROUGH CARPENTRY AS PER PRINTS AND SPECS		
BUILDING TYPE 1	1,805,000.00 X 6 BLDGS	10,830,000.00
BUILDING TYPE 4	1,4000,000.00 X 1 BLDG	1,400,000.00
BUILDING TYPE 5	1,115,500.00 X 2 BLDGS	2,231,000.00
NOTE* BID EXCLUDES INSTALLATION OF WINDOWS/FLASHING BID IS NET OF ALL LIABILITY INSURANCE COSTS BID INCLUDES H.D. IMBEDS ONLY BID INCLUDES ALL OTHER IMBEDDED ITEMS BID INCLUDES ALL ALL LIFTING EQUIPMENT/CRANE BID EXCLUDES ALL STRUCT. STEEL/ERECTION BID EXCLUDES DECKING & RAILING AT DECKS BID INCLUDES SETTING H.D. BOLTS AT P.T. DECKS		
LUMBER PRICING IS BASED ON CURRENT EDITION OF RANDOM LENGTHS PUBLICATION COMPOSITE PRICING. ZITTING AGREES TO HOLD AND GUARANTEE LUMBER PRICING AS CONTAINED IN QUOTE FOR UP TO 30 MONTHS FROM THE SIGNING OF CONTRACT. ALL MATERIALS PERTAINING TO ANY UNFINISHED BUILDINGS AT THE END OF SAID 30 MONTHS WILL BE REPRICED USING A THEN CURRENT RANDOM LENGTHS PUBLICATION COMPOSITE PRICING INDEX TO DETERMINE A PRICE ADD OR DEDUCT WHICH EVER THE CASE MAY BE. IT IS FURTHER AGREED THAT A SUPPLEMENT TO CONTRACT WILL BE ISSUED FROM CONTRACTOR TO REFLECT SUCH CHANGES.		
	TOTAL	

I accept bid, authorize work and purchase of materials

SIGNATURE

DATE_____ _____

ZITTING BROTHERS CONSTRUCTION, INC.
PO BOX 178
HURRICANE UT 84737
TEL: 435/635-4068
FAX: 435/635-4137

BID

EXHIBIT "B"

DATE	BID #
10/8/2007	5679

NAME / ADDRESS	JOB REFERENCE:
APCO CONSTRUCTION ATTN: SHAWN BOWNE FAX:702-734-0396	MANHATTAN WEST

DESCRIPTION	TOTAL
CHANGES TO BUILDING TYPE 1 THAT RESULT IN COST INCREASE/DECREASE THAT REQUIRES A CHANGE ORDER WILL ALSO BE CONSIDERED COST INCREASE/DECREASE TO BLDG TYPES 4 & 5 AND A SUPPLEMENT TO CONTRACT WILL BE ISSUED FROM CONTRACTOR TO REFLECT SUCH COST IMPACT USING A COST PER FOOT ALLOCATION TO DETERMINE COST IMPACT ON TYPES 4 & 5 ACCORDINGLY IF BUILDINGS ARE NOT COVERED UP WITH DRYWALL/STUCCO WITHIN 60 DAYS OF ERECTION ZITTING BROTHERS INC WILL NOT BE HELD RESPONSIBLE FOR PERFORMING ADDITIONAL PICK UP AND REPLACEMENT. IF ZBC HAS NOT BEEN ABLE TO PERFORM "FINAL" PICKUP DUE TO OTHER TRADES NOT COMPLETING WORK WITHIN THE ABOVE TIME FRAME, THEN CONTRACTOR WILL BE RESPONSIBLE FOR ADDITIONAL MATERIAL AND LABOR TO CORRECT EXCESSIVE PROBLEMS CAUSED BY WEATHER AND OR OTHER TRADES.	
	TOTAL $14,461,000.00

I accept bid, authorize work and purchase of materials

SIGNATURE

DATE_____ _____

EXHIBIT "B"

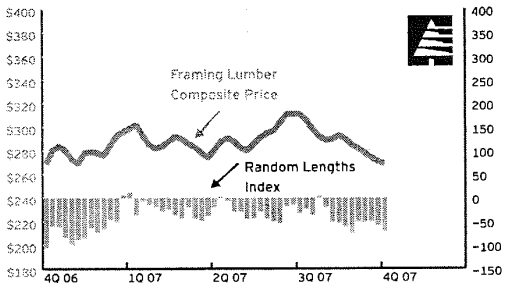
RANDOM LENGTHS Lumber Market Report

October 5, 2007

Lumber Market Indicators

	This Week	Last Week	Year Ago
Framing Lumber Composite Price	**$269**	**$271**	**$269**
2x4 #2&Btr KD Western S-P-F	226	231	226
2x4 Std&Btr Grn Douglas Fir (Portland)	200	202	235
2x4 #2 KD SYP (Westside)	286	280	250
2x4-8' PET KD Western S-P-F	241	243	215
1x12 #3 KD Ponderosa Pine	265	265	410
Random Lengths index*	-70.8	-58.8	-106.2

* The index is a numerical representation of market activity, based on a ratio of western sawmill order files to inventories. In computing the index, the data are compared with similar data averaged over the past five years.



Market Overview

September's dismal conclusion extended into early October, with traders hard-pressed to cite reasons for optimism in the fourth quarter. Despite prices near or falling below mill break-even points, it was the lack of liquidity that most troubled traders. While curtailments in the West helped to ease downward pressure on prices, traders widely anticipated more production cutbacks as third-quarter financial results become available. Few new announcements had been made through Thursday.

Trading was especially quiet in Western and Eastern S-P-F. These producers favored Canadian markets, which offered better returns, but were forced to accept lower prices in the U.S. to move volume. The pace of sales in Southern Pine also quieted as the week progressed. The narrow widths, one of the few standouts in the market over the past month, continued to advance, although sales slowed noticeably. Timbers, however, helped pick up some of the slack in dimension sales, with 4x4s and 6x6s posting double-digit gains.

Elsewhere, western producers reported a slight uptick in sales Wednesday and Thursday, but it did little to halt a tortuous downward grind in prices. Buyers cherry-picked key lengths and held out for the specified tallies they desired. Wholesalers mostly traded back to back. Some buyer remorse was evident, as earlier purchases bought at perceived values proved difficult to turn. Urgency to cover shorts was lacking as well.

The Random Lengths Framing Lumber Composite Price dipped to a new low for the year to date. With traders on high alert for credit problems, many took note of the irony in reports that Lumbermens Credit Association had closed. While no confirmation was forthcoming, the firm's phone number was disconnected and its Chicago office appeared to be vacated.

Dry Framing Lumber

Spruce-Pine-Fir Sales were a struggle at Western S-P-F mills, which trimmed prices and opened to counters. Sales continued to lag production by a wide margin, generating more speculation about mill curtailments but prompting no new announcements through Thursday. Prices slipped $2-10 across the widths of Std/#2&Btr. In #2&Btr 2x4, 8/16' tallies sold in a $220-225 range, while 8/20' tallies mostly sold at around $225-228. 2x6-2x10 slipped $2-4, while 2x12 fell $10 for the week and was readily available at around $400 in late trading. Utility and #3 prices eroded, with some deeper discounting on blocks reported; Utility 2x4 was offered as low as $160 in late trading. MSR sales were slow; cuts in 8/20' tallies were largely in a $2-5 range. 2x6 2100f slipped, but traders largely concurred that this item remained a standout.

Some Eastern S-P-F mills dug in, refusing to accept offers below their established lists. Others limited price cuts to single digits. Producers routinely shifted #1&2 output to Canadian markets for better returns despite $C5-10 discounts in the Toronto area. In the Great Lakes zone, #1&2 2x10 held, 2x8 led decliners, and 2x4 and 2x6 trended downward. Northeast markets followed a similar pattern. #3 2x4 declined more than 2x6 in the U.S., but both items were equally weak in Canada. In MSR, 2x4 2100f held up better than other items, but prices of all stress-grade items softened.

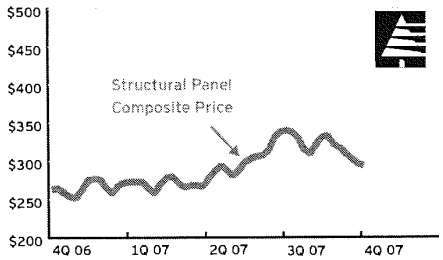
Southern Pine Sales were slow to steady Monday and Tuesday, but activity diminished as the week progressed. Eastside mills reported the most difficulty selling the week's production, while those on the westside fared best. Upward momentum in the narrow widths lost steam. This was especially noticeable in #2 2x6. Prices of #2 2x4 finished with mild increases in all producing zones; 16s were strong, with truss plants purchasing for multifamily and commercial jobs. 2x6

Continued on page 9...

October 5, 2007 — Panel Market Indicators

	This Week	Last Week	Year Ago	Weekly Changes($)* 52-Week Trend
Structural Panel Composite Price	**$294**	**$296**	**$263**	
Oriented Strand Board Composite	180	180	193	
Southern Pine Plywood Composite	451	453	360	
Western Fir Plywood Composite	518	532	499	
15/32" 4-ply Exterior Southern	328-345	322-345	245-265	
1/2" 4-ply Exterior Western	325	343	311	
7/16" OSB (North Central)	157	157	170	
23/32" AC Sanded Western	775	775	785	
Fir 1/10" CD Veneer Mix	46.75	47.50	42.25	

*For a list of items included in each composite, go to www.rlpi.com and click on In Depth > Useful Data > Monthly Composite Prices



Oriented Strand Board Sales of OSB were unremarkable, and most prices finished flat or with small adjustments on either side of published levels. The Canadian market remained a bright spot for some producers. Southern Ontario in particular was brisk, and slightly lower quotes from mills drew in numerous buyers for small blocks. 7/16-inch delivering into Toronto finished at $C170, a level last seen in 1997. By Friday morning, most mills had sold next week's output and quoted shipments for the week of October 15.

Activity in the Southeast and Mid-Atlantic regions perked up, allowing producers to raise quotes off a bottom. Buyers in those regions said prices that had dipped to their lowest levels since January 2001 encouraged them to purchase a few extra loads. However, most said demand in the field remained in the doldrums. North Central producers focused on truckload sales into local markets, as shipments from the Southeast provided stiff price competition in rail markets. Better returns on 23/32-inch T&G continued to allow producers more leeway in price negotiations on this thickness. Activity in the West was muted, and prices were flat to lower.

Southern Plywood Westside mills listened to counters on thicker sheathing early in the week, and sold modest volumes at the lower levels. Westside 15/32-inch 4-ply sheathing prices firmed after a major producer announced plans to shift veneer production into engineered wood products instead of sheathing. Eastside producers sold steady volumes of thinner sheathing near last week's levels, but thicker panels needed moderate discounts to entice buyers. Some central zone mills raised prices of 15/32-inch 4-ply after booking orders into the week of October 22.

On the westside, 15/32-inch 4-ply sheathing gained steadily to $328; truckloads and mixes reached the low $340s. Sales of 19/32-inch sheathing were sluggish; some westside and central zone producers accepted double-digit discounts to move accumulations. On the eastside, prices of 19/32- and 23/32-inch sheathing dropped about $5 early, and then firmed. Prices of thinner sheets mostly held. Underlayment sales were weak in all regions; 23/32-inch generally eroded $10-15. Concrete form 23/32-inch prices posted $10 gains on the westside, but that item was unchanged on the eastside.

Western Plywood Sales of sheathing and underlayment picked up at midweek, with eastbound and California sales sparked in part by a Southern Pine mill halting sheathing production. Buyers insisted on lower prices, however. With shipment times for next week or sooner, mills gave in, and prices slipped as much as $25. Shipments remained available for next week. Wholesalers covered some short positions and traded back to back. The commercial segment was active, but buyers in this sector and stocking distributors held back in anticipation of lower prices. Sensing mills were nearing breakeven levels, traders watched for curtailments.

Most mills dipped into the mid- to high $320s to sell 1/2-inch 4-ply, but refused to sell at $320. 1/2-inch 5-ply developed a $45 premium to 4-ply because of tighter supplies. The reported price of 23/32-inch underlayment fell to $562, as its premium to sheathing narrowed. Prices of CCX eroded despite stronger sales into Canada. Mills heavy to output of specialties extended order files into the weeks of October 15 and 22. Shipment times for concrete form were extended, and prices rose.

Veneer With their own sales backing off, producers of plywood and LVL stepped back from the veneer market, leaving unsold dry and green veneer on the market. Prices of green CD 1/10 wides fell about $1, with 1/8 off an equivalent $1.25. Prices of Fir and white wood 1/6 slipped. Prices of Fir inner plies declined about 25 to 50 cents. AB prices were firm, as demand for face veneer remained strong. Traders noted recent significant relief in Fir log prices, taking some of the sting out of recent veneer price drops.

Particleboard Sharp hikes in resin costs swept through the non-structural panel market. Traders called the resin price increases "unprecedented" and by far the steepest on record. Producers scrambled to adjust. Mills estimated that the resin hikes would add at least $14 to industrial particleboard production costs and as much as $25 to MDF. Traders debated how producers could pass on the higher costs amid lackluster demand. Flakeboard's shutdown of its 4-foot line in Albany drew attention. Financial troubles at a Canadian particleboard plant disrupted production and helped a few competitors garner additional business. Sales were otherwise lackluster, although a few mills reported surprisingly brisk activity.

RANDOM LENGTHS Panel Price Guide

October 5, 2007 — Panel Weekly Price Changes

Oriented Strand Board	9/21	9/28	This Week	Chg 3 Weeks
7/16" (North Central)	-5	-3	0	-8
7/16" (Eastern Canada)	-5	-2	0	-7
7/16" (Southwest)	-8	0	0	-8
23/32" T&G (North Central)	-8	-4	-8	-20
23/32" T&G (Eastern Canada)	-5	-3	-7	-15
23/32" T&G (Southwest)	-8	0	0	-8

Plywood/Veneer	9/21	9/28	This Week	Chg 3 Weeks
15/32" CD Exterior (Southern-West 4-ply)	-2	-8	+6	-4
1/2" CD Exterior (Western 4-ply)	-13	-22	-18	-53
23/32" Underlayment (Southern-West)	-13	-20	-15	-48
23/32" Underlayment (Western)	-12	-18	-23	-53
23/32" AC exterior (Western)	0	0	0	0
1/10" Douglas Fir CD 54" Veneer	-1.50	-1.00	-1.00	-3.50

Net, f.o.b. Mill, Unless Otherwise Noted • Prices Per Thousand Square Feet

ORIENTED STRAND BOARD

	NORTH CENTRAL	WESTERN CANADA	EASTERN CANADA	SOUTH WEST[1]	SOUTH EAST[2]	MID ATLANTIC[3]	TORONTO[4]
1/4"	–	–	138	–	–	–	165
3/8"	152	143	143	145	125	133	168
7/16"	157	148	148	150	130	138	168
15/32"	177	162	166	175	155	163	188
1/2"	190	177	176	185	165	173	208
19/32" T&G	243	217	224	220	223	234	260
23/32" T&G	290	247	250	275	260	264	300

DELIVERED PRICES

	3/8"	7/16"	15/32"	19/32" T&G	23/32" T&G
Chicago	–	170	190	–	310
Seattle	175	179	190	262	310
Portland	177	181	192	265	313
Sacramento[5]	183	192	211	275	325
Los Angeles[5]	185	198	217	280	330
Denver	181	194	212	275	325
Salt Lake City	183	197	215	275	325
Phoenix[5]	185	198	217	280	330
Vancouver[4]	180	180	200	265	325
Calgary[4]	175	175	195	260	320

1—Plants in Tex., La., Ark., and Okla. 2—Plants in Ga., Ala., Miss., S.C., and Tenn. 3—Plants in Va., W. Va., N.C. 4—Prices delivered in Canadian funds, GST not included. 5—Add 10-15 for Struc 1.

SOUTHERN PLYWOOD[1]

SHEATHING

	CD Exterior			Mill Grade		
From:	WEST	CENTRAL	EAST	WEST	CENTRAL	EAST
3/8"	260	285	265	235	235	230
15/32" 3-ply	325	–	345	255	250	225
15/32" 4-ply	328	338	345	305	285	310
19/32" 4-ply	355	380	385	315	325	330
23/32"	470	480	480	450	450	465

SANDED

	AC Exterior		BC Exterior	
From:	WEST	EAST	WEST	EAST
1/4"	365	365	345	350
11/32"	380	395	365	365
15/32"	460	465	455	450
19/32"	550	565	545	550
23/32"	670	685	655	650

UNDERLAYMENT

C X-Band, T&G	WEST	CENTRAL	EAST
19/32"	445	490	475
23/32"	535	570	560
CONCRETE FORM			
19/32"	645	–	625
23/32"	720	–	700

SIDINGS, Rough Sawn, 8–foot, 6-patch

From:	WEST	EAST
11/32"	350	370
19/32" Grooved 4" or 8" o.c.	550	605
19/32" RBB	600	605

1—West – Plants in Tex., La., Ark.; Central – Plants in Ala., Miss.; East – Plants in Ga., Fla., S.C., also N.C. and Va. where prices are slightly higher.

For Plywood Service Charges, see www.randomlengths.com. Go to In Depth > Useful Data > Plywood Service Charges, or call Random Lengths at 1-888-686-9925.

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WESTERN PLYWOOD

SHEATHING

	CD Exterior	CD Struc I	CC Exterior	CC Plugged & Touch Sanded	Mill Grade
3/8"	282	290	295	415	260
1/2" 3-ply	320	–	–	–	300
1/2" 4/5-ply	325/370	385	390	535	300
5/8" 4/5-ply	428/475	495	500	625	335
3/4" 4/5-ply	522/536	595	600	695	465

SANDED

Exterior

	AC	BC	AB	AA
1/4"	455	400	595	610
11/32"	495	440	635	650
15/32"	605	550	745	760
19/32"	695	640	835	850
23/32"	775	720	915	930

UNDERLAYMENT, C X-band, T&G

19/32"	545
23/32"	562
1-1/8"	870
CONCRETE FORM	
5/8"	835
3/4"	865

SIDINGS, Rough Sawn

		8'	9'	10'
6-Patch	11/32"	635	975	985
	19/32"	835	1,170	1,180
	19/32"RBB	900	1,235	1,245
18-Patch	11/32"	525	745	755
	19/32"	765	985	995
	19/32" RBB	820	1,040	1,050

WEST COAST VENEER

CD—8'	54"	27"	RW	F/T	Mix[1]
Douglas Fir 1/10"	52.50	40.50	24.25	21.00	46.75
Douglas Fir 1/8"	65.75	50.00	30.25	26.00	58.50
Douglas Fir 1/6"	85.00	70.00	43.00	33.00	–
White Woods 1/6"[2]	78.50	65.00	38.00	27.00	–

AB—8' Douglas Fir	54"	27"	UTILITY—8' 27"	RW
1/10"	124.00	114.00	28.50	18.50
1/8"	–	–	35.50	22.50

1—75% 54", 10% 27", 10% RW, 5% F/T. 2—White Fir, Hemlock, Spruce

PARTICLEBOARD

Industrial	WESTERN COAST[1]	WESTERN INLAND[2]	SOUTHERN CENTRAL[3]	SOUTHERN EAST[4]	Interior Underlayment WESTERN	Melamine[5] WEST	Melamine[5] EAST
3/8"	225	230	230	230	220	–	–
1/2"	240	245	240	240	235	–	–
5/8"	270	270	260	260	260	520	455
11/16"	–	–	295	295	–	–	–
3/4"	305	305	310	310	290	545	500
1-1/8"	–	–	485	480	–	–	–

1—Western Ore. 2—Eastern Ore. 3—Ark., La., Miss., Ala. 4—Ga., S.C. 5—Thermally fused. Coated on both sides, commodity face grade (80 gram), standard white.

MEDIUM DENSITY FIBERBOARD

	3/8"	1/2"	5/8"	3/4"
WEST[1]	295	320	390	440
EAST[2]	280	330	380	435

1—Plants west of the Mississippi River. 2—Plants east of the Mississippi River

EXHIBIT G

PRIME INTEREST RATE

NRS 99.040(1) requires:
*"When there is no express contract in writing fixing a different rate of interest, interest must be allowed at a rate equal to the prime rate at the largest bank in Nevada, as ascertained by the Commissioner of Financial Institutions, on January 1, or July 1, as the case may be, immediately preceding the date of the transaction, plus 2 percent, upon all money from the time it becomes due, . . . "**
Following is the prime rate as ascertained by the Commissioner of Financial Institutions:

January 1, 2017	3.75%	July 1, 2017	4.25%
January 1, 2016	3.50%	July 1, 2016	3.50%
January 1, 2015	3.25%	July 1, 2015	3.25%
January 1, 2014	3.25%	July 1, 2014	3.25%
January 1, 2013	3.25%	July 1, 2013	3.25%
January 1, 2012	3.25%	July 1, 2012	3.25%
January 1, 2011	3.25%	July 1, 2011	3.25%
January 1, 2010	3.25%	July 1, 2010	3.25%
January 1, 2009	3.25%	July 1, 2009	3.25%
January 1, 2008	7.25%	July 1, 2008	5.00%
January 1, 2007	8.25%	July 1, 2007	8.25%
January 1, 2006	7.25%	July 1, 2006	8.25%
January 1, 2005	5.25%	July 1, 2005	6.25%
January 1, 2004	4.00%	July 1, 2004	4.25%
January 1, 2003	4.25%	July 1, 2003	4.00%
January 1, 2002	4.75%	July 1, 2002	4.75%
January 1, 2001	9.50%	July 1, 2001	6.75%
January 1, 2000	8.25%	July 1, 2000	9.50%
January 1, 1999	7.75%	July 1, 1999	7.75%
January 1, 1998	8.50%	July 1, 1998	8.50%
January 1, 1997	8.25%	July 1, 1997	8.50%
January 1, 1996	8.50%	July 1, 1996	8.25%
January 1, 1995	8.50%	July 1, 1995	9.00%
January 1, 1994	6.00%	July 1, 1994	7.25%
January 1, 1993	6.00%	July 1, 1993	6.00%
January 1, 1992	6.50%	July 1, 1992	6.50%
January 1, 1991	10.00%	July 1, 1991	8.50%
January 1, 1990	10.50%	July 1, 1990	10.00%
January 1, 1989	10.50%	July 1, 1989	11.00%
January 1, 1988	8.75%	July 1, 1988	9.00%
January 1, 1987	Not Available	July 1, 1987	8.25%

*** Attorney General Opinion No. 98-20:**

If clearly authorized by the creditor, a collection agency may collect whatever interest on a debt its creditor would be authorized to impose. A collection agency may not impose interest on any account or debt where the creditor has agreed not to impose interest or has otherwise indicated an intent not to collect interest. Simple interest may be imposed at the rate established in NRS 99.040 from the date the debt becomes due on any debt where there is no written contract fixing a different rate of interest, unless the account is an open or store accounts as discussed herein. In the case of open or store accounts, interest may be imposed or awarded only by a court of competent jurisdiction in an action over the debt.

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DISTRICT COURT

CLARK COUNTY, NEVADA

APCO CONSTRUCTION, a Nevada corporation, Plaintiff, vs. GEMSTONE DEVELOPMENT WEST, INC., a Nevada corporation, Defendant.	CASE NO. 08A571228 DEPT. NO. XIII **NOTICE OF ENTRY OF ORDER DENYING APCO CONSTRUCTION, INC.'S MOTION FOR RECONSIDERATION OF COURT'S ORDER GRANTING ZITTING BROTHERS CONSTRUCTION, INC.'S PARTIAL MOTION FOR SUMMARY JUDGMENT** Consolidated with:
AND ALL RELATED MATTERS	A574391; A574792; A577623; A583289; A587168; A580889; A584730; A589195; A595552; A597089; A592826; A589677; A596924; A584960; A608717; A608718; and A590319

PLEASE TAKE NOTICE that an Order was entered in the above entitled action on the 25th day of January, 2018, a true and correct copy of which is attached hereto.

Dated this 30th day of January, 2018.

Jorge A. Ramirez, Esq.
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Attorneys for Lien Clamant,
Zitting Brothers Construction, Inc.

1251240v.1

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of WILSON ELSER MOSKOWITZ EDELMAN & DICKER LLP, and that on this 30th day of January, 2018, I served a true and correct copy of the foregoing document as follows:

- ☐ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;
- ☒ via electronic means by operation of the Court's electronic filing system, upon each party in this case who is registered as an electronic case filing user with the Clerk; and pursuant to Rule 9 of the N.E.F.C.R.
- ☐ via hand-delivery to the addressees listed below;
- ☐ via facsimile;
- ☐ by transmitting via email the document listed above to the email address set forth below on this date before 5:00 p.m.

An Employee of
WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

1251240v.1

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DISTRICT COURT

CLARK COUNTY, NEVADA

APCO CONSTRUCTION, a Nevada corporation, Plaintiff, vs. GEMSTONE DEVELOPMENT WEST, INC., a Nevada corporation, Defendant.	CASE NO. 08A571228 DEPT. NO. XIII Consolidated with: A574391; A574792; A577623; A583289; A587168; A580889; A584730; A589195; A595552; A597089; A592826; A589677; A596924; A584960; A608717; A608718; and A590319
AND ALL RELATED MATTERS	Date of Hearing: January 11, 2018 Time of Hearing: 9:00 a.m.

ORDER DENYING APCO CONSTRUCTION, INC.'S MOTION FOR RECONSIDERATION OF COURT'S ORDER GRANTING ZITTING BROTHERS CONSTRUCTION, INC.'S PARTIAL MOTION FOR SUMMARY JUDGMENT

On January 11, 2018, this Court heard APCO Construction, Inc.'s Motion for Reconsideration of Court's Order Granting Zitting Brothers Construction, Inc.'s Partial Motion for Summary Judgment. I-Che Lai of Wilson Elser Moskowitz Edelman & Dicker, LLP appeared at the hearing for Zitting Brothers Construction, Inc. ("ZBCI"). Mary E. Bacon of Spencer Fane LLP and Cody S. Mounteer of Marquis Aurbach Coffing appeared for APCO Construction, Inc. ("APCO"). Having considered APCO's motion, the pleadings and papers filed in this case, and oral arguments of counsel and finding good cause,

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DISTRICT COURT DEPT. 13

IT IS HEREBY ORDERED that APCO's Motion for Reconsideration of Court's Order Granting Zitting Brothers Construction, Inc.'s Partial Motion for Summary Judgment is denied.

Dated this 24th day of January, 2018.

DISTRICT COURT JUDGE

Respectfully submitted by:

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Approved as to form and content by:

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2/16/2018 4:58 PM
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Attorneys for Apco Construction, Inc.

DISTRICT COURT

CLARK COUNTY, NEVADA

APCO CONSTRUCTION, a Nevada corporation, Plaintiff, v. GEMSTONE DEVELOPMENT WEST, INC., A Nevada corporation, Defendant. AND ALL RELATED MATTERS	Case No.: A571228 Dept. No.: XIII *Consolidated with:* *A574391; A574792; A577623; A583289; A587168; A580889; A584730; A589195; A595552; A597089; A592826; A589677; A596924; A584960; A608717; A608718; and A590319* **NOTICE OF APPEAL**

NOTICE IS HEREBY GIVEN that APCO Construction, Inc. ("APCO") by and

through its undersigned counsel of record, the law firms of SPENCER FANE LLP and MARQUIS AURBACH COFFING, appeals to the Supreme Court of Nevada from: (1) the Findings of Fact, Conclusions of Law, and Order Granting Zitting Brothers Construction, Inc.'s Motion for Partial Summary Judgment Against APCO Consruction entered on January 2, 2018,[1] attached as **Exhibit A**, and (2) the Order Denying APCO Construction, Inc.'s Motion for Reconsideration of Court's Order Granting Zitting Brothers Construction, Inc.'s Partial Motion for Summary Judgment entered on January 25, 2018,[2] attached as **Exhibit B**.

DATED: February 16th, 2018.

SPENCER FANE

By: *\/s/ Mary E. Bacon, Esq.*
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Attorneys for Apco Construction, Inc.

[1] Notice of Entry of Order was on January 2, 2018.
[2] Notice of Entry of Order was on January 31, 2018.

Exhibit A

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1/2/2018 6:01 PM
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DISTRICT COURT
CLARK COUNTY, NEVADA

APCO CONSTRUCTION, a Nevada corporation, Plaintiff, vs. GEMSTONE DEVELOPMENT WEST, INC., a Nevada corporation, Defendant.	CASE NO. A571228 DEPT. NO. XIII Consolidated with: A574391; A574792; A577623; A583289; A587168; A580889; A584730; A589195; A595552; A597089; A592826; A589677; A596924; A584960; A608717; A608718; and A590319
AND ALL RELATED MATTERS	Hearing Date: November 16, 2017 Hearing Time: 9:00 a.m.

NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING ZITTING BROTHERS CONSTRUCTION, INC.'S MOTION FOR PARTIAL SUMMARY JUDGMENT AGAINST APCO CONSTRUCTION

PLEASE TAKE NOTICE that an Order was entered in the above entitled action on the 29th day of December, 2017, a true and correct copy of which is attached hereto.

Dated this 2nd day of January, 2018.

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

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Attorneys for Lien Clamant,
Zitting Brothers Construction, Inc.

1236578v.2

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of WILSON ELSER MOSKOWITZ EDELMAN & DICKER LLP, and that on this 2nd day of January, 2017, I served a true and correct copy of the foregoing document as follows:

- ☐ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;
- ☒ via electronic means by operation of the Court's electronic filing system, upon each party in this case who is registered as an electronic case filing user with the Clerk; and pursuant to Rule 9 of the N.E.F.C.R.
- ☐ via hand-delivery to the addressees listed below;
- ☐ via facsimile;
- ☐ by transmitting via email the document listed above to the email address set forth below on this date before 5:00 p.m.

An Employee of
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DISTRICT COURT
CLARK COUNTY, NEVADA

APCO CONSTRUCTION, a Nevada corporation, Plaintiff, vs. GEMSTONE DEVELOPMENT WEST, INC., a Nevada corporation, Defendant.	CASE NO. A571228 DEPT. NO. XIII Consolidated with: A574391; A574792; A577623; A583289; A587168; A580889; A584730; A589195; A595552; A597089; A592826; A589677; A596924; A584960; A608717; A608718; and A590319
AND ALL RELATED MATTERS	Hearing Date: November 16, 2017 Hearing Time: 9:00 a.m.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING ZITTING BROTHERS CONSTRUCTION, INC.'S MOTION FOR PARTIAL SUMMARY JUDGMENT AGAINST APCO CONSTRUCTION

On November 16, 2017, this Court heard Zitting Brothers Construction, Inc.'s Motion for Partial Summary Judgment Against APCO Construction. Jorge A. Ramirez and I-Che Lai of Wilson Elser Moskowitz Edelman & Dicker, LLP appeared at the hearing for Zitting Brothers Construction, Inc. ("ZBCI"). John Randall Jefferies of Spencer Fane LLP and Cody S. Mounteer of Marquis Aurbach Coffing appeared for APCO Construction, Inc. ("APCO"). Having considered ZBCI's motion, the pleadings and papers filed in this case, and oral arguments of counsel, this Court makes the following findings of fact and conclusions of law.

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FINDINGS OF FACT

A. APCO's Subcontract with ZBCI

1. Around September 6, 2007, Gemstone Development West, Inc. ("Gemstone") and APCO entered into the ManhattanWest – General Construction Agreement for GMP ("Prime Contract"). Under the Prime Contract, APCO would serve as the general contractor for the ManhattanWest mixed-use development project located at the following Assessor's Parcel Numbers in Clark County, Nevada: 163-32-101-003, 163-32-101-004, 163-32-101-005, 163-32-101-010, and 162-32-101-014 (the "Project").

2. Around November 17, 2007, APCO and ZBCI entered into a Subcontract Agreement ("Subcontract"). Under the Subcontract, ZBCI would provide framing materials and labor for the Project.

3. The Subcontract requires APCO to pay ZBCI 100% of the value of the work completed on a periodic basis—less 10% retention of the value (the "Retention")—only after APCO receives actual payments from Gemstone.

4. The Subcontract requires APCO to pay ZBCI the Retention amount for each building of the Project upon (a) the completion of each building; (b) Gemstone's approval of ZBCI's work on the completed building; (c) APCO's receipt of final payment from Gemstone; (d) ZBCI's delivery to APCO all "as-built drawings for [ZBCI]'s scope of work and other close out documents"; and (e) ZBCI's delivery to APCO a release and waiver of claims from ZBCI's "labor, materials and equipment suppliers, and subcontractors providing labor, materials[,] or services to the Project...." The Subcontract deems work on a building to be "complete" as soon as "drywall is completed" for the building.

5. Alternatively, if the Prime Contract is terminated, the Subcontract requires APCO to pay ZBCI the amount due for ZBCI's completed work after receipt of payment from Gemstone.

6. The conditions precedent of the Subcontract requiring APCO's payment only upon receipt of payment from Gemstone are colloquially known as "pay-if-paid provisions."

7. The Subcontract only allows APCO to terminate—with written notice to ZBCI and with cause—the Subcontract for non-performance.

8. If any party to the Subcontract "institute[s] a lawsuit ... for any cause arising out of the Subcontract...," the Subcontract expressly authorizes the prevailing party to recover "all costs, attorney's fees[,] and any other reasonable expenses incurred" in connection with the lawsuit. The Subcontract does not provide a rate of interest that would accrue on the amount owed under the Subcontract.

9. If any term of the Subcontract is void under Nevada law, the Subcontract expressly provides that the void term would not affect the enforceability of the remainder of the contract.

B. ZBCI's Work under the Subcontract

10. Around November 19, 2007, ZBCI began its scope of work under the Subcontract.

11. The Prime Contract was terminated in August 2008, and the Project had shut down on December 15, 2008. APCO never provided ZBCI with a written notice of termination with cause for non-performance.

12. Prior to the Project's shutdown, ZBCI submitted written requests to APCO for change orders valued at $423,654.85. APCO did not provide written disapproval of those change orders to ZBCI within 30 days of each request.

13. Also prior to the Project's shutdown, ZBCI had completed its scope of work on Buildings 8 and 9 of the Project, including work on the change orders, without any complaints on the timing or quality of the work. ZBCI had submitted close-out documents for its work, including release of claims for ZBCI's vendors. The value of ZBCI's completed work amounted to $4,033,654.85.

14. At the time of the Project's shutdown, the drywall was completed for Buildings 8 and 9.

15. To date, ZBCI had only received $3,282,849.00 for its work on the Project. ZBCI had completed work in the amount of $347,441.67 on the change orders and $403,365.49 of the Retention—totaling $750,807.16— which remains unpaid.

16. ZBCI demanded APCO pay the $750,807.16 still owed on the contract. However, APCO refused to do so, causing ZBCI to initiate proceedings to recover the requested amount.

C. Procedural History

17. On January 14, 2008, ZBCI served its Notice of Right to Lien to APCO and Gemstone via certified mail.

18. On December 5, 2008, ZBCI served its Notice of Intent to Lien to APCO and Gemstone via certified mail.

19. On December 23, 2008, ZBCI recorded its Notice of Lien on the Project with a lien amount of $788,405.41 and served this document on APCO and Gemstone via certified mail on December 24, 2008.

20. On April 30, 2009, ZBCI filed a complaint against Gemstone and APCO and a Notice of Lis Pendens. The complaint alleged 6 claims: (a) breach of contract, (b) breach of implied covenant of good faith and fair dealing, (c) unjust enrichment, (d) violation of Chapter 108 of the Nevada Revised Statutes, (e) claim for priority, and (f) violation of Chapter 624 of the Nevada Revised Statutes.

21. On June 10, 2009, APCO answered ZBCI's complaint. APCO's answer alleged 20 affirmative defenses, including the tenth affirmative defense alleging that APCO's obligation to ZBCI had been satisfied or excused and the twelfth affirmative defense alleging that ZBCI's failure to satisfy conditions precedent barred ZBCI's breach of contract claim.

22. Around June 16, 2009, ZBCI provided a Notice of Foreclosure of Mechanic's Lien, and this notice was published in accordance with Nev. Rev. Stat. 108.239.

23. On April 7, 2010, ZBCI recorded its Amended Notice of Lien with a lien amount of $750,807.16 and served this document on APCO and Gemstone via certified mail around the same date.

24. APCO does not dispute that ZBCI complied with all requirements to create, perfect, and foreclose on its lien under Chapter 108.

25. On April 29, 2010, APCO responded to ZBCI's interrogatories that requested, *inter alia*, APCO's explanation for refusing payment to ZBCI and APCO's grounds for the tenth and twelfth affirmative defenses. ZBCI had sent those interrogatories to obtain more details about APCO's defenses against ZBCI's complaint and to narrow the issues for discovery and trial.

APCO's interrogatory responses indicated that APCO would rely solely on the enforceability of the pay-if-paid provision in the Subcontract to excuse payment to ZBCI.

26. On April 23, 2013, this Court authorized the sale of the Project free and clear of all liens, including liens arising under Chapter 108 of the Nevada Revised Statutes. The sale resulted in the distribution of the entire net proceeds from the sale to Scott Financial Corporation (the "Lender") upon the Nevada Supreme Court's determination that the Lender's claim to the net proceeds is superior to the Chapter 108 lien claimants' claim.

27. On April 12, 2017, ZBCI served APCO with a set of interrogatories that are similar to the ones served in 2010. This set of interrogatories again requested, *inter alia*, APCO's explanation for refusing payment to ZBCI and APCO's grounds for the tenth and twelfth affirmative defenses. ZBCI sent those interrogatories to confirm APCO's prior discovery responses on APCO's defenses against ZBCI's complaint.

28. On May 12, 2017, APCO responded to ZBCI's interrogatories that again indicated APCO's sole reliance on the enforceability of the pay-if-paid provision in the Subcontract to excuse payment to ZBCI.

29. On June 5, 2017, ZBCI deposed APCO's Nev. R. Civ. P. 30(b)(6) witness regarding APCO's affirmative defenses. At the deposition, APCO's Nev. R. Civ. P. 30(b)(6) witness declined to update APCO's interrogatory responses and re-affirmed APCO's sole reliance on the enforceability of the pay-if-paid provision to excuse payment.

30. On July 19, 2017, ZBCI deposed APCO's Nev. R. Civ. P. 30(b)(6) witness regarding topics pertaining to APCO's accounting for the Project. At the deposition, APCO's Nev. R. Civ. P. 30(b)(6) witness again declined to update APCO's interrogatory responses.

31. APCO did not supplement its discovery responses prior to the June 30, 2017 discovery cutoff.

32. On July 31, 2017 and after the close of discovery, ZBCI moved for summary judgment against APCO on ZBCI's breach of contract and Nev. Rev. Stat. 108 claim—setting forth ZBCI's prima facie case for those claims and addressing the enforceability of the pay-if-paid provision in the Subcontract.

33. On August 21, 2017, APCO filed its opposition to ZBCI's motion, arguing—for the first time—other grounds for refusing payment of the amount owed to ZBCI. ZBCI objected to the admissibility of the evidence in support of APCO's opposition.

34. APCO's refusal to pay ZBCI the amount owed under the Subcontract had compelled ZBCI to incur attorney's fees and costs to collect the amount owed.

CONCLUSIONS OF LAW

A. Burden of Proof

1. Summary judgment is appropriate "when the pleadings, depositions, answers to interrogatories, admissions, and affidavits, if any, that are properly before the court demonstrate that no genuine issue of material fact exists, and the moving party is entitled to judgment as a matter of law." *Cuzze v. Univ. & Cmty. Coll. Sys. of Nevada*, 123 Nev. 598, 602, 172 P.3d 131, 134 (2007).

2. As the party moving for summary judgment, ZBCI bears the initial burden of production to show the absence of a genuine issue of material fact. *Id.* ZBCI also bears the burden of persuasion at trial on its breach of contract and Chapter 108 claims and therefore must present evidence that would entitle it to a judgment as a matter of law on those two claims in the absence of contrary evidence. *See id.*

B. APCO's Breach of the Subcontract

3. To establish a breach of contract under Nevada law, ZBCI must provide admissible evidence of (1) the existence of a valid contract, (2) a breach by APCO, and (3) damage as a result of the breach. *See Richardson v. Jones*, 1 Nev. 405, 408 (1865). In this case, this Court concludes that ZBCI has presented sufficient admissible evidence on all elements of a breach of contract.

4. The Subcontract between the respective parties is a valid contract. However, as discussed in this Court's separate decision regarding the enforceability of the Subcontract's "pay-if-paid provisions," the pay-if-paid provisions are against public policy and are void and unenforceable under Nev. Rev. Stat. 624.628(e). The remaining terms of the Subcontract remain enforceable.

5. Nev. Rev. Stat. 624.626(3) automatically approves written requests for change orders unless the higher-tiered contractor denies the requests in writing within 30 days after the lower-tiered contractor submits the requests. Here, this Court concludes that because ZBCI did not receive any

written denials of its change order requests within 30 days of request, ZBCI's change order requests amounting to $347,441.67 were approved by operation of law. ZBCI is therefore entitled to payment in the amount of $347,411.67 for all of the change orders submitted.

6. Under Nevada law, compliance with a valid condition precedent requires only substantial performance. *See, e.g., Laughlin Recreational Enterprises, Inc. v. Zab Dev. Co., Inc.*, 98 Nev. 285, 287, 646 P.2d 555, 556–57 (1982). ZBCI proved at least substantial compliance with the conditions precedent for payment of the Retention, entitling ZBCI to payment of $403,365.49 for the Retention.

7. Alternatively, by the very terms of the Subcontract itself, the termination of the Prime Contract automatically entitles ZBCI to payment of $403,365.49 for the Retention and $347,441.67 for the completed work on the change orders. This Subcontract language—exclusive of the void pay-if-paid provisions—coincides with a prime contractor's obligations to pay its subcontractors pursuant to Nev. Rev. Stat. 624.626(6).

8. APCO breached the Subcontract by refusing to pay ZBCI all of the amount owed for the Retention and the change orders, and as a result ZBCI is entitled to judgment on its Complaint as a matter of law. This gives rise to $750,807.16 in damages, exclusive of attorney's fees, costs, and interest.

C. ZBCI's Nev. Rev. Stat. 108 Claim

9. There is no dispute that ZBCI complied with the requirements for enforcing its lien rights under Chapter 108 of the Nevada Revised Statutes.

10. Nev. Rev. Stat. 108.239(12) entitles ZBCI to a "personal judgment for the residue against" APCO.

11. Because ZBCI did not receive any of the proceeds from the Nev. Rev. Stat. 108 sale of the Project, there is no genuine issue that ZBCI is entitled to a personal judgment under Nev. Rev. Stat. 108.239 against APCO for $750,807.16 as the lienable amount, plus any reasonable attorney's fees, costs, and statutory interest that the Court may award.

D. Preclusion of APCO's Defenses

12. This Court has considered APCO's arguments in response to ZBCI's motion for summary judgment and concluded that the arguments have no merit.

13. As discussed above, the pay-if-paid provisions in the Subcontract is unenforceable and therefore cannot excuse APCO's payment of the amount owed to ZBCI.

14. If APCO wanted to assert other grounds for refusing payment to ZBCI, Nev. R. Civ. P. 26(e)(2) required APCO to seasonably amend its prior interrogatory responses to include grounds for refusal other than the enforceability of the pay-if-paid provision. Pursuant to Nev. Rev. Stat. 37(c)(1) and *Pizarro-Ortega v. Cervantes-Lopez*, 133 Nev. Adv. Op. 37, 396 P.3d 783, 787 (2017), APCO's failure to seasonably amend precludes APCO from asserting any other defenses "at a trial, at a hearing, or on a motion" unless APCO substantially justifies this failure or such failure is harmless to ZBCI.

15. The facts of this case are clear and uncontested. APCO was aware of its alleged grounds for refusing payment of the $750,807.16 owed to ZBCI before ZBCI filed its complaint against APCO. APCO could have asserted its other defenses, other than its belief in the enforceability of the pay-if-paid provision, at the time it served its April 29, 2010 responses to ZBCI's interrogatories. In any event, several extensions to discovery were granted in this case even up to a few weeks before dispositive motions were filed. APCO had ample opportunities to seasonably amend or supplement its discovery responses to assert additional defenses against paying ZBCI the amount owed under the Subcontract.

16. Yet, APCO failed to explain why during the seven years of litigation between APCO and ZBCI, it did not disclose any defenses other than its belief in the enforceability of the pay-if-paid provision. For example, APCO did not explain its decision to omit the other defenses in its April 29, 2010 responses to ZBCI's interrogatories and May 12, 2017 responses to ZBCI's interrogatories. APCO also did not explain why it did not amend or supplement its discovery responses with the other defenses during discovery.

17. ZBCI reasonably relied on APCO's interrogatory responses to formulate its litigation plan, which included decisions to avoid certain discovery. For example, ZBCI limited its discovery

to taking APCO's Nev. R. Civ. P. 30(b)(6) depositions with truncated questioning. ZBCI also filed its motion for summary judgment that focused on the enforceability of the pay-if-paid provisions.

18. By raising defenses other than the enforceability of the pay-if-paid provisions for the first time in its opposition to ZBCI's motion for summary judgment, APCO has prejudiced ZBCI. The late defenses have prevented ZBCI from conducting discovery at a time when relevant information is available and fresh in witnesses' mind. APCO's prejudicial actions also forced ZBCI to incur time and costs to conduct discovery based on incomplete information.

19. APCO's late defenses are not justified and are extremely prejudicial to ZBCI. Those defenses are now too little, too late. Under Nev. R. Civ. P. 37(c)(1), APCO cannot introduce any evidence to support any defenses against ZBCI's claims because its prejudicial discovery responses only claimed that it relied on the void pay-if-paid provisions.

20. Due to the preclusion of the other defenses, ZBCI's evidentiary objections regarding those defenses are moot.

21. ZBCI is entitled to judgment on its breach of contract claim and its Nev. Rev. Stat. 108 claims as a matter of law.

E. Attorney's Fees, Costs, and Interest

22. ZBCI is the prevailing party under the Subcontract and the prevailing lien claimant under Nev. Rev. Stat. 108.237(1).

23. Under the Subcontract, ZBCI is entitled to an award of interest, reasonable attorney's fees, and costs incurred to collect the amount owed to ZBCI.

24. Under Nev. Rev. Stat. 108.237(1), ZBCI is also entitled to the cost of preparing and recording the notice of lien, the costs of the proceedings, the costs for representation of the lien claimant in the proceedings, and any other costs related to ZBCI's efforts to collect the amount owed against APCO. This includes, without limitation, attorney's fees and interest.

25. Nev. Rev. Stat. 108.237(2)(b) provides the calculation of the interest that accrues under the amount awarded under Nev. Rev. Stat. 108.237(1). This interest is equal to the prime rate at the largest bank in Nevada, as ascertained by the Commissioner of Financial Institutions, on January 1 or July 1, as the case may be, immediately preceding the date of judgment, plus 4 percent,

on the amount of the lien found payable. The rate of interest must be adjusted accordingly on each January 1 and July 1 thereafter until the amount of the lien is paid.

26. Interest is payable from the date on which the payment is found to have been due, which would be December 15, 2008 in this case. Interest will accrue on the lienable amount, attorney's fees, and costs until the entire amount is paid.

ORDER

THEREFORE, IT IS HEREBY ORDERED that ZBCI's Motion for Partial Summary Judgment Against APCO Construction is **GRANTED** in its entirety.

IT IS FURTHER ORDERED that ZBCI is awarded $750,807.16 (the "Award") on its First Cause of Action (Breach of Contract) and Fourth Cause of Action (Foreclosure of Mechanic's Lien).

IT IS FURTHER ORDERED that ZBCI's remaining claims—Second Cause of Action (Breach of Implied Covenant of Good Faith & Fair Dealing), Third Cause of Action (Unjust Enrichment or in the Alternative Quantum Meruit), and Seventh Cause of Action (Violation of NRS 624)—are moot.

IT IS FURTHER ORDERED that ZBCI is awarded attorneys' fees and costs incurred in connection with this litigation.

IT IS FURTHER ORDERED that interest shall accrue on the unpaid amount of the Award from ZBCI's complaint was filed, which was April 30, 2009, to the date the entire amount is paid.

IT IS FURTHER ORDERED that ZBCI has 30 days from the date of this order to submit a memorandum setting forth its attorney's fees and costs.

IT IS FURTHER ORDERED that APCO has 30 days after service of the memorandum to submit a response.

IT IS FURTHER ORDERED that ZBCI has 10 days after APCO's response to submit a reply to the response.

IT IS FURTHER ORDERED that this Court will address the sole issue of whether ZBCI is entitled to attorney's fees and costs set forth in the memorandum at a hearing before this Court on January 18, 2018 at 9:00 a.m.

IT IS FURTHER ORDERED that this Court will enter final judgment on ZBCI claims upon a decision on the fees and costs—consistent with this Findings of Fact, Conclusions of Law, and Order

IT IS FURTHER ORDERED that the trial on ZBCI's complaint and all pending hearings associated with ZBCI's complaint are vacated.

IT IS SO ORDERED.

Dated this 26th day of December, 2017.

DISTRICT COURT JUDGE

Respectfully submitted by:

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Exhibit B

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DISTRICT COURT

CLARK COUNTY, NEVADA

APCO CONSTRUCTION, a Nevada corporation, Plaintiff, vs. GEMSTONE DEVELOPMENT WEST, INC., a Nevada corporation, Defendant.	CASE NO. 08A571228 DEPT. NO. XIII Consolidated with: A574391; A574792; A577623; A583289; A587168; A580889; A584730; A589195; A595552; A597089; A592826; A589677; A596924; A584960; A608717; A608718; and A590319
AND ALL RELATED MATTERS	Date of Hearing: January 11, 2018 Time of Hearing: 9:00 a.m.

ORDER DENYING APCO CONSTRUCTION, INC.'S MOTION FOR RECONSIDERATION OF COURT'S ORDER GRANTING ZITTING BROTHERS CONSTRUCTION, INC.'S PARTIAL MOTION FOR SUMMARY JUDGMENT

On January 11, 2018, this Court heard APCO Construction, Inc.'s Motion for Reconsideration of Court's Order Granting Zitting Brothers Construction, Inc.'s Partial Motion for Summary Judgment. I-Che Lai of Wilson Elser Moskowitz Edelman & Dicker, LLP appeared at the hearing for Zitting Brothers Construction, Inc. ("ZBCI"). Mary E. Bacon of Spencer Fane LLP and Cody S. Mounteer of Marquis Aurbach Coffing appeared for APCO Construction, Inc. ("APCO"). Having considered APCO's motion, the pleadings and papers filed in this case, and oral arguments of counsel and finding good cause,

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IT IS HEREBY ORDERED that APCO's Motion for Reconsideration of Court's Order Granting Zitting Brothers Construction, Inc.'s Partial Motion for Summary Judgment is denied.

Dated this 24th day of January, 2018.

DISTRICT COURT JUDGE

Respectfully submitted by:

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DISTRICT COURT

CLARK COUNTY, NEVADA

APCO CONSTRUCTION, a Nevada corporation, Plaintiff, v. GEMSTONE DEVELOPMENT WEST, INC., A Nevada corporation, Defendant.	Case No.: A571228 Dept. No.: XIII *Consolidated with:* *A574391; A574792; A577623; A583289; A587168; A580889; A584730; A589195; A595552; A597089; A592826; A589677; A596924; A584960; A608717; A608718; and A590319* **APCO CONSTRUCTION, INC.'S OPPOSITION TO ZITTING BROTHERS, INC.'S MEMORANDUM IN SUPPORT OF APCO CONSTRUCTION, INC.'S PAYMENT OF ATTORNEYS' FEES, COSTS AND INTEREST TO ZITTING CONSTRUCTION BROTHERS, INC.** Hearing Date: March 1, 2018 Hearing Time: 9:00 a.m.
AND ALL RELATED MATTERS	

Case Number: 08A571228

APCO Construction, Inc. ("APCO"), by and through its undersigned counsel of record, the law firms of SPENCER FANE LLP and MARQUIS AURBACH COFFING, submits its Opposition to Zitting Brothers Construction, Inc.'s ("Zitting") Memorandum in Support of APCO Construction, Inc.'s Payment of Attorney's Fees, Costs and Interest to Zitting Construction Brothers, Inc. ("Opposition"). APCO's opposition is based upon: (1) Zitting's failure to comply with NRCP 54(d)(2)(b), (2) Zitting's total fee request being unreasonable given the procedural posture of the case and (3) because APCO should not be charged interest during court-ordered stays.

I. LEGAL STANDARD

NRCP 54(d)(2)(b) governs the requirements for filing a motion for attorney's fees. That rule confirms:

> **(B) Timing and Contents of the Motion.** Unless a statute provides otherwise, the motion must be filed no later than 20 days after notice of entry of judgment is served; specify the judgment and the statute, rule, or other grounds entitling the movant to the award; state the amount sought or provide a fair estimate of it; and be supported by counsel's affidavit swearing that the fees were actually and necessarily incurred and were reasonable, documentation concerning the amount of fees claimed, and points and authorities addressing appropriate factors to be considered by the court in deciding the motion. The time for filing the motion may not be extended by the court after it has expired.[1]

Additionally, courts should consider the following factors in deciding the reasonableness of the fees requested: "(1) the qualities of the advocate: [their] ability, [their] training, education, experience, professional standing and skill; (2) the character of the work to be done: its difficulty, its intricacy, its importance, time and skill required, the responsibility imposed and the prominence and character of the parties where they affect the importance of the litigation; (3) the work actually performed by the lawyer: the skill, time and attention given to the work; and (4) the result: whether the attorney was successful and what benefits were derived."[2]

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[1] NRCP 54(d)(2)(b)
[2] *Brunzell v. Golden Gate Nat. Bank*, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969).

II. ARGUMENT

A. Zitting failed to comply with NRCP 54(d)(2)(b).

NRCP 54(d)(2)(b) requires a motion for attorney's fees be supported by counsel's affidavit swearing the fees "were actually and necessarily incurred and were reasonable…" Zitting failed to provide this affidavit either in its July 31, 2017 Motion for Partial Summary Judgment which requested fees or in its January 29, 2018 Memorandum in Support of APCO Construction, Inc.'s Payment of Attorney's Fees, Costs and Interest to Zitting Brother's Construction, Inc. ("Memorandum of Costs"). Without this affidavit, APCO is unable to assess whether the fees were actually incurred, necessarily incurred, and/or are reasonable. This is especially necessary in light of the analysis below in which APCO highlights that Zitting's counsel performed a significant amount of work that was unnecessary.

1. APCO does not dispute the qualities of Zitting's advocates.

The first *Brunzell* factor the Court is asked to consider in awarding fees is the qualities of Zitting's advocates. APCO does not dispute counsel's competence.

2. The Second *Brunzell* factor does not support the amount of Zitting's requested fees.

The second *Brunzell* factor is the character of the work, its difficulty, its intricacy, its importance, time and skill required, the responsibility imposed and the prominence and character of the parties where they affect the importance of the litigation. Zitting failed to directly address most of these factors. Instead, Zitting argues that its fees were reasonable because the case was designated as complex, tens of thousands of documents were disclosed, a writ petition was involved, and because APCO's fees of $900,000 support Zitting's $213,376 in fees.

First, this case was not complex as to Zitting. While APCO had to manage the claims of numerous subcontractors, Zitting was a subcontractor seeking all of its damages against one party, APCO. Further, Zitting limited its discovery plan to a single issue – the enforceability of the pay-if-paid provision in its subcontract. *See Zitting's Opposition to APCO's Motion for Reconsideration* at 8:18-20 ("Again, Zitting had relied on APCO's original interrogatory responses to pursue a litigation plan to pursue limited discovery and file a motion for

summary judgment that focused on the enforceability of the "pay-if-paid" provision."[3]). Zitting also represented that it prepared its case based solely on APCO's alleged one defense as follows:

> ▪ limited its review of the voluminous documents disclosed in this case;
> ▪ limited depositions and written discovery;
> ▪ truncated APCO's Rule 30(b)(6) depositions by not pursuing all questions beyond APCO's limited defense;
> ▪ prepared its Rule 30(b)(6) witness for his deposition based on limited information.[4]

A fee award of $213,376 is not supported based upon one subcontractor's litigation against one general contractor based upon one defense where the review of documents was limited. There were exactly 3 depositions that Zitting participated in. Zitting supposedly "truncated" APCO's deposition beyond pursuing questions related to one defense, and even limited the preparation of its client representative based on its "limited information."[5] And noticeably, Zitting only confirmed that tens of thousands of pages of discovery were disclosed – it did not review that discovery, nor did it have to as it related to other parties. And while a writ petition was involved, Zitting merely joined the writ petition and did not substantively contribute to the writ petition. In fact, Zitting simply filed joinders to APCO's briefing for the first several years of this litigation.[6]

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[3] See Zitting's Opposition to APCO's Motion for Reconsideration at 8.
[4] See Zitting's Opposition to APCO's Motion for Reconsideration at 8:21-25.
[5] *Id.*
[6] See Docket Entries at: 2010-03-08 (APCO files Objections to Lenders' Standard Interrogatories to the Lien Claimants) ;.2010-03-09 (Zitting's Joins APCO's Objections to Lenders' Standard Interrogatories to the Lien Claimants); 2010-05-28 (Zitting files a Motion for Summary Judgment Against Gemstone and for Certification of Final Judgment Pursuant to NRCP 54(B); 2010-07-01 (APCO files an Opposition to Bank's Motion for Partial Summary Judgment as to Priority of Liens); 2010-07-21 (Zitting files a Joinder to APCO's Opposition to Bank's Motion for Partial Summary Judgment as to Priority of Liens); 2010-07-22 (Zitting files a Joinder to APCO's Motion for Partial Summary Judgment as to Priority of Liens); 2011-11-04 (APCO files a Motion for Issuance of Order on Priority on Order Shortening Time); 2011-11-08 (Zitting files a Joinder to APCO's Motion for Issuance of Order on Priority on Order Shortening Time); (APCO files Opposition to Motion for Reconsideration or Re-Hearing); 2012-01-04 (Zitting files a Joinder to APCO's Opposition to Motion for Reconsideration or Re-Hearing); 2012-03-15 (APCO files an Opposition to SFC's Supplement to Summary Judgment as to Priority of Liens); 2012-03-20 (Zitting files a Joinder to APCO's Opposition to SFC's Supplement to Summary Judgment as to

Lastly, the amount APCO spent in fees is not helpful in determining whether Zitting's fees are relevant. Again, Zitting had claims against APCO and enjoyed the benefits of joining APCO's briefing for several years. APCO spearheaded and financed the litigation, pursuing affirmatively claims against Gemstone and defending numerous subcontractor claims. Simply put, the legal work involved in this case was not difficult, complex, or intricate as it relates to Zitting. As such, a total fee award of over $200,000 is unreasonable.

3. **The third *Brunzell* factor does not support the amount of the fees requested.**

The third *Brunzell* factor is the work actually performed by the lawyer and the skill, time and attention given to the work. Zitting incurred $36,408.00 in fees for reviewing the documents of other parties in the litigation that had no relationship to or bearing on Zitting or its claims. The examples below are from the first three of 65 pages of Zitting's attorney's fees.

Date	**Amount billed**	**Description of Work**
06/10/09	.2	Review Sierra Reinforcing's Notice of Foreclosure of Mechanic's lien
06/16/09	.3	Review Statement of Facts Constituting Lien Complaint by Executive Plastering
06/26/09	.4	Review Creative Home Theatre's Statement of Facts Constituting Lien Claim and multiple exhibits
07/08/09	.1	Review Camco's notice of hearing regarding motion to dismiss third-party complaint of Dave Peterson Framing
07/10/09	.2	Review Ahern Rental's First Amended Statement of Fact Constituting Lien Claim in Intervention
07/22/09	.1	Review Ahern's notice of voluntary dismissal of Heineman Contracting and Neal Roffer
07/24/09	.1	Review Camco's Renotice of Hearing of Motion to Dismiss the Third Party Complaint of Dave Peterson Framing
07/24/09	.1	Review stipulation and order to dismiss of Hydro Pressure Cleaning Claims' for unjust enrichment against Nevada Construction Services
07/24/09	.1	Review notice of entry of order to dismiss hydro pressure cleaning's claim for unjust enrichment against Nevada Construction Services.
07/24/09	.1	Review Ahern's order for service by publication
07/24/09	.1	Review Notice of entry of order of Ahern's order granting service by publication
07/29/09	.1	Review Las Vegas Pipeline's Three-day notice of intent to take default

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Priority of Liens); 2012-06-25 (APCO files Appeal); (Zitting joined the appeal and APCO carries the cost of the Appeal); 2015-09-24 (Unfortunately, the Appeal is Denied).

		against Gemstone Development

These fees were wholly unnecessary as they had no relationship to Zitting's claims. These unnecessary fees were characteristic of Zitting's fees throughout the litigation. **Exhibit A** is a spreadsheet documenting fees that Zitting incurred that were not necessary for Zitting to pursue its claims against APCO. These unnecessary fees total more than $36,408.00. As such, APCO respectfully requests that any award of fees be reduced by at least this amount.

Further, Zitting billed for 40.5 hours (a total of $9,112.5) in fees of unspecified "trial preparation:"

Date	Attorney	Hours	Rate	Total Entry	Description
11/04/17	Ramirez J	10.00	225.00	2,250.00	Trial Preparation
11/05/17	Ramirez J	9.50	225.00	2,092.50	Trial Preparation
11/07/17	Ramirez J	4.00	225.00	900.00	Trial Preparation
11/08/17	Ramirez J	3.00	225.00	678.00	Trial Preparation
11/09/17	Ramirez J	3.00	225.00	678.00	Trial Preparation
11/11/17	Ramirez J	6.50	225.00	1,462.50	Trial Preparation
11/12/17	Ramirez J	4.50	225.00	1,012.50	Trial Preparation
		40.5		$9,112.5	

These fees were incurred after Zitting already billed 11 hours to analyze and select trial exhibits.[7] The 40.5 hours of time solely described as "trial preparation" should also be excluded. See *In re Mud King Products, Inc.,* 525 B.R. 43 at 58-59 (S.D. Tex. 2015) (excluding billing entries that demonstrate a "lack of billing judgment"…"with vague or terse description, such as time described as 'trial preparation'"). Without any further description of what counsel was doing, both APCO and this Court are unable to analyze the reasonableness of the fees that were allegedly incurred.

As such, APCO respectfully requests the Court reduce Zitting's request for attorneys fees

by $45,520.50[8] to $167,855.50.[9]

4. The Fourth *Brunzell* factor does not support the amount of fees requested.

The fourth *Brunzell* factor is the result: whether the attorney was successful and what benefits were derived. While Zitting was successful, its motion for summary judgment was based upon: the affidavit of its client, APCO's PMK deposition, APCO's prime contract, Zitting's subcontract with APCO, Zitting's change order summary, Zitting's payment applications, APCO's amended notice to stop work to Gemstone, Zitting's lien documents, and the interrogatories it sent to APCO. Zitting did not need 8.5 years of litigation to file this motion as it had all exhibits besides APCO's PMK deposition and the interrogatories it sent to APCO within its possession when the case started.

While APCO certainly disagrees with the result of Zitting's motion for summary judgment, Zitting could have filed its motion very early in the discovery process and avoided the unnecessary accrual of years of fees.

C. APCO does not dispute Zitting's $8,475.95 in costs.

APCO does not dispute Zitting's costs of $8,475.95.

D. Interest should be reduced to $298,507.56.

APCO should not be charged for interest while the case was stayed. The stay accounted for 1406[10] days Zitting is alleging pre-judgment interest for. As such, any award of interest should be reduced from $542,361.20 to $298,507.56.[11]

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[7] See time entries on 11/1/2017 and 11/02/2017 for analyzing and selection of trial exhibits.

[8] $36,408 (for unnecessary fees) + $9,112.5 (for vague or terse description of its fees which leave APCO or this Court unable to determine its reasonableness)

[9] $213,376 (Zitting's requested fees) - $45,520.50 = $167,855.50.

[10] See 12/14/2010 Order Granting Motion to Stay Further Activity in this Case Until the Issue of Priority Has Been Resolved and 12/27/2010 Order Lifting Stay if any Further Activity in this Case accounting a stay of 371 days. See also 11/30/2012 Order Staying the Case, Except for the Sale of the Property, Pending Resolution of the Writ Petition Before the Nevada Supreme Court and 09/24/2015 when the Supreme Court issued its opinion, accounting for a stay of 1028 days.

[11] (0.0825/365) * 1759 days * $750,807 judgment = $298,507.56 in interest.

DATED February 16, 2018.

SPENCER FANE

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Spencer Fane LLP and that a copy of the foregoing **APCO CONSTRUCTION, INC.'S OPPOSITION TO ZITTING BROTHERS, INC.'S MEMORANDUM IN SUPPORT OF APCO CONSTRUCTION, INC.'S PAYMENT OF ATTORNEYS' FEES, COSTS** AND **INTEREST TO ZITTING CONSTRUCTION BROTHERS, INC.** was served by electronic transmission through the E-Filing system pursuant to NEFCR 9, NRCP 5(b) and EDCR 7.26 or by mailing a copy to their last known address, first class mail, postage prepaid for non-registered users, on this 16 day of February, 2018, as follows:

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Intervenor Plaintiff: Interstate Plumbing & Air Conditioning Inc
Jonathan S. Dabbieri (dabbieri@sullivanhill.com)
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IN THE SUPREME COURT OF THE STATE OF NEVADA

APCO CONSTRUCTION, INC., A NEVADA CORPORATION, Appellant, vs. ZITTING BROTHERS CONSTRUCTION, INC., Respondent.	Case No.: 75197 Appeal from the Eighth Judicial District Court, the Honorable Mark Denton Presiding

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APPELLANT'S APPENDIX
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04/05/2010	Interstate Plumbing & Air Conditioning, LLC's Statement and Complaint	8	AA 1691–1721

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04/13/2010	Camco Pacific Construction Company, Inc. and Fidelity and Deposit Company of Maryland Answer to Cactus Rose's Statement and Complaint and Camco Pacific Construction Company, Inc.'s Counterclaim	8	AA 1722–1738
07/01/2010	Stipulation and Order for Dismissal with Prejudice of Claims Asserted by Select Build Nevada, Inc. Against APCO Construction	8	AA 1739–1741
05/23/2013	Notice of Entry of Order Approving Sale of Property	8	AA 1742–1808
04/14/2016	Notice of Entry of Order Releasing Sale Proceeds from Court-Controlled Escrow Account	8	AA 1809–1818
10/07/2016	Special Master Report Regarding Remaining Parties to the Litigation, Special Master Recommendation and District Court Order Amending Case Agenda	8	AA 1819–1822
05/27/2017	Notice of Entry of Order	8	AA 1823–1830
07/31/2017	Zitting Brothers Construction, Inc.'s Motion for Partial Summary Judgment Against APCO Construction	8 9 10	AA 1831–1916 AA 1917–2166 AA 2167–2198
08/02/2017	Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-If-Paid Agreements and Ex Pate Application for Order Shortening Time	10	AA 2199–2263
08/21/2017	APCO Construction's Opposition to Zitting Brothers Construction Inc.'s Partial Motion for Summary Judgment	10	AA 2264–2329

Date	**DOCUMENT DESCRIPTION**	**Vol.**	**Bates Nos.**
08/21/2017	APCO's opposition to Peel Brimley MSJ	10	AA 2330–2349
09/20/2017	Order Granting Plaintiff's Motion to Dismiss	10	AA 2350–2351
09/28/2017	Peel Brimley Lien Claimants' Reply to Oppositions to Motion for Partial Summary Judgment Precluding Defenses Based On Pay-If-Paid Agreements	10	AA 2352–2357
09/29/2017	Zitting Brothers Construction, Inc.'s Reply In Support of Motion for Partial Summary Judgment Against APCO Construction	10	AA 2358–2413
10/05/2017	Recorder's Transcript of Hearing RE: All Pending Motions	11	AA 2414–2433
11/06/2017	Zitting Brothers Construction, Inc.'s Motion in Limine to Limit the Defenses of APCO Construction to the Enforceability of Pay-If-Paid Provision	11	AA 2434–2627
11/06/2017	APCO's Supplemental Briefing in Opposition to Zitting Brothers Construction, Inc.'s Motion for Partial Summary Judgment Against APCO Construction. Inc.	12	AA 2628–2789
11/14/2017	APCO Construction's Opposition to Zitting Brothers Construction, Inc.'s Motion in Limine to Limit the Defenses of APCO Construction to the Enforceability of a Pay-If-Paid Provision	12 13 14	AA 2790–2851 AA 2852–3053 AA 3054–3108
11/16/2017	Zitting Brothers Construction, Inc.'s Reply in Support of Motion in Limine to Limit the Defenses of APCO Construction ("APCO") to the Enforceability of Pay-If-Pay Provision	14	AA 3109–3160

Date	**DOCUMENT DESCRIPTION**	**Vol.**	**Bates Nos.**
11/16/2017	Recorder's Transcript of Hearing RE: All Pending Motions	14	AA 3161–3176
11/16/2017	Zitting Brothers Construction, Inc.'s Response to APCO Construction's Supplemental Opposition to Zitting Brothers Construction, Inc.'s Motion for Partial Summary Judgment	14	AA 3177–3234
11/27/2017	Decision	14	AA 3235–3237
12/05/2017	Court Minutes Granting Zitting MIL	14	AA 3238
12/29/2017	Findings of Fact Conclusions of Law, and Granting Zitting Brothers Construction, Inc.'s Motion for Partial Summary Judgment Against APCO Construction	14	AA 3239–3249
01/02/2018	Order Granting Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-If-Paid Agreements	14	AA 3250–3255
01/02/2018	Notice of Entry of Order Granting Zitting Brothers Construction, Inc.'s MSJ	14	AA 3256–3268
01/03/2018	Notice of Entry of Order Granting Peel Brimley MSJ	14	AA 3269–3280
01/04/2018	Motion for Reconsideration of Court's Order Granting Peel Brimley Lien Claimants' Partial Motion for Summary Judgment to Preclude Defenses Based on Pay If Paid Provisions on an Order Shortening Time	15 16	AA 3281–3517 AA 3518–3633

Date	**DOCUMENT DESCRIPTION**	**Vol.**	**Bates Nos.**
01/08/2018	Motion for Reconsideration of Court's Order Granting Zitting Brothers Construction, Inc.'s Partial Motion for Summary Judgment and Ex Parte Application for Order Shortening Time and to Exceed Page Limit	16 17 18 19	AA 3634–3763 AA 3764–4013 AA 4014–4253 AA 4254–4344
01/09/2018	Plaintiff in Intervention, National Wood Products, Inc.'s Opposition to APCO Construction's Motion for Reconsideration of the Court's Order Granting Peel Brimley Lien Claimants' Motion for Partial Summary Judgment to Preclude Defenses of Pay if Paid Provisions	19	AA 4345–4350
01/09/2018	Peel Brimley Lien Claimants' Opposition to APCO Construction's Motion for Reconsideration of Order Granting Partial Summary Judgment Precluding Defenses Based on Pay-If-Paid Agreements	19	AA 4351–4359
01/10/2018	APCO's Reply in Support of Motion for Reconsideration of Court's Order Granting Peel Brimley Lien Claimants' Partial Motion for Summary Judgment to Preclude Defenses Based on Pay-If-Paid Provisions on an Order Shortening Time	19	AA 4360–4372
01/10/2018	Zitting Brothers Construction, Inc. Opposition to APCO Construction, Inc.'s Motion for Reconsideration of Court's Order Granting Zitting Brothers Construction's Partial Motion for Summary Judgment	19	AA 4373–4445
01/11/2018	Recorder's Transcript of Hearing RE: All Pending Motions	19	AA 4446–4466

Date	**DOCUMENT DESCRIPTION**	**Vol.**	**Bates Nos.**
01/19/2018	Order Denying APCO Construction's Motion for Reconsideration of Court's Order Granting Partial Summary Judgment Precluding Defenses Based on Pay-If-Paid Agreements	19	AA 4467–4468
01/19/2018	Notice of Entry of Order Denying APCO's motion for reconsideration of Peel Brimley Order	19	AA 4469–4473
01/25/2018	Order Denying APCO Construction's Motion for Reconsideration of Order Granting Zitting Brothers Construction, Inc.'s Partial Motion for Summary Judgment	19	AA 4474–4475
01/29/2018	Memorandum in Support of APCO Construction, Inc.'s Payment of Attorney's Fees, Costs, and Interest to Zitting Brothers Construction, Inc.	19 20	AA 4476–4487 AA 4488–4689
01/31/2018	Notice of Entry of Order Denying APCO Construction, Inc.'s Motion for Reconsideration of Court's Order Granting Zitting Brothers Construction, Inc.'s Partial Summary Judgment	20	AA 4690–4693
02/05/2018	2018 Stipulation and Order to Dismiss Third Party Complaint of Interstate Plumbing & Air Conditioning, LLC Against APCO Construction, Inc. with Prejudice	20	AA 4694–4695
02/16/2018	Notice of Appeal	20	AA 4696–4714

Date	**DOCUMENT DESCRIPTION**	**Vol.**	**Bates Nos.**
02/16/2018	APCO Construction, Inc.'s Opposition to Zitting Brothers, Inc.'s Memorandum in Support of APCO Construction Inc.'s Payment of Attorneys' Fees, Costs and Interest to Zitting Construction Brothers, Inc.	20 21	AA 4715–4726 4740
02/26/2018	Zitting Brothers Construction Inc.'s Reply in Support of its Memorandum in Support of APCO Construction, Inc.'s Payment of Attorneys' Fees, Costs, and Interest	21	AA 4741–4751
02/27/2018	Notice of Appeal	21 22 23	AA 4752–4976 AA 4977–5226 AA 5227–5288
05/04/2018	Order Regarding Plaintiff's Motion to Stay Pending Entry of Final Judgment Pursuant to NRCP 62(B) and 62(H) on Order Shortening Time	23	AA 5289–5290
05/08/2018	Order Determining Amount of Zitting Brothers Construction, Inc.'s Attorney's Fees, Costs, and Prejudgment Interests	23	AA 5291–5293
05/11/2018	Notice of Entry of Order Determining Amount of Zitting Brothers Construction, Inc.'s Attorney's Fees, Costs, and Prejudgment Interest	23	AA 5294–5298
05/23/2018	Judgment in Favor of Zitting Brothers Construction, Inc.	23	AA 5299–5300
05/24/2018	Notice of Entry of Judgment in Favor of Zitting Brothers Construction, Inc.	23	AA 5301–5304
06/08/2018	Amended Notice of Appeal	23 24 25	AA 5305–5476 AA 5477–5724 AA 5725–5871

Date	**DOCUMENT DESCRIPTION**	**Vol.**	**Bates Nos.**
06/08/2018	Plaintiff's Motion for 54(b) Certification and for Stay Pending Appeal on Order Shortening Time	25 26	AA 5872–5973 AA 5974–6038
06/19/2018	Zitting Brothers' Construction, Inc.'s Limited Opposition to APCO Construction, Inc.'s Motion for 54(b) Certification and for Stay Pending Appeal on Order Shortening Time	26	AA 6039–6046
06/26/2018	Recorder's Transcript of Hearing RE: Plaintiff's Motion for 54(b) Certification and for Stay Pending Appeal on Order Shortening Time	26	AA 6047–6051
07/30/2018	Order Granting Motion for 54(b) Certification and for Stay Pending Appeal	26	AA 6052–6054
07/31/2018	Notice of Entry of Order	26	AA 6055–6063
08/08/2018	Second Amended Notice of Appeal	26 27 28 29	AA 6064–6180 AA 6181–6430 AA 6431–6679 AA 6680–6854
	Docket of District Court Case No. 08A571228	30	AA 6855–6941

EXHIBIT B

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
05/20/2009	Attorney	CAWLEY R	0.40	225.00	90.00	Telephone calls with client regarding progress of case and issues likely to arise during transfer of case
06/09/2009	Attorney	CAWLEY R	0.30	225.00	67.50	Review correspondence and attachments from counsel for APCO Construction regarding receipt of Complaint and APCO's Motion to Consolidate numerous cases
06/09/2009	Attorney	CAWLEY R	0.30	225.00	67.50	Telephone calls with counsel for APCO regarding request for stipulation to consolidate cases
06/09/2009	Attorney	CAWLEY R	0.40	225.00	90.00	Receive and send multiple e-correspondence from and to client regarding update on progress of matter, notice of right to lien, and job file documentation for the project including those demonstrating last day work was performed on the project
06/10/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Sierra Reinforcing's Notice of Foreclosure of Mechanic's Lien
06/10/2009	Attorney	CAWLEY R	0.20	225.00	45.00	Review Notice to Lien Claimants to File and Serve Statements of Facts Constituting their Liens
06/10/2009	Attorney	CAWLEY R	0.60	225.00	135.00	Review additional job file documentation provided by client
06/11/2009	Attorney	CAWLEY R	0.70	225.00	157.50	Draft Notice of Foreclosure of Mechanic's Lien
06/11/2009	Attorney	CAWLEY R	1.40	225.00	315.00	Research records of the Clark County Recorder to identify parties that must received statutory Notice of Foreclosure of Mechanic's Lien
06/12/2009	Attorney	CAWLEY R	0.30	225.00	67.50	Receive and send multiple e-correspondence with attachments from and to client regarding issues impacting priority with Manhattan West lenders and documentation pertaining to Notice of Right to Lien
06/12/2009	Attorney	CAWLEY R	1.10	225.00	247.50	Review client file to obtain information needed for comprehensive initial evaluation and status report to client
06/15/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Nevada Construction Services' Substitution of Attorneys
06/15/2009	Attorney	CAWLEY R	0.40	225.00	90.00	Multiple telephone calls with counsel for APCO regarding appearance as counsel for APCO, progress of status of matter, and consolidation of all lien cases for the Manhattan West project
06/15/2009	Attorney	CAWLEY R	2.80	225.00	630.00	Draft comprehensive initial evaluation and status report to client
06/16/2009	Attorney	CAWLEY R	0.30	225.00	67.50	Review Statement of Facts Constituting Lien Claim by Executive Plastering
06/17/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review correspondence from Nevada Legal News regarding publication of Complaint
06/19/2009	Attorney	CAWLEY R	0.20	225.00	45.00	Telephone call with counsel for Uintah Investments regarding protocol for filing statement of facts and efforts to consolidate all cases
06/19/2009	Attorney	CAWLEY R	0.20	225.00	45.00	Receive and send e-correspondence from and to client's Utah counsel regarding progress of case
06/22/2009	Attorney	CAWLEY R	0.20	225.00	45.00	Review progress of service of Complaint
06/26/2009	Attorney	CAWLEY R	0.40	225.00	90.00	Review Creative Home Theatre's Statement of Facts Constituting Lien Claim and multiple exhibits
06/29/2009	Attorney	CAWLEY R	0.20	225.00	45.00	Review APCO Construction's Answer to Zitting Brothers' Complaint
06/30/2009	Attorney	CAWLEY R	0.20	225.00	45.00	Review progress of service of Complaint to Defendants
06/30/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Revise and supplement Summons to Gemstone

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
06/30/2009	Paralegal	BURNS K	0.30	125.00	37.50	Prepare Summons to Defendant Gemstone Development West, Inc.
06/30/2009	Paralegal	BURNS K	0.40	125.00	50.00	Review corporate standing and Resident Agent information, including business licensing permits for Gemstone Development West, Inc., to obtain accurate business information, supportive of issuing a Summons.
07/02/2009	Paralegal	BURNS K	0.30	125.00	37.50	Prepare correspondence to First Legal regarding request to effectuate personal service of Summons and Complaint on Resident Agent for Defendant Gemstone Development West, Inc.
07/08/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Camco Pacific's Notice of Hearing regarding Motion to Dismiss the Third-Party Complaint of Dave Peterson Framing
07/08/2009	Attorney	CAWLEY R	0.20	225.00	45.00	Review correspondence and attachments from Sunstate Equipment Co regarding Zitting Brother's Notice of Foreclosure and prior settlement of Sunstate's lien claim
07/08/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review correspondence from Nevada Legal News regarding completion of publishing Complaint
07/10/2009	Attorney	CAWLEY R	0.20	225.00	45.00	Review Ahern Rentals First Amended Statement of Fact Constituting Lien and Complaint in Intervention
07/14/2009	Paralegal	BURNS K	0.30	125.00	37.50	Telephone conference with First Legal to obtain status of effectuating Summons and Complaint on Defendant Gemstone Development West, Inc., and discuss alternative addresses to attempt service.
07/20/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Telephone conference with client regarding consolidation of numerous lien cases and pursuing APCO through the Nevada State Contractors Board
07/21/2009	Attorney	CAWLEY R	0.20	225.00	45.00	Telephone call with the Nevada State Contractors Board regarding protocol for subcontractors to assert claims against general contractors for failure to pay for services rendered
07/21/2009	Attorney	CAWLEY R	0.30	225.00	67.50	Review correspondence and attachments from the Nevada State Contractors Board regarding application for complaint against contractor for money owed
07/21/2009	Attorney	CAWLEY R	0.20	225.00	45.00	Send and receive e-correspondence to and from client regarding protocol for filing complaint with the Nevada State Contractors Board
07/22/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Ahern Rental's Notice of Voluntary Dismissal of Heinaman Contracting and Neal Roffer
07/24/2009	Attorney	CAWLEY R	0.70	225.00	157.50	Perform research to obtain information needed regarding parties claiming liens on the Manhattan West Properties for inclusion in Notice of Foreclosure of Lien
07/24/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Camco Pacific's Renotice of Hearing of Motion to Dismiss the Third-Party Complaint of Dave Peterson Framing
07/24/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Stipulation and Order to Dismiss of Hydro Pressure Cleaning's Claim for Unjust Enrichment Against Nevada Construction Services
07/24/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Notice of Entry of Stipulation and Order to Dismiss of Hydro Pressure Cleaning's Claim for Unjust Enrichment Against Nevada Construction Services

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
07/24/2009	Attorney	PARKER S	0.40	225.00	90.00	Review and analyze pleadings on file in preparation for attending hearing on Motion to Dismiss Third-Party Complaint.
07/24/2009	Attorney	CAWLEY R	0.20	225.00	45.00	Review Camco Pacific's Statement of Facts and Complaint in Intervention
07/24/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Scott Financial's Answer to Patent Construction's Statement of Facts and Complaint in Intervention
07/24/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Ahern's Order for Service by Publication
07/24/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Notice of Entry of Ahern's Order Granting Service by Publication
07/27/2009	Attorney	CAWLEY R	0.60	225.00	135.00	Draft Notice of Foreclosure and exhibits
07/27/2009	Attorney	PARKER S	2.10	225.00	472.50	Appear for and attend hearing on Third-Party Defendant Camco Pacific's Motion to Dismiss Third-Party Complaint.
07/27/2009	Attorney	PARKER S	0.40	225.00	90.00	Prepare memo re: hearing on Camco's Motion to Dismiss Third-Party Complaint.
07/29/2009	Attorney	CAWLEY R	0.20	225.00	45.00	Telephone call with counsel for Sunstate Construction regarding Notice of Foreclosure sent by Zitting Brothers and Sunstate's desire to not be involved in action
07/29/2009	Attorney	CAWLEY R	0.30	225.00	67.50	Review client file materials to obtain information requested by counsel for Sunstate Construction
07/29/2009	Attorney	CAWLEY R	0.20	225.00	45.00	Draft correspondence to counsel for Sunstate Construction regarding Notice of Foreclosure and participation in case
08/03/2009	Attorney	CAWLEY R	0.20	225.00	45.00	Review Las Vegas Pipeline's Three Day Notice of Intent to Take Default of Gemstone Development
08/04/2009	Attorney	CAWLEY R	0.40	225.00	90.00	Review and analyze issues arising regarding service of complaint to Gemstone
08/04/2009	Attorney	CAWLEY R	0.20	225.00	45.00	Telephone conference with counsel for Gemstone regarding problems with service of Complaint and request for acceptance of service
08/05/2009	Attorney	CAWLEY R	0.20	225.00	45.00	Receive and send e-correspondence from and to counsel for Gemstone regarding agreement to accept service
08/05/2009	Attorney	CAWLEY R	0.20	225.00	45.00	Draft Acceptance of Service of Zitting Brother's Complaint for counsel for Gemstone
08/05/2009	Attorney	CAWLEY R	0.20	225.00	45.00	Draft correspondence to counsel for Gemstone regarding accepting service of Complaint
08/05/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Order Consolidated Various Lien Cases Involving the Manhattan West Project
08/05/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Notice of Entry of Order Consolidated Various Lien Cases Involving the Manhattan West Project
08/11/2009	Attorney	CAWLEY R	0.30	225.00	67.50	Telephone conferences with counsel for APCO regarding order consolidating matter and protocol for moving case forward
08/13/2009	Attorney	CAWLEY R	0.20	225.00	45.00	Receive and send e-correspondence to and from counsel for Executive Plastering regarding service of Notice of Foreclosure
08/24/2009	Attorney	CAWLEY R	0.40	225.00	90.00	Telephone conferences with counsel for APCO regarding deeming matter as complex, appointment of special master, and protocol for moving case into discovery
08/24/2009	Attorney	CAWLEY R	0.30	225.00	67.50	Receive and send e-correspondence with attachments from and to counsel for APCO regarding prior efforts to deeming matter complex and order of the Court for the same

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
08/28/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Telephone conference with client regarding update on progress of matter
09/01/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Gemstone's Answer to Las Vegas Pipeline's Statement of Facts Constituting Lien and Complaint in Intervention
09/01/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Gemstone's Answer to Granite Construction's Statement of Facts Constituting Lien Claim and Complaint in Intervention
09/02/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review correspondence from counsel for Gemstone regarding Gemstone's Answers to Interrogatories of Harsco
09/02/2009	Attorney	CAWLEY R	0.30	225.00	67.50	Review Gemstone's Answers to Harsco's First Set of Interrogatories
09/02/2009	Attorney	CAWLEY R	0.30	225.00	67.50	Telephone conferences with counsel for Club Vista Financial regarding its Counter-Claim against Zitting Brothers
09/02/2009	Attorney	CAWLEY R	1.90	225.00	427.50	Review voluminous Answer to Camco Pacific's Statement of Facts and Counterclaim filed by Club Vista Financial in order to identify claims against Zitting Brothers and other parties, obtain information pertaining to Club Vista's position on priority, and obtain information pertaining to funding of project
09/03/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Gemstone's Answer to Granite Construction's Statement of Facts Constituting Lien Claim and Complaint in Intervention
09/03/2009	Attorney	CAWLEY R	0.20	225.00	45.00	Review Gemstone Notice of Consolidation of New Cases
09/04/2009	Attorney	CAWLEY R	0.40	225.00	90.00	Review multiple Answers of APCO to various subcontractors Statement of Facts Constituting Lien
09/04/2009	Attorney	CAWLEY R	0.40	225.00	90.00	Review multiple Answers of Scott Financial to various subcontractors Statement of Facts Constituting Lien
09/10/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Gemstone's Answer to Hydropressure Cleaning's Statement of Facts Constituting Lien and Complaint in Intervention
09/10/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Gemstone's Answer to Masonry Group of Nevada's Statement of Facts Constituting Lien and Complaint in Intervention
09/11/2009	Attorney	CAWLEY R	0.90	225.00	202.50	Review client file materials to obtain information and documentation needed for Partial Motion to Dismiss
09/11/2009	Attorney	CAWLEY R	1.80	225.00	405.00	Perform legal research regarding elements of civil conspiracy cause of action and specificity requirements for pleading the same
09/14/2009	Attorney	CAWLEY R	0.20	225.00	45.00	Review Gemstone's Answer to Camco Pacific's Statement of Facts Constituting Lien and Complaint in Intervention
09/14/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review APCO's Answer to WRG Design's Statement of Facts Constituting Lien and Complaint in Intervention
09/14/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review APCO's Answer to Tri-City Drywall's Statement of Facts Constituting Lien and Complaint in Intervention
09/15/2009	Attorney	CAWLEY R	4.30	225.00	967.50	Draft Partial Motion to Dismiss Club Vista's Counterclaim
09/16/2009	Attorney	RAMIREZ J	0.60	225.00	135.00	Supplement and revise Motion to Dismiss to include additional factual allegations and legal arguments.
09/17/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review APCO's Answer to HD Supply Waterworks' Statement of Facts Constituting Lien and Complaint in Intervention

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
09/17/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review APCO's Answer to Helix Electric's Amended Statement of Facts Constituting Lien and Complaint in Intervention
09/17/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review APCO's Answer to Creative Home Theater's Statement of Facts Constituting Lien and Complaint in Intervention
09/17/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review APCO's Answer to Granite Construction's Statement of Facts Constituting Lien and Complaint in Intervention
09/18/2009	Attorney	CAWLEY R	0.30	225.00	67.50	Review Nevada Construction Services' Motion for Sanctions Against Camco Pacific Pursuant to NRCP 11 and numerous exhibits
09/19/2009	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of co-defendant's motion to dismiss counter claim.
09/19/2009	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis of co-defendant's motion to deem action complex.
09/19/2009	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis of co-defendant's statement of lien and answer.
09/19/2009	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis of co-defendant's notice of consolidation.
09/19/2009	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis of co-defendant's notice of filing for bankruptcy.
09/21/2009	Attorney	CAWLEY R	0.20	225.00	45.00	Telephone conference with counsel for Scott Financial regarding Motion to Dismiss Club Vista's Counterclaim and Motion to Designate Matter Complex
09/21/2009	Attorney	CAWLEY R	0.20	225.00	45.00	Telephone conference with counsel for SelectBuild Nevada regarding Notice of Bankruptcy Filing and Automatic Stay
09/21/2009	Attorney	CAWLEY R	0.30	225.00	67.50	Telephone conferences with counsel for Buchele Inc regarding Notice of Consolidation
09/21/2009	Attorney	CAWLEY R	0.20	225.00	45.00	Review client file materials to obtain information needed for communications with counsel for Scott Financial
09/21/2009	Attorney	CAWLEY R	0.40	225.00	90.00	Review and analyze Scott Financial's Motion to Dismiss Club Vista's Counterclaim
09/21/2009	Attorney	CAWLEY R	0.20	225.00	45.00	Review Scott Financial's Motion to Designate Case Complex
09/21/2009	Attorney	CAWLEY R	0.30	225.00	67.50	Review and analyze Scott Financial's proposed Case Management Order
09/21/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Buchele's Notice of Case Consolidation
09/22/2009	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of co-defendant's reply to counter claim.
09/22/2009	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of co-defendant's motion for sanctions.
09/22/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review APCO's Answer to Accuracy Glass & Mirror's Statement of Facts Constituting Lien and Complaint in Intervention
09/22/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review APCO's Answer to The Masonry Group of Nevada's Statement of Facts Constituting Lien and Complaint in Intervention
09/25/2009	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of co-defendant's motion regarding attachment and writ of garnishment.
09/26/2009	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of co-defendant's statement of facts constituting lien.
09/28/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review APCO's Answer to Atlas Construction's Statement of Facts Constituting Lien and Complaint in Intervention

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
09/30/2009	Attorney	CAWLEY R	0.30	225.00	67.50	Review Camco Pacific's Motion for Reconsideration of Order Granting Executive Plastering's Application for Order to Show Cause and attached exhibits
10/01/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Dave Peterson Framing's Reply to Camco's Counterclaim
10/01/2009	Attorney	CAWLEY R	0.30	225.00	67.50	Review Gemstone's Notice of Consolidation with new case and supporting exhibits
10/01/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Custom Select's Notice of Initial Appearance
10/01/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Custom Select's Statement of Facts Constituting Lien and Complaint in Intervention
10/02/2009	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis of correspondence from co-defendant regarding service of pleadings.
10/02/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Fast Glass's Reply to Camco's Counterclaim
10/02/2009	Attorney	CAWLEY R	0.20	225.00	45.00	Review Camco's Opposition to Nevada Construction Services' Motion for Sanctions
10/02/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review APCO's Answer to Custom Select's Statement of Facts Constituting Lien and Complaint in Intervention
10/02/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review APCO's Answer to Buchele's Complaint for Damages and to Foreclosure of Mechanic's Lien
10/02/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Selectbuild Nevada's Notice of Bankruptcy Filing and Automatic Stay
10/02/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Gemstone's Answer to Fast Glass's Statement of Facts Constituting Lien
10/02/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Scott Financial's Answer to Statement of Facts Constituting Lien on Behalf of Buchele
10/02/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Scott Financial's Answer to the Masonry Group Nevada's Statement of Facts Constituting Lien and Complaint in Intervention
10/04/2009	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis and review of co-defendant's limited opposition to the motion to deem matter complex.
10/05/2009	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of co-defendant's opposition to the motion for sanctions.
10/05/2009	Attorney	CAWLEY R	0.30	225.00	67.50	Review and analyze Club Vista's Opposition to Scoff Financial's Motion to Dismiss Counterclaim
10/05/2009	Attorney	CAWLEY R	0.30	225.00	67.50	Review APCO's Motion to Associate Counsel Martin A. Aronson and supporting documentation attached
10/05/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Ferguson Fire & Fabrication's Notice of Change of Firm Address
10/05/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Nevada Construction Services' Answer to Camco's Statement of Facts and Complaint in Intervention
10/06/2009	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis of plaintiff's motion to associate counsel.
10/06/2009	Attorney	CAWLEY R	0.20	225.00	45.00	Review and analyze Scoff Financial's Reply in Support of Motion to Dismiss Club Vista's Counterclaim
10/06/2009	Attorney	CAWLEY R	0.30	225.00	67.50	Telephone conferences with counsel for Scott Financial regarding Reply in Support of Motion to Dismiss Club Vista's Counterclaim
10/06/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review correspondence from counsel for Scott Financial regarding Reply in Support of Motion to Dismiss Club Vista's Counterclaim
10/07/2009	Attorney	CAWLEY R	0.30	225.00	67.50	Review APCO Construction's Limited Opposition to Scott Financial's Motion to Designate the Case Complex and Set Rule 16 Conference as well as attached exhibits

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
10/07/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Telephone conference with counsel for APCO Construction regarding Opposition to Scott Financial's Motion to Deem Case Complex
10/07/2009	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of co-defendant's reply in support of the motion to dismiss.
10/07/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Selectbuild Nevada's Notice of Change of Address
10/07/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Camco's Answer to Las Vegas Pipeline's Statement of Facts Constituting Lien and Complaint in Intervention and Counterclaim
10/08/2009	Attorney	CAWLEY R	0.30	225.00	67.50	Telephone conference with counsel for Club Vista regarding negotiations for stipulation and order to dismiss conspiracy cause of action in lieu of opposing motion to dismiss
10/08/2009	Attorney	CAWLEY R	0.20	225.00	45.00	Receive and send e-correspondence from and to counsel for Club Vista confirming agreement to voluntarily dismiss conspiracy claim, withdrawal of Zitting Brother's motion to dismiss, and opposition to Scott Financial's motion to dismiss
10/08/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Republic Crane's Joinder to Scott Financials Motion to Dismiss Counterclaim of Club Vista
10/08/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review the Masonry Group Nevada's Answer to Club Vista's Counterclaim
10/08/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Alex Edelstein's Answer to Ahern's First Amended Statement of Facts Constituting Lien and Complaint in Intervention
10/09/2009	Attorney	CAWLEY R	0.30	225.00	67.50	Prepare for hearings on Scott Financial's Motion to Dismiss Club Vista's Counterclaim and Scott Financial's Motion to Deem Case Complex
10/09/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Masonry Group Nevada's Answer to Camco's Counterclaim
10/09/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Masonry Group Nevada's Errata to Certificate of Mailing
10/09/2009	Attorney	CAWLEY R	0.20	225.00	45.00	Review APCO's Answer to Zitting Brothers' Complaint Re: Foreclosure
10/09/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Gemstone's Answer to Executive Plastering's First Amended Complaint
10/10/2009	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis and review of file regarding current status of case and plaintiff's claimed damages.
10/10/2009	Attorney	EDWARDS M M	0.20	225.00	45.00	Review and respond to correspondence with client regarding new matter.
10/11/2009	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of co-defendant's reply in support of the motion to dismiss counter claim.
10/11/2009	Attorney	EDWARDS M M	0.10	225.00	22.50	Anaysis of co-defendants' joinder in the motion to dismiss.
10/11/2009	Attorney	EDWARDS M M	0.30	225.00	67.50	Analysis and review of documents regarding new claim and background facts.
10/12/2009	Attorney	CAWLEY R	1.30	225.00	292.50	Attending hearing on Scott Financial's Motion to Deem Case Complex and Motion to Dismiss Club Vista's Counterclaim
10/12/2009	Attorney	CAWLEY R	0.40	225.00	90.00	Draft correspondence to client regarding outcome of hearing on Scott Financial's motion to dismiss and general status of case

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
10/13/2009	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis of co-defendant's counter claim.
10/13/2009	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis of co-defendant's joinder in the motion to dismiss.
10/13/2009	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis and review of co-defendant's motion to withdraw as counsel.
10/13/2009	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of co-defendant's answer to counter claim.
10/13/2009	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis of co-defendant's motion to dismiss.
10/13/2009	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of co-defendant's reply in support of motion for sanctions.
10/13/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Amended Notice of Scott Financial's Motion to Dismiss Counterclaim of Club Vista
10/14/2009	Attorney	CAWLEY R	0.20	225.00	45.00	Review Nevada Construction Services Reply in support of Motion for Sanctions and numerous supporting documentation
10/15/2009	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of correspondence from co-defendant regarding representation.
10/16/2009	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis of correspondence from plaintiff regarding proposed meeting of counsel.
10/16/2009	Attorney	CAWLEY R	0.30	225.00	67.50	Multiple telephone conferences with counsel for Club Vista regarding stipulation and order to dismiss conspiracy cause of action against Zitting Brothers and vacating hearing for the same
10/16/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review correspondence with attachments from counsel for Club Vista regarding proposed stipulation and order to dismiss conspiracy cause of action against Zitting Brothers
10/16/2009	Attorney	CAWLEY R	0.20	225.00	45.00	Review and analyze proposed stipulation and order to dismiss Club Vista's conspiracy cause of action against Zitting Brothers
10/16/2009	Attorney	CAWLEY R	0.20	225.00	45.00	Telephone conference with the law clerk for Department 25 regarding agreement among counsel to take hearing for motion to dismiss off calendar
10/16/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Republic Crane's Answer to Club Vista's Counterclaim
10/16/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Uintah Investments' Answer to Club Vista's Counterclaim
10/19/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Professional Door and Millworks' Joinder to Scott Financial's Motion to Dismiss Counterclaim of Club Vista
10/19/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Dave Peterson Framing's Joinder to Scott Financial's Motion to Dismiss Counterclaim of Club Vista
10/19/2009	Attorney	CAWLEY R	0.20	225.00	45.00	Review Republic Crane's Motion to Withdraw as Counsel and supporting documentation
10/19/2009	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of co-defendant's joinder in the motion to dismiss counter claim.
10/21/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review correspondence from counsel for Gemstone regarding protocol for meeting among all counsel in preparation for Rule 16 conference with Court
10/21/2009	Attorney	CAWLEY R	0.30	225.00	67.50	Telephone conferences with counsel for Gemstone regarding protocol for meeting among counsel in preparation for Rule 16 conference with Court
10/21/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Noorda Sheet Metal's Joinder to Scott Financial's Motion to Dismiss Counterclaim of Club Vista

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
10/21/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review E&E Fire Protection's Joinder to Scott Financial's Motion to Dismiss Counterclaim of Club Vista
10/22/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Fast Glass's Joinder to Scott Financial's Motion to Dismiss Counterclaim of Club Vista
10/23/2009	Attorney	CAWLEY R	0.30	225.00	67.50	Telephone conferences with counsel for Gemstone regarding stipulation and order to dismiss Club Vista's conspiracy cause of action against Zitting Brothers and confirmation that hearing had been vacated
10/26/2009	Attorney	CAWLEY R	2.30	225.00	517.50	Attend hearing on Scott Financial's Motion to Dismiss Club Vista's Counter-Claim and related matters
11/02/2009	Attorney	CAWLEY R	0.20	225.00	45.00	Telephone conference with counsel for OZ Architecture regarding service of Reply to Club Vista's Counterclaim
11/02/2009	Attorney	CAWLEY R	0.20	225.00	45.00	Review correspondence from counsel for Scott Financial confirming protocol for conference for counsel in preparation for Rule 16 Conference
11/02/2009	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of co-defendant's answer and counter claim.
11/02/2009	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis of co-defendant's reply to counter claim.
11/02/2009	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of co-defendant's motion to associate counsel.
11/02/2009	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of opposition to co-defendant's motion to dismiss.
11/02/2009	Attorney	EDWARDS M M	0.40	225.00	90.00	Analysis of co-defendant's replies to co-defendant's counter claim.
11/02/2009	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of plaintiff's response to motion to deem matter complex.
11/03/2009	Attorney	CAWLEY R	0.30	225.00	67.50	Telephone conferences with counsel for Cell-Crete Fireproofing regarding service of Answer to Club Vista's Counterclaim
11/03/2009	Attorney	CAWLEY R	0.20	225.00	45.00	Telephone conference with counsel for Las Vegas Pipeline regarding service of Answer to Club Vista's Counterclaim
11/03/2009	Attorney	CAWLEY R	0.20	225.00	45.00	Review multiple Motions by APCO's Motion to associate counsel
11/03/2009	Attorney	CAWLEY R	0.30	225.00	67.50	Telephone conferences with counsel for Granite Construction regarding service of Reply to Club Vista's Counterclaim
11/03/2009	Attorney	CAWLEY R	0.40	225.00	90.00	Prepare for conference with all counsel in preparation for Rule 16 Conference
11/03/2009	Attorney	CAWLEY R	1.40	225.00	315.00	Attend conference with all counsel in preparation for Rule 16 Conference
11/04/2009	Attorney	CAWLEY R	0.20	225.00	45.00	Telephone conference with counsel for Club Vista regarding Rule 16 Conference
11/04/2009	Attorney	CAWLEY R	0.20	225.00	45.00	Telephone conference with counsel for John Deere Landscape regarding service of Reply to Club Vista's Counterclaim
11/05/2009	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis, review and amend client answer to the third party complaint.
11/06/2009	Attorney	EDWARDS M M	0.30	225.00	67.50	Analysis of developer's answer to complaint to foreclose mechanics lien.
11/06/2009	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of co-defendant's notice of consolidation.
11/09/2009	Attorney	CAWLEY R	0.20	225.00	45.00	Review Motion to Withdraw as Counsel filed by counsel for Cabinetec
11/09/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Cabinetec's Reply to Club Vista's Counterclaim

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
11/09/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Telephone conference with counsel for Cabinetec regarding service of Reply to Club Vista's Counterclaim
11/09/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Motion to Withdraw as counsel filed by attorneys for Cabinetec
11/09/2009	Attorney	CAWLEY R	0.20	225.00	45.00	Review Gemstone's Notice of Consolidation of case A590319 with attachments
11/09/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Gemstone's Answer to Uintah Investments' Complaint
11/10/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Scott Financial's Answer to Hydropressure Cleaning's Statement of Facts Constituting Lien and Complaint in Intervention
11/10/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Telephone conference with counsel for Scott Financial regarding service of Answer to Hydropressure Cleaning's Statement of Facts Constituting Lien and Complaint in Intervention
11/10/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Scott Financial's Answer to Custom Select Billing's Statement of Facts Constituting Lien and Complaint in Intervention
11/11/2009	Attorney	CAWLEY R	0.30	225.00	67.50	Review multiple correspondence from counsel for Scott Financial regarding Order granting Motion to Dismiss Club Vista's Counter-Claim
11/11/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Order granting Motion to Dismiss Club Vista's Counter-Claim
11/11/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Order Setting Rule 16 Conference, Designating the Case Complex, and Continuing Hearing On Scott Financial's Motion to Dismiss Club Vista's Counterclaim
11/11/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Notice of Entry of Order Setting Rule 16 Conference, Designating the Case Complex, and Continuing Hearing On Scott Financial's Motion to Dismiss Club Vista's Counterclaim
11/11/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Gemstone's Answer to Buchele's Complaint for Damages and to Foreclose Mechanic's Lien
11/11/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Gemstone's Answer to Ready Mix, Inc.'s Statement of Facts Constituting Complaint and Foreclosure of Mechanic's Lien
11/13/2009	Attorney	CAWLEY R	0.20	225.00	45.00	Review Ferguson Fire's Notice of Entry of Order dismissing claims against Camco and attached documents
11/13/2009	Attorney	CAWLEY R	0.20	225.00	45.00	Review Atlas Constructions Amended Notice of Lien and supporting documentation
11/13/2009	Attorney	CAWLEY R	0.30	225.00	67.50	Review Atlas Construction's Initial NRCP 16.1 Disclosure
11/13/2009	Attorney	CAWLEY R	0.20	225.00	45.00	Review Gemstone's Notice of Consolidation of case A584960 with attachments
11/17/2009	Attorney	EDWARDS M M	0.30	225.00	67.50	Analysis of co-defendants' answers to statement of facts constituting lien.
11/17/2009	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis of co-defendant's motion with withdraw as counsel.
11/17/2009	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of co-defendant's reply to counter claim.
11/17/2009	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis of co-defendant's dismissal.
11/18/2009	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of correspondence from co-defendant with proposed case management order.
11/18/2009	Attorney	EDWARDS M M	0.30	225.00	67.50	Analysis of correspondence from co-defendants regarding objections to proposed order on motion to dismiss.

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
11/18/2009	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of co-defendant's proposed case management order changes.
11/18/2009	Attorney	CAWLEY R	0.30	225.00	67.50	Review detailed correspondence from counsel for Scott Financial regarding dispute with counsel for Club Vista pertaining to Proposed Order Granting Scott Financial's Motion to Dismiss Club Vista's Counterclaim
11/18/2009	Attorney	CAWLEY R	0.30	225.00	67.50	Review correspondence and attachments from counsel for Scott Financial regarding revisions to proposed Case Management Order
11/18/2009	Attorney	CAWLEY R	0.30	225.00	67.50	Review detailed correspondence and attachments from counsel for Club Vista regarding objections to Proposed Order Granting Scott Financial's Motion to Dismiss Club Vista's Counterclaim
11/18/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Order Granting Camco's Renewed Motion for Clarification and Reconsideration and Vacating Executive Plastering's Pre-Judgment Writ of Attachment
11/18/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Notice of Entry of Order Granting Camco's Renewed Motion for Clarification and Reconsideration and Vacating Executive Plastering's Pre-Judgment Writ of Attachment
11/18/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Nevada Prefab's Reply to Camco's Counterclaim
11/18/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Stipulation and Order for Dismissal of Steel Structure's Complaint against Camco
11/18/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Notice of Entry of Stipulation and Order for Dismissal of Steel Structure's Complaint against Camco
11/19/2009	Attorney	CAWLEY R	1.80	225.00	405.00	Attend hearing on Mandatory NRCP Rule 16 Conference
11/19/2009	Attorney	CAWLEY R	0.20	225.00	45.00	Review Gemstone's Notice of Consolidation of case A596924 with attachments
11/20/2009	Attorney	CAWLEY R	0.20	225.00	45.00	Review Gemstone's Notice of Consolidation of case A589677 with attachments
11/24/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Gemstone's Answer to PCI Group's Complaint
11/25/2009	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of file and supplement client's tender of defense letter to carrier.
11/25/2009	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis of correspondence from co-defendant regarding upcoming meeting of counsel.
11/25/2009	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of co-defendant's answer to plaintiff's complaint.
12/01/2009	Attorney	EDWARDS M M	0.30	225.00	67.50	Analysis and review of co-defendant's initial production of job file documents and list of witnesses.
12/02/2009	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis of correspondence from plaintiff regarding status of representation and plans for further handling.
12/02/2009	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis of co-defendant's answer to the third party complaint.
12/03/2009	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of co-defendant's answer to the third party complaint.
12/04/2009	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis of correspondence from defendant regarding interpleading bond.
12/04/2009	Attorney	CAWLEY R	0.40	225.00	90.00	Review client file materials to obtain information needed for status report requested by client
12/04/2009	Attorney	CAWLEY R	1.40	225.00	315.00	Draft status report requested by client
12/05/2009	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis and review of file regarding plaintiff's supplemental production of documents supporting claimed damages.

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
12/08/2009	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of file and supplement status letter to client.
12/08/2009	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of file. Supplement status letter to client.
12/09/2009	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of file and supplement client's response to developer's chapter 40 demand.
12/09/2009	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of correspondence from client's insurer regarding tender of defense.
12/10/2009	Attorney	EDWARDS M M	0.20	225.00	45.00	Review and respond to correspondence with client regarding tender of defense, underlying facts and plans for immediate handling.
12/11/2009	Attorney	CAWLEY R	0.30	225.00	67.50	Telephone conference with counsel for Cathay Bank regarding Acceptance of Service, filing Answer, and sale of Mantova units to new owner
12/12/2009	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of co-defendant's opposition to the motion to dismiss.
12/17/2009	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of co-defendant's reply in support of the motion to dismiss.
12/18/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review order granting motion to withdraw as counsel filed by counsel for Republic crane
12/18/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Substitution of Counsel for APCO Construction
12/18/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Scott Financial's Answer to HD Supply's Statement of Facts Constituting Notice of Lien and Third-Party Complaint
12/22/2009	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis of correspondence from plaintiff regarding status of case, potential for settlement and plans for handling.
12/22/2009	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of correspondence from AMEC regarding proposed settlement.
12/28/2009	Attorney	CAWLEY R	0.10	225.00	22.50	Review Uintah Investments' Substitution of Attorneys
12/29/2009	Attorney	CAWLEY R	0.20	225.00	45.00	Review Motion to Withdraw on Order Shortening Time and attachments filed by counsel Executive Plastering
12/31/2009	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis of correspondence from defendant regarding motion to withdraw.
01/03/2010	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of correspondence from co-defendant regarding pending bankruptcy and plans for further handling.
01/04/2010	Attorney	CAWLEY R	0.10	225.00	22.50	Review Order Granting Motion to Withdraw as Counsel filed by counsel for Cabinetec
01/04/2010	Attorney	CAWLEY R	0.10	225.00	22.50	Review Notice of Entry of Order Granting Motion to Withdraw as Counsel filed by counsel for Cabinetec
01/06/2010	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of correspondence from defendant regarding filing of bankruptcy.
01/07/2010	Attorney	CAWLEY R	0.10	225.00	22.50	Review correspondence from counsel for Executive Plastering regarding notice of suggestion of bankruptcy
01/07/2010	Attorney	CAWLEY R	0.10	225.00	22.50	Review Executive Plastering's notice of suggestion of bankruptcy
01/11/2010	Attorney	CAWLEY R	0.20	225.00	45.00	Telephone conference with counsel for Scott Financial regarding filing the Case Management Order
01/11/2010	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of co-defendant's answer to counter claim.
01/12/2010	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis of co-defendant's notice of filing bankruptcy.
01/16/2010	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis and review of file regarding plaintiff's supplemental production of documents regarding claimed damages.
01/19/2010	Attorney	EDWARDS M M	0.20	225.00	45.00	Telephone conference with claim manager regarding tender of defense and plans for handling.

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
01/21/2010	Attorney	CAWLEY R	0.30	225.00	67.50	Review correspondence from Gemstone and attachments regarding upcoming hearing on motion by Gemstone's counsel to withdraw from representation
01/24/2010	Attorney	EDWARDS M M	0.30	225.00	67.50	Analysis and review of correspondence from plaintiff regarding status of case and proposed case management order.
01/25/2010	Attorney	CAWLEY R	0.80	225.00	180.00	Attend hearing on motion filed by counsel for Gemstone to withdraw as counsel of record
01/28/2010	Attorney	CAWLEY R	0.10	225.00	22.50	Review General Supply & services' Second Notice of Compliance
01/28/2010	Attorney	CAWLEY R	0.20	225.00	45.00	Review correspondence and attachments from counsel for Scott Financial regarding progress of Court approval of CMO
02/02/2010	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis and review of filed case management order.
02/03/2010	Attorney	CAWLEY R	0.20	225.00	45.00	Review correspondence and attachments from counsel for APCO regarding approval of the Case Management Order by the Court and protocol for filing of the same
02/04/2010	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis and review of plaintiff's supplemental production of documents regarding claimed damages for report to claim manager.
02/08/2010	Attorney	CAWLEY R	0.10	225.00	22.50	Review The Pressure Grout Company's Substitution of Attorney
02/08/2010	Attorney	CAWLEY R	0.10	225.00	22.50	Review Order Granting Motion to Withdraw Filed by Counsel for Gemstone
02/08/2010	Attorney	CAWLEY R	0.10	225.00	22.50	Review Notice of Entry of Order Granting Motion to Withdraw Filed by Counsel for Gemstone
02/08/2010	Attorney	CAWLEY R	0.10	225.00	22.50	Review APCO's Amended Certificate of Service of the Case Management Order
02/12/2010	Attorney	CAWLEY R	0.10	225.00	22.50	Draft Consent to Service by Electronic Means
02/12/2010	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis of correspondence from defendant regarding proposed meeting of counsel regarding discovery.
02/15/2010	Attorney	CAWLEY R	0.10	225.00	22.50	Review Stipulation and Order Dismissing Hydropressure Cleaning's Claims against Nevada Construction Services
02/15/2010	Attorney	CAWLEY R	0.10	225.00	22.50	Review APCO's Stipulation and Order to Dismiss Nevada Construction Service Without Prejudice
02/15/2010	Attorney	CAWLEY R	0.10	225.00	22.50	Review correspondence from counsel for APCO regarding contractors meeting to address standard written discovery per the Case Management Order
02/16/2010	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis of correspondence from co-defendant regarding status of case and substitution of attorney.
02/16/2010	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis of stipulation for dismissal for co-defendant.
02/16/2010	Attorney	CAWLEY R	0.40	225.00	90.00	Plan and prepare for meeting with counsel for all mechanics lien claimants regarding preparation of standard written discovery per the Case Management Order
02/17/2010	Attorney	CAWLEY R	1.70	225.00	382.50	Attend meeting with counsel for all mechanic's lien claimants regarding preparation of standard discovery per the Case Management Order
02/19/2010	Attorney	EDWARDS M M	0.40	225.00	90.00	Analysis of co-defendant's written discovery to developer.
02/19/2010	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of correspondence from co-defendant regarding proposed written discovery to developer.

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
02/20/2010	Attorney	EDWARDS M M	0.10	225.00	22.50	Prepare correspondence to client regarding status of case, investigation and plans for further handling.
02/22/2010	Attorney	CAWLEY R	0.90	225.00	202.50	Attend status check with Court regarding retention of counsel by Gemstone
02/22/2010	Attorney	CAWLEY R	0.10	225.00	22.50	Review correspondence from counsel for APCO regarding proposed Standard Interrogatories and Requests for Admissions
02/22/2010	Attorney	CAWLEY R	0.40	225.00	90.00	Review and analyze APCO's proposed Standard Interrogatories to Scott Financial
02/22/2010	Attorney	CAWLEY R	0.30	225.00	67.50	Review and analyze APCO's proposed Standard Requests for Admissions to Scott Financial
02/22/2010	Attorney	CAWLEY R	0.70	225.00	157.50	Review client file materials to obtain information needed to evaluate APCO's proposed standard written discovery
02/22/2010	Attorney	CAWLEY R	0.20	225.00	45.00	Draft correspondence to counsel for APCO regarding proposed standard written discovery
02/23/2010	Attorney	CAWLEY R	0.20	225.00	45.00	Receive and send e-correspondence from and to counsel for APCO Construction regarding standard written discovery
02/23/2010	Attorney	CAWLEY R	0.30	225.00	67.50	Review Custom Select Billing's First Set of Interrogatories to Gemstone
02/23/2010	Attorney	CAWLEY R	0.20	225.00	45.00	Review Custom Select Billing's First Set of Requests for Production to Gemstone
02/25/2010	Attorney	EDWARDS M M	0.30	225.00	67.50	Analysis and review of co-defendants' written discovery to developer.
03/01/2010	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis and review of plaintiff's motion to compel settlement.
03/01/2010	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis of co-defendant's suggestion of bankruptcy.
03/01/2010	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis and review of co-defendant's initial production of job file documents.
03/03/2010	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis and review of owner's responses to written discovery.
03/03/2010	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis and review of developer's motion for partial summary judgment.
03/04/2010	Attorney	EDWARDS M M	0.30	225.00	67.50	Analysis of co-defendant's multiple written discovery to plaintiff.
03/04/2010	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of plaintiff's written discovery to co-defendant.
03/04/2010	Attorney	CAWLEY R	0.10	225.00	22.50	Review Atlas Construction's Certificate of Service of Notice of Motion for Partial Summary Judgment of Atlas Construction's Complaint Against Gemstone Development
03/05/2010	Attorney	CAWLEY R	0.20	225.00	45.00	Review Scott Financial's Ex Parte Motion for Order to Show Cause On Order Shortening Time
03/05/2010	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of co-defendant's written discovery to plaintiff.
03/05/2010	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of co-defendant's motion for partial summary judgement against Gemstone.
03/05/2010	Attorney	CAWLEY R	1.40	225.00	315.00	Review and analyze client file documents to obtain information needed for written discovery to Gemstone
03/05/2010	Attorney	CAWLEY R	1.50	225.00	337.50	Draft Requests for Admissions to Gemstone
03/08/2010	Attorney	CAWLEY R	0.30	225.00	67.50	Review and analyze APCO Construction's Objections to Lenders' Standard Interrogatories to Lien Claimants

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
03/08/2010	Attorney	CAWLEY R	0.30	225.00	67.50	Review client file materials to obtain information needed for Joinder to APCO Construction's Objections to Lenders' Standard Interrogatories to Lien Claimants
03/08/2010	Attorney	CAWLEY R	0.60	225.00	135.00	Draft Joinder to APCO Construction's Objections to Lenders' Standard Interrogatories to Lien Claimants
03/08/2010	Attorney	CAWLEY R	1.60	225.00	360.00	Draft Requests for Production to Gemstone
03/08/2010	Attorney	CAWLEY R	0.10	225.00	22.50	Review APCO's Three Day Notice of Intent to Default Gemstone
03/09/2010	Attorney	CAWLEY R	1.90	225.00	427.50	Attend hearing on Scott Financial's Ex Parte Motion for Order to Show Cause on Order Shortening Time
03/09/2010	Attorney	CAWLEY R	0.40	225.00	90.00	Review client file materials to obtain information needed for brief status update to client
03/09/2010	Attorney	CAWLEY R	0.70	225.00	157.50	Draft brief status update to client regarding discovery efforts and client's responses to written discovery
03/09/2010	Attorney	CAWLEY R	1.80	225.00	405.00	Draft Interrogatories to Gemstone
03/09/2010	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of co-defendants' responses to multiple written interrogatories.
03/09/2010	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis of co-defendant's substitution of attorney
03/09/2010	Attorney	EDWARDS M M	0.40	225.00	90.00	Analysis of co-defendant's voluminous responses to request for production of documents.
03/09/2010	Attorney	CAWLEY R	0.10	225.00	22.50	Review Ahern's Notice of Hearing on Motion for Partial Summary Judgment
03/09/2010	Attorney	CAWLEY R	0.10	225.00	22.50	Review Executive Plastering's Suggestion of Bankrutcy
03/09/2010	Attorney	CAWLEY R	0.10	225.00	22.50	Review APCO Construction's Three Day Notice of Intent to Default HA Fabricators
03/09/2010	Attorney	CAWLEY R	0.10	225.00	22.50	Review APCO Construction's Three Day Notice of Intent to Default Gemstone
03/10/2010	Attorney	CAWLEY R	1.10	225.00	247.50	Review client file materials to obtain information needed for written discovery to APCO Construction
03/10/2010	Attorney	CAWLEY R	1.90	225.00	427.50	Draft Interrogatories to APCO Construction
03/10/2010	Attorney	CAWLEY R	1.60	225.00	360.00	Draft Requests for Production to APCO Construction
03/10/2010	Attorney	CAWLEY R	1.30	225.00	292.50	Draft Requests for Admissions to APCO Construction
03/10/2010	Attorney	EDWARDS M M	0.40	225.00	90.00	Analysis of plaintiff's written discovery to client.
03/10/2010	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of plaintiff's notice of intent to take default.
03/10/2010	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis of correspondence from plaintiff regarding status of case and representation.
03/10/2010	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of plaintiff's written discovery to co-defendants.
03/11/2010	Attorney	CAWLEY R	0.10	225.00	22.50	Revise and supplement Interrogatories to Gemstone
03/11/2010	Attorney	CAWLEY R	0.10	225.00	22.50	Revise and supplement Requests for Production to Gemstone
03/11/2010	Attorney	CAWLEY R	0.10	225.00	22.50	Revise and supplement Requests for Admissions to Gemstone
03/11/2010	Attorney	CAWLEY R	0.20	225.00	45.00	Revise and supplement Requests for Production to APCO Construction
03/11/2010	Attorney	CAWLEY R	0.20	225.00	45.00	Revise and supplement Requests for Admissions to APCO Construction
03/11/2010	Attorney	CAWLEY R	0.30	225.00	67.50	Revise and supplement Interrogatories to APCO Construction
03/11/2010	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of plaintiff's written discovery to co-defendants.
03/12/2010	Attorney	CAWLEY R	0.20	225.00	45.00	Telephone conference with client following up on written discovery and applicable deadlines
03/12/2010	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of plaintiff's written discovery to co-defendants.

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
03/12/2010	Attorney	EDWARDS M M	0.30	225.00	67.50	Analysis of and supplement client's written discovery to plaintiff and developer.
03/19/2010	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of co-defendant's opposition to the motion to compel settlement.
03/22/2010	Attorney	CAWLEY R	0.10	225.00	22.50	Review Scott Financial's Third-Errata to Order to Show Cause
03/23/2010	Attorney	CAWLEY R	0.60	225.00	135.00	Draft Joinder to Scott Financial's Opposition to Atlas Supply's Motion for Partial Summary Judgment
03/23/2010	Attorney	CAWLEY R	0.30	225.00	67.50	Review client file materials to obtain information needed for Joinder to Scott Financial's Opposition to Atlas Supply's Motion for Partial Summary Judgment
03/23/2010	Attorney	CAWLEY R	0.20	225.00	45.00	Review and analyze Scott Financial's Opposition to Atlas Supply's Motion for Partial Summary Judgment
03/23/2010	Attorney	EDWARDS M M	0.30	225.00	67.50	Analysis of co-defendant's answer to amended complaint and third party complaint.
03/23/2010	Attorney	CAWLEY R	0.60	225.00	135.00	Review client file materials to obtain information and documentation needed for conference call with client regarding written discovery from APCO and Scott Financial
03/25/2010	Attorney	CAWLEY R	0.10	225.00	22.50	Review Ahern's Reply in Support of Motion for Partial Summary Judgment
03/25/2010	Attorney	CAWLEY R	0.60	225.00	135.00	Review, analyze, and formulate strategy for addressing issues of whether a legal basis exists to assert formal claims against Camco Pacific
03/26/2010	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of plaintiff's responses to co-defendant's written discovery.
03/26/2010	Attorney	CAWLEY R	0.90	225.00	202.50	Review client file materials to obtain information needed for written discovery to Camco Pacific
03/26/2010	Attorney	CAWLEY R	1.20	225.00	270.00	Draft Requests for Production to Camco Pacific
03/29/2010	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of co-defendant's opposition to motion for partial summary judgement.
03/29/2010	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis of co-defendant's supplemental notice of order to show cause.
03/29/2010	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis and review of plaintiff's responses to co-defendant's request for production of documents.
03/29/2010	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of plaintiff's responses to plaintiff's written interrogatories.
03/29/2010	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of plaintiff's intial disclosure of witnesses.
03/29/2010	Attorney	CAWLEY R	1.40	225.00	315.00	Draft Requests for Admissions to Camco Pacific
03/30/2010	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis of correspondence from co-defendant regarding change of representation.
03/30/2010	Attorney	EDWARDS M M	0.30	225.00	67.50	Analysis of co-defendnat's responses to written discovery and production of documents.
03/30/2010	Attorney	CAWLEY R	1.40	225.00	315.00	Draft Interrogatories to Camco Pacific
03/30/2010	Attorney	CAWLEY R	0.10	225.00	22.50	Review APCO Construction's Default Against Gemstone
03/30/2010	Attorney	CAWLEY R	0.10	225.00	22.50	Review APCO Construction's Default Against HA Fabricators
03/30/2010	Attorney	CAWLEY R	0.20	225.00	45.00	Review Dave Peterson Framing's Initial 16.1 List of Witnesses and Documents
03/30/2010	Attorney	CAWLEY R	0.20	225.00	45.00	Review APCO Construction's Requests for Production to Gemstone
03/31/2010	Attorney	CAWLEY R	0.20	225.00	45.00	Review APCO Construction's Requests for Admissions to Gemstone

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
03/31/2010	Attorney	CAWLEY R	0.20	225.00	45.00	Review APCO Construction's Interrogatories to Gemstone
03/31/2010	Attorney	CAWLEY R	0.10	225.00	22.50	Review finalized Lien Claimants' Standard Interrogatories to Scott Financial
03/31/2010	Attorney	CAWLEY R	0.10	225.00	22.50	Review finalized Lien Claimants' Standard Requests for Admissions to Scott Financial
03/31/2010	Attorney	CAWLEY R	0.30	225.00	67.50	Review APCO Construction's Initial Disclosure of Witnesses and Notice of Imaged Documents and accompanying exhibits
03/31/2010	Attorney	CAWLEY R	0.10	225.00	22.50	Review APCO Construction's First Supplemental Disclosure of Witnesses and Notice of Imaged Documents
04/01/2010	Attorney	CAWLEY R	0.20	225.00	45.00	Revise and supplement Interrogatories to Camco
04/01/2010	Attorney	CAWLEY R	0.20	225.00	45.00	Revise and supplement Requests for Production to Camco
04/01/2010	Attorney	CAWLEY R	0.30	225.00	67.50	Revise and supplement Requests for Admissions to Camco
04/01/2010	Attorney	CAWLEY R	0.20	225.00	45.00	Telephone conferences with client regarding responding to written discovery
04/01/2010	Attorney	CAWLEY R	1.60	225.00	360.00	Attending meeting with client regarding responses to written discovery, document production, and general strategy for case
04/01/2010	Attorney	CAWLEY R	0.30	225.00	67.50	Review Atlas Construction's Reply in Support of Motion for Partial Summary Judgment
04/01/2010	Attorney	CAWLEY R	0.60	225.00	135.00	Review client file materials to obtain information needed for meeting with client
04/01/2010	Attorney	CAWLEY R	1.40	225.00	315.00	Review client file materials to obtain information needed for preparing responses to APCO Construction's Requests for Admissions
04/01/2010	Attorney	CAWLEY R	1.90	225.00	427.50	Draft Responses to APCO's Requests for Admissions
04/02/2010	Attorney	CAWLEY R	0.20	225.00	45.00	Telephone conference with counsel for APCO Construction regarding request for extension to respond to written discovery
04/02/2010	Attorney	CAWLEY R	0.20	225.00	45.00	Draft correspondence to counsel for APCO Construction confirming extension to respond to written discovery
04/02/2010	Attorney	CAWLEY R	0.30	225.00	67.50	Prepare for hearing on Atlas Construction's Motion for Partial Summary Judgment
04/02/2010	Attorney	CAWLEY R	2.90	225.00	652.50	Review and analyze client job file documentation to identify critical information needed for case and to ensure that only relevant and non-privileged documentation is produced
04/02/2010	Attorney	CAWLEY R	1.60	225.00	360.00	Prepare summary of critical information and witnesses identified in client job file documents
04/03/2010	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of co-defendant's responses to written discovery.
04/05/2010	Attorney	CAWLEY R	2.10	225.00	472.50	Attend hearing on Atlas Construction's Motion for Partial Summary Judgment
04/05/2010	Attorney	CAWLEY R	0.40	225.00	90.00	Multiple telephone conferences with client's Utah Counsel regarding additional documentation needed to support perfection of mechanic's lien
04/05/2010	Attorney	CAWLEY R	2.20	225.00	495.00	Review and analyze client's lengthy payroll report for work on the Manhattan West project and to ensure that only relevant and confidential information was produced

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
04/05/2010	Attorney	CAWLEY R	1.30	225.00	292.50	Review client file documentation to obtain information needed for responses to Lender's Standard Interrogatories
04/06/2010	Attorney	CAWLEY R	0.60	225.00	135.00	Lengthy telephone conference with Sam Zitting regarding additional information and documentation needed for Responses to Scott Financial's Standard Interrogatories for Lien Claimants
04/06/2010	Attorney	CAWLEY R	0.30	225.00	67.50	Telephone conference with Roy Zitting regarding additional information needed for Responses to Scott Financial's Standard Interrogatories for Lien Claimants
04/06/2010	Attorney	CAWLEY R	0.20	225.00	45.00	Receive and send e-correspondence with attachments from and to client's Utah counsel regarding additional documentation needed to support perfection of mechanic's lien
04/06/2010	Attorney	CAWLEY R	0.60	225.00	135.00	Receive and send multiple e-correspondence with attachments from and to client regarding additional documents needed for answers to written discovery and filing of amended lien
04/06/2010	Attorney	CAWLEY R	0.60	225.00	135.00	Review client file materials to obtain information to evaluate and make recommendations to client regarding recording amended lien
04/06/2010	Attorney	CAWLEY R	0.30	225.00	67.50	Review client file materials to obtain information needed for Amended Notice of Lien
04/06/2010	Attorney	CAWLEY R	0.80	225.00	180.00	Draft Amended Notice of Lien
04/06/2010	Attorney	CAWLEY R	2.40	225.00	540.00	Draft Responses to Lender's Standard Interrogatories
04/06/2010	Attorney	CAWLEY R	0.20	225.00	45.00	Review Camco Pacific's Initial 16.1 Disclosure
04/07/2010	Paralegal	BURNS K	3.60	125.00	450.00	Prepare and identify over 1220 client documents to be produced to all counsel via Plaintiff's Initial Early Case Conference List of Witnesses and Identification of Documents, pursuant to NRCP 16.1.
04/07/2010	Paralegal	BURNS K	1.10	125.00	137.50	Prepare and finalize Plaintiff's Initial Early Case Conference List of Witnesses and Identification of Documents.
04/07/2010	Attorney	CAWLEY R	0.40	225.00	90.00	Receive and send multiple e-correspondence with attachments from and to client regarding revisions to Lender's Standard Interrogatories and production of Applications and Certificates for Payment
04/07/2010	Attorney	CAWLEY R	0.10	225.00	22.50	Review correspondence from client regarding verification for Responses to Lender's Standard Interrogatories and production of Applications and Certificates for Payment
04/07/2010	Attorney	CAWLEY R	0.80	225.00	180.00	Review and analyze additional documentation provided for client for inclusion in initial disclosure
04/07/2010	Attorney	CAWLEY R	0.20	225.00	45.00	Telephone conference with client regarding verification for Responses to Lender's Standard Interrogatories and issues pertaining to production of newly obtained Applications and Certificates for Payment
04/07/2010	Attorney	CAWLEY R	0.80	225.00	180.00	Revise and supplement Responses to Lender's Standard Interrogatories
04/07/2010	Attorney	CAWLEY R	0.60	225.00	135.00	Review and supplement Zitting Brothers Early Case Conference Disclosure of Witnesses and Documents
04/07/2010	Attorney	CAWLEY R	0.50	225.00	112.50	Revise and supplement Responses to APCO Construction's Requests for Admissions

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
04/08/2010	Attorney	CAWLEY R	0.20	225.00	45.00	Telephone conference with counsel for APCO Construction regarding establishing a depository at Litigation Services for case documents
04/08/2010	Attorney	CAWLEY R	0.30	225.00	67.50	Telephone conferences with Litigation Services regarding document depository for case and protocol for depositing Zitting Brothers' job file documents
04/08/2010	Attorney	CAWLEY R	1.70	225.00	382.50	Review client file materials to obtain information needed for Responses to APCO Construction's Interrogatories
04/08/2010	Attorney	CAWLEY R	3.40	225.00	765.00	Draft Responses to APCO Construction's Interrogatories
04/09/2010	Attorney	EDWARDS M M	1.00	225.00	225.00	Analysis and review of plaintiff and co-defendant's voluminous responses to written discovery and early case conference production.
04/09/2010	Attorney	EDWARDS M M	0.30	225.00	67.50	Analysis and review of multiple co-defendant's responses to written discovery and production of documents.
04/09/2010	Attorney	CAWLEY R	0.20	225.00	45.00	Telephone conference with client regarding responses to APCO's Interrogatories
04/09/2010	Attorney	CAWLEY R	0.20	225.00	45.00	Send and receive e-correspondence with attachments to and from client regarding responses to APCO's Interrogatories and execution of the Verification for the same
04/09/2010	Attorney	CAWLEY R	1.80	225.00	405.00	Review client file materials to obtain information needed for Responses to APCO Construction's Requests for Production
04/09/2010	Attorney	CAWLEY R	2.30	225.00	517.50	Draft Responses to APCO Construction's Requests for Production
04/09/2010	Attorney	CAWLEY R	0.60	225.00	135.00	Revise and supplement Responses to APCO's Interrogatories
04/12/2010	Attorney	CAWLEY R	0.20	225.00	45.00	Telephone conferences with counsel for APCO Construction regarding request for extension to response to Zitting Brothers' written discovery
04/12/2010	Attorney	EDWARDS M M	0.70	225.00	157.50	Analysis of multiple co-defendants extensive production of documents and witnesses.
04/12/2010	Attorney	CAWLEY R	0.30	225.00	67.50	Review Camco Pacific's Answers to Lender's Standard Interrogatories
04/12/2010	Attorney	CAWLEY R	0.10	225.00	22.50	Review Camco Pacific's First Supplemental 16.1 Disclosure
04/13/2010	Attorney	CAWLEY R	2.60	225.00	585.00	Attend hearing Atlas Construction's Partial Motion for Summary Judgment and Scott Financial's Order to Show Cause as to Non-Appearing Lien Claimants
04/13/2010	Attorney	EDWARDS M M	0.40	225.00	90.00	Analysis of co-defendant's answers to written discovery and production of documents.
04/14/2010	Attorney	CAWLEY R	0.10	225.00	22.50	Review Camco Pacific's Notice to All Parties regarding electronic service
04/14/2010	Attorney	CAWLEY R	0.20	225.00	45.00	Telephone conference with counsel for Camco Pacific regarding service of Zitting Brothers' written discovery to Camco Pacific
04/14/2010	Attorney	CAWLEY R	0.10	225.00	22.50	Send and receive e-correspondence with attachments to and from counsel for Camco Pacific regarding Zitting Brothers' written discovery to Camco Pacific

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
04/15/2010	Attorney	EDWARDS M M	0.60	225.00	135.00	Analysis and review of multiple co-defendant's responses to interrogatories and supplemental production of voluminous job file documents.
04/16/2010	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis of co-defendant's answer to counter claim.
04/16/2010	Attorney	CAWLEY R	0.10	225.00	22.50	Review Camco Pacific's Notice to All Parties
04/16/2010	Attorney	CAWLEY R	0.10	225.00	22.50	Review APCO Construction's Designation of Documents Supporting the Perfection of Lien, Commencement and Lien Priority
04/16/2010	Attorney	CAWLEY R	0.10	225.00	22.50	Review Scott Financial's Production of Documents Pursuant to Case Management Order
04/19/2010	Attorney	EDWARDS M M	0.30	225.00	67.50	Analysis and review of co-defendant's motion for summary judgement against Gemstone.
04/19/2010	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of co-defendant's answer to plaintiff's written discovery.
04/19/2010	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis of co-defendant's answer to counter claim.
04/20/2010	Attorney	CAWLEY R	0.10	225.00	22.50	Review Stipulation and Order Regarding Order to Show Cause and Cactus Rose
04/20/2010	Attorney	CAWLEY R	0.10	225.00	22.50	Review Notice of Entry of Stipulation and Order Regarding Order to Show Cause and Cactus Rose
04/20/2010	Attorney	CAWLEY R	0.10	225.00	22.50	Review Scott Financial's Responses to Lien Claimant's Standard Interrogatories
04/20/2010	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis of correspondence from co-defendant regarding status of case and service of pleadings.
04/20/2010	Attorney	CAWLEY R	0.10	225.00	22.50	Review Camco Pacific's Notice of Intent to Default Multiple Parties
04/21/2010	Attorney	CAWLEY R	0.10	225.00	22.50	Review Stipulation and Order Regarding Order to Show Cause and Interstate Plumbing
04/21/2010	Attorney	CAWLEY R	0.10	225.00	22.50	Review Notice of Entry of Stipulation and Order Regarding Order to Show Cause and Interstate Plumbing
04/21/2010	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of correspondence from co-defendant regarding status of case and production of discovery.
04/22/2010	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis of co-defendant's stipulation regarding expunged lien.
04/22/2010	Attorney	CAWLEY R	0.10	225.00	22.50	Review APCO Construction's Default against HA Fabricators
04/22/2010	Attorney	CAWLEY R	0.10	225.00	22.50	Review APCO Construction's Default against Gemstone
04/23/2010	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of correspondence from co-defendant regarding production of documents supporting lien.
04/23/2010	Attorney	CAWLEY R	0.10	225.00	22.50	Review correspondence from counsel for Scott Financial regarding service of responses to discovery
04/26/2010	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of co-defendants' initial disclosure of witnesses and documents.
04/26/2010	Attorney	EDWARDS M M	0.40	225.00	90.00	Analysis of co-defendant's multiple answers to written discovery.
04/26/2010	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis of correspondence from plaintiff regarding service of written discovery.
04/26/2010	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of co-defendant's answer to complaint.
04/26/2010	Attorney	CAWLEY R	0.30	225.00	67.50	Review Scott Financial's Responses to Lien Claimants' Standard Requests for Admissions
04/26/2010	Attorney	CAWLEY R	0.30	225.00	67.50	Review Scott Financial's Responses to Lien Claimant's Standard Interrogatories
04/27/2010	Attorney	CAWLEY R	0.30	225.00	67.50	Review and analyze APCO Construction's Responses to Lenders' Standard Interrogatories to Lien Claimants

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
04/28/2010	Attorney	CAWLEY R	0.30	225.00	67.50	Telephone conferences with counsel for APCO Construction following up on APCO Construction's responses to Zitting Brothers' written discovery
04/29/2010	Attorney	EDWARDS M M	0.30	225.00	67.50	Analysis and review of multiple co-defendants' written discovery to lien claimants.
04/29/2010	Attorney	EDWARDS M M	0.30	225.00	67.50	Analysis of co-defendant's supplemental production of job file documents.
04/29/2010	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of co-defendant's answer to the third party complaint.
04/29/2010	Attorney	EDWARDS M M	0.30	225.00	67.50	Analysis of co-defendant's cross claim and third party complaint.
05/01/2010	Attorney	EDWARDS M M	0.30	225.00	67.50	Analysis of APCO's motion to consolidate multiple actions.
05/01/2010	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of co-defendant's objection to client's request for production of documents and interrogatories.
05/02/2010	Attorney	EDWARDS M M	0.40	225.00	90.00	Analysis of APCO's response to client's written discovery.
05/02/2010	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis of co-defendant's notice of dismissal.
05/02/2010	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis and review of file regarding plaintiff's claimed damages, assess potential for settlement and prepare plans for further handling.
05/06/2010	Attorney	CAWLEY R	0.30	225.00	67.50	Review and analyze Findings of Fact and Conclusions of Law, and Partial Summary Judgment in Favor of Atlas Construction and Against Gemstone Development
05/06/2010	Attorney	CAWLEY R	0.10	225.00	22.50	Review and analyze Notice of Entry of Findings of Fact and Conclusions of Law, and Partial Summary Judgment in Favor of Atlas Construction and Against Gemstone Development
05/11/2010	Attorney	CAWLEY R	0.30	225.00	67.50	Review and analyze APCO's responses to Zitting Brother's Requests for Admissions
05/11/2010	Attorney	CAWLEY R	0.70	225.00	157.50	Review and analyze APCO's responses to Zitting Brothers Interrogatories
05/11/2010	Attorney	CAWLEY R	0.30	225.00	67.50	Review APCO's responses to Zitting Brothers' Requests for Production of Documents
05/12/2010	Attorney	CAWLEY R	0.40	225.00	90.00	Cursory review of numerous Motions for Summary Judgment Against Gemstone filed by other parties
05/13/2010	Attorney	CAWLEY R	0.20	225.00	45.00	Review Harsco's Ex Parte Motion for Order Shortening Time on Motion for Partial Summary Judgment
05/13/2010	Attorney	CAWLEY R	0.60	225.00	135.00	Cursory of review of Scott Financial's numerous Oppositions to Motions for Summary Judgment Against Gemstone
05/14/2010	Attorney	CAWLEY R	0.30	225.00	67.50	Prepare for hearing with Court regarding numerous motions for summary judgment filed by lien claimants
05/14/2010	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis of correspondence from co-defendant regarding default against HA Fabricators.
05/17/2010	Attorney	CAWLEY R	2.90	225.00	652.50	Attend lengthy hearing with Court regarding numerous motions for summary judgment filed by lien claimants
05/17/2010	Attorney	CAWLEY R	0.40	225.00	90.00	Draft correspondence to client regarding Court's decision relative to motions for summary judgment filed by other lien claimants and recommendations in light of Court's ruling
05/19/2010	Attorney	CAWLEY R	0.30	225.00	67.50	Review Camco's responses to Zitting Brothers' Requests for Production of Documents

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
05/19/2010	Attorney	CAWLEY R	0.40	225.00	90.00	Review Camco's responses to Zitting Brothers' Interrogatories
05/19/2010	Attorney	CAWLEY R	0.30	225.00	67.50	Review Camco's responses to Zitting Brothers' Requests for Admissions
05/21/2010	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of co-defendants' motion for summary judgement against developer.
05/21/2010	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis of co-defedant's production of documents constituting lien.
05/25/2010	Attorney	CAWLEY R	1.70	225.00	382.50	Review client file materials to obtain information and documentation needed for motion for summary judgment and identification of potential exhibits
05/26/2010	Attorney	CAWLEY R	1.40	225.00	315.00	Draft Affidavit in Support of Motion for Summary Judgment
05/26/2010	Attorney	CAWLEY R	0.30	225.00	67.50	Review client file materials to obtain information and documentation needed for Affidavit in Support of Motion for Summary Judgment
05/26/2010	Attorney	CAWLEY R	0.60	225.00	135.00	Perform legal research to obtain case law authorities regarding enforcement of mechanic's lien through summary judgment
05/26/2010	Attorney	CAWLEY R	0.80	225.00	180.00	Perform legal research to obtain case law authorities regarding sanctions for failing to respond to requests for admissions and the use of such sanctions in seeking summary judgment
05/27/2010	Attorney	CAWLEY R	0.40	225.00	90.00	Multiple telephone conferences with client's prior law firm requesting information and documentation indicating fees and costs incurred
05/27/2010	Attorney	CAWLEY R	0.20	225.00	45.00	Receive and send e-correspondence with attachments from and to client's prior counsel regarding documentation supporting fees and costs
05/27/2010	Attorney	CAWLEY R	4.30	225.00	967.50	Draft Motion for Summary Judgment
05/28/2010	Attorney	CAWLEY R	0.80	225.00	180.00	Revise and supplement motion for summary judgment
05/28/2010	Attorney	CAWLEY R	0.30	225.00	67.50	Revise and supplement Affidavit in Support of Motion for Summary Judgment
05/29/2010	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of co-defendant's motion for summary judgement against developer.
06/02/2010	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis and review of plaintiff's demand and production of documents regarding same.
06/04/2010	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis of correspondence from co-defendant regarding setting of depositions.
06/04/2010	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis of co-defendant's motion for good faith settlement.
06/04/2010	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis of co-defendant's supplemental production of documents.
06/05/2010	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of court order striking Gemstone's answer and cross claim.
06/09/2010	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis of court order on plaintiff's motion to compel settlement.
06/11/2010	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis of court order compelling settlement.
06/11/2010	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of co-defendant's production of documents regarding lien claim.

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
06/15/2010	Attorney	CAWLEY R	0.30	225.00	67.50	Prepare for status check hearing with Court regarding Scott Financial's objections to specific liens under NRS 108.2275 and on-going issues with numerous motions for summary judgments filed by lien claimants
06/16/2010	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis of correspondences and documents from plaintiff regarding identification of damages and plans for immediate handling.
06/16/2010	Attorney	CAWLEY R	2.40	225.00	540.00	Attend status check hearing with Court regarding Scott Financial's objections to specific liens under NRS 108.2275 and on-going issues with numerous motions for summary judgments filed by lien claimants
06/16/2010	Attorney	CAWLEY R	0.20	225.00	45.00	Draft correspondence to client regarding Scott Financial's opposition to lien claimants motions for summary judgment
06/16/2010	Attorney	CAWLEY R	0.30	225.00	67.50	Review Scott Financial's Omnibus Supplement to Its Opposition to the Motions for Summary Judgment Against Gemstone
06/17/2010	Attorney	CAWLEY R	0.30	225.00	67.50	Receive and send multiple e-correspondence with attachments from and to client regarding APCO Construction's Motion for Summary Judgment as to Priority
06/17/2010	Attorney	CAWLEY R	0.20	225.00	45.00	Telephone conference with client regarding meeting with other lien claimants to address priority motions
06/18/2010	Attorney	CAWLEY R	1.90	225.00	427.50	Attend meeting with other lien claimants regarding strategy for opposing Scott Financial's Motion for Summary Judgment as to Lien Priority
06/18/2010	Attorney	CAWLEY R	0.30	225.00	67.50	Telephone conference with client regarding update on progress of case, events at meeting with lien claimants, and analysis of priority issue
06/21/2010	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis of co-defendant's application for default judgement against Gemstone.
06/21/2010	Attorney	EDWARDS M M	0.30	225.00	67.50	Analysis of co-defendant's motion for summary judgement against Gemstone.
06/23/2010	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis and review of APCO's motion for summary judgement.
06/23/2010	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis of co-defendant's motion for good faith settlement.
06/23/2010	Attorney	CAWLEY R	0.30	225.00	67.50	Review and analyze APCO Construction's Motion for Summary Judgment on Priority and numerous attached exhibits
06/24/2010	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of co-defendant's motion for summary judgement on lien property.
06/24/2010	Attorney	CAWLEY R	0.30	225.00	67.50	Review client file materials to obtain information needed for Joinder to APCO Construction's Motion for Summary Judgment on Priority
06/24/2010	Attorney	CAWLEY R	0.30	225.00	67.50	Draft Joinder to APCO Construction's Motion for Summary Judgment on Priority
07/01/2010	Attorney	CAWLEY R	0.30	225.00	67.50	Review and analyze APCO Construction's Opposition to Scott Financial's Motion for Summary Judgment as to Priority
07/01/2010	Attorney	CAWLEY R	0.10	225.00	22.50	Review correspondence from counsel for APCO Construction regarding Opposition to Scott Financial's Motion for Summary Judgment

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
07/01/2010	Attorney	CAWLEY R	0.30	225.00	67.50	Review Club Vista's Response to Scott Financial's Motion for Partial Summary Judgment
07/01/2010	Attorney	CAWLEY R	0.40	225.00	90.00	Review Scott Financial's Motion for Partial Summary Judgment as to Priority of Liens
07/02/2010	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of various co-defendant's motions regarding lien.
07/02/2010	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis of co-defendant's opposition to the motion for partial summary judgement on lien property.
07/02/2010	Attorney	CAWLEY R	0.10	225.00	22.50	Review Court Order Resetting Hearing Dates
07/07/2010	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of co-defendant's reply in support of the motion for summary judgement.
07/07/2010	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of APCO's opposition to co-defendant's motion for summary judgement.
07/07/2010	Attorney	CAWLEY R	0.10	225.00	22.50	Review Order Consolidating Cases A606730 and A571228
07/07/2010	Attorney	CAWLEY R	0.10	225.00	22.50	Review APCO Constructions and Scott Financial's Joint Motion for Continuation of Hearing on Motions for Summary Judgment
07/07/2010	Attorney	CAWLEY R	0.10	225.00	22.50	Review Findings of Fact and Conclusions of Law Granting and Denying in Party Arch Aluminum's Motion for Partial Summary Judgment
07/07/2010	Attorney	CAWLEY R	0.10	225.00	22.50	Review Notice of Entry of Findings of Fact and Conclusions of Law Granting and Denying in Party Arch Aluminum's Motion for Partial Summary Judgment
07/07/2010	Attorney	CAWLEY R	0.10	225.00	22.50	Review Notice of Entry of Order Consolidating Cases A606730 and A571228
07/07/2010	Attorney	CAWLEY R	0.40	225.00	90.00	Review and analyze Scott Financial's Brief on Lender Standing to Dispute Mechanic's Liens
07/07/2010	Attorney	CAWLEY R	0.30	225.00	67.50	Review and analyze Brief on Lender Standing to Dispute Mechanic's Liens filed on behalf of all lien claimants
07/08/2010	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of court order striking Gemstone's answer and counter claims.
07/13/2010	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis of additional joinders in the motion for summary judgement regarding priority of liens.
07/13/2010	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of APCO's opposition to the motion for partial summary judgement and counter motion for summary judgement.
07/18/2010	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of APCO's reply in support of the motion for summary judgement.
07/20/2010	Attorney	CAWLEY R	0.30	225.00	67.50	Review client file materials to obtain information needed for joinder to APCO Construction's Opposition to Scott Financial's Motion for Summary Judgment as to Priority
07/20/2010	Attorney	CAWLEY R	0.40	225.00	90.00	Draft Joinder to APCO Construction's Opposition to Scott Financial's Motion for Summary Judgment as to Priority
07/20/2010	Attorney	CAWLEY R	0.30	225.00	67.50	Draft Joinder to APCO Construction's Motion for Summary Judgment as to Priority
07/20/2010	Attorney	CAWLEY R	0.20	225.00	45.00	Draft Joinder to Reply to Scott Financial's Opposition to Motions for Partial Summary Judgment Filed on Behalf of All Lien Claimants
07/20/2010	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis of co-defendants' joinder in the motion for summary judgement on lien priority.
07/21/2010	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis of correspondence from co-defendant regarding dismissals.

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
07/21/2010	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis of co-defendant's response to the motion for summary judgement.
07/21/2010	Attorney	CAWLEY R	0.30	225.00	67.50	Review and analyze Scott Financial's Reply in Support of Motion for Summary Judgment as to Priority
07/21/2010	Attorney	CAWLEY R	0.30	225.00	67.50	Review and analyze APCO Construction's Reply in Support of Motion for Summary Judgment as to Priority
07/23/2010	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of co-defendant's replies in support of the motion for summary judgement and oppositions thereto.
07/24/2010	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis of plaintiff's interventions notice of default.
07/26/2010	Attorney	CAWLEY R	0.60	225.00	135.00	Prepare for hearing on Zitting Brothers' Motion for Summary Judgment, competing Motions for Summary Judgment on Priority filed by APCO Construction and Scott Financial, and other matters on calendar with the Court
07/27/2010	Attorney	CAWLEY R	3.20	225.00	720.00	Attend hearing on Zitting Brothers' Motion for Summary Judgment, competing Motions for Summary Judgment on Priority filed by APCO Construction and Scott Financial, and other matters on calendar with the Court
07/30/2010	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of co-defendant's response to written discovery.
07/30/2010	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis of plaintiff's production of documents.
07/31/2010	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis and review of co-defendants' answers to counter claims and supplemental responses to requests for production of documents.
07/31/2010	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis of co-defendant's motion for summary judgement against Gemstone.
08/04/2010	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis of co-defendant's notice of default against Gemstone.
08/13/2010	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis of court order on co-defendant's motion for good faith settlement.
08/31/2010	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis of correspondence from co-defendant regarding status of case and dismissal.
09/04/2010	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of multiple defendants' responses to written discovery.
09/05/2010	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis and review of plaintiff's production of documents regarding claimed damages.
09/10/2010	Attorney	CAWLEY R	0.30	225.00	67.50	Telephone conferences with counsel for Theraldson regarding issues pertaining to subcontractors purchasing condo units from Gemstone
09/12/2010	Attorney	EDWARDS M M	0.10	225.00	22.50	Anaysis of correspondence from co-defendant regarding upcoming hearing.
09/17/2010	Attorney	EDWARDS M M	0.20	225.00	45.00	Analysis of co-defendant's responses to written discovery.
09/20/2010	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis and review of correspondence regarding upcoming status check.
09/28/2010	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis of court order regarding co-defendant representation.
09/28/2010	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis of co-defendant's supplemental disclosure of documents.
09/28/2010	Attorney	EDWARDS M M	0.10	225.00	22.50	Analysis of co-defendant's responses to written discovery.
11/02/2010	Attorney	CAWLEY R	0.90	225.00	202.50	Attend hearing on Scott Financial's Motion to Stay Case Pending Decision on Priority

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
12/09/2010	Attorney	CAWLEY R	1.80	225.00	405.00	Attend status check hearing with the Court regarding the decision on priority
12/09/2010	Attorney	CAWLEY R	0.20	225.00	45.00	Telephone conference with client regarding hearing with Court addressing the decision on priority issues
12/09/2010	Attorney	CAWLEY R	0.20	225.00	45.00	Draft correspondence to client confirming issues addressed by the Court at the hearing on priority
11/08/2011	Attorney	CAWLEY R	0.30	225.00	67.50	Review and analyze APCO's Motion for Issuance of Order on Priority on Order Shortening Time
11/08/2011	Attorney	CAWLEY R	0.30	225.00	67.50	Review Scott Financial's Opposition to APCO's Renewed Motion to Consolidate
11/08/2011	Attorney	CAWLEY R	0.20	225.00	45.00	Review and analyze Scott Financial's Opposition to APCO's Motion for Issuance of Order on Priority
11/09/2011	Attorney	CAWLEY R	0.50	225.00	112.50	Prepare for hearing on APCO's Motion for Order as to Priority and Motion for Consolidation
11/09/2011	Attorney	CAWLEY R	1.70	225.00	382.50	Attend hearing on APCO's Motion for Order as to Priority and Motion for Consolidation
11/10/2011	Attorney	CAWLEY R	0.10	225.00	22.50	Review correspondence and attachment from counsel for APCO regarding proposed Order Granting APCO's Motion to Consolidate
11/14/2011	Attorney	CAWLEY R	0.70	225.00	157.50	Prepare for status check on APCO's Motion to Consolidate, Motion for Issuance of Order, and Zitting Brothers' Motion for Summary Judgment
11/15/2011	Attorney	CAWLEY R	1.30	225.00	292.50	Attend status check hearing on APCO's Motion to Consolidate, Motion for Issuance of Order, and Zitting Brothers' Motion for Summary Judgment
11/21/2011	Attorney	CAWLEY R	0.70	225.00	157.50	Review client file materials to obtain information needed for proposed Findings of Fact, Conclusions of Law, and Order Granting Zitting Brothers' Motion for Summary Judgment Against Gemstone
11/21/2011	Attorney	CAWLEY R	2.10	225.00	472.50	Draft proposed Findings of Fact, Conclusions of Law, and Order Granting Zitting Brothers Motion for Summary Judgment Against Gemstone
11/22/2011	Attorney	CAWLEY R	0.30	225.00	67.50	Revise and supplement Findings of Fact, Conclusions of Law, and Order Granting Zitting Brothers' Motion for Summary Judgment
11/22/2011	Attorney	CAWLEY R	0.10	225.00	22.50	Review Notice of Entry of Findings of Fact, Conclusions of Law, and Order Granting APCO's Motion for Summary Judgment on Priority; and Denying Scott Financial's Motion for Priority
12/01/2011	Attorney	CAWLEY R	1.80	225.00	405.00	Attend Rule 16.1 Conference with Court and other parties
01/03/2012	Attorney	CAWLEY R	0.20	225.00	45.00	Review Second Amended Case Agenda
01/03/2012	Attorney	CAWLEY R	0.10	225.00	22.50	Review Notice of Entry of Order Lifting Stay and accompanying documents
01/04/2012	Attorney	CAWLEY R	0.10	225.00	22.50	Draft Joinder to APCO's Opposition to Scott Financial's Motion for Summary Judgment
01/12/2012	Attorney	CAWLEY R	0.30	225.00	67.50	Review and analyze Scott Financial's Motion for Reconsideration of Court's Decision on Priority
01/12/2012	Attorney	CAWLEY R	0.30	225.00	67.50	Review and analyze APCO's Opposition to Scott Financial's Motion for Reconsideration
01/12/2012	Attorney	CAWLEY R	0.20	225.00	45.00	Review and analyze Insulpro's Opposition to Scott Financial's Motion for Reconsideration

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
01/19/2012	Attorney	CRINE W	0.00	0.00	0.00	Analysis of pleadings, correspondence and documents produced by defendant supporting defendant's theories of liability and damages for attorney's use for report to client.
01/19/2012	Attorney	CRINE W	0.00	0.00	0.00	Analysis of plaintiff's discovery for determination of future discovery to be conducted.
01/19/2012	Attorney	CAWLEY R	0.20	225.00	45.00	Review correspondence from counsel for APCO regarding proposal from lenders for market sale of property
01/19/2012	Attorney	CAWLEY R	0.20	225.00	45.00	Draft correspondence to client regarding analysis of proposal for market sale of property
01/24/2012	Attorney	CAWLEY R	0.30	225.00	67.50	Telephone conferences with counsel for APCO regarding response to proposal by lender to submit property to a market sale
01/24/2012	Attorney	CAWLEY R	0.10	225.00	22.50	Draft correspondence to client regarding discussions with counsel for APCO as to proposal by lender to submit property to a market sale
01/25/2012	Attorney	CAWLEY R	1.30	225.00	292.50	Attend hearing on Scott Financial's Motion for Reconsideration of Order Granting APCO Construction's Partial Motion for Summary Judgment as to Priority
02/14/2012	Attorney	CAWLEY R	2.90	225.00	652.50	Attend lengthy hearing with counsel for other mechanic's lien parties and the lending defendants regarding proposal for marketing sale of property and reimbursement for fees incurred by lenders in maintaining the property
02/14/2012	Attorney	CAWLEY R	0.20	225.00	45.00	Review Amended Scheduling Order and Setting Civil Jury Trial
03/06/2012	Attorney	CAWLEY R	0.10	225.00	22.50	Draft Joinder to APCO's Motion to Strike Scott Financial's Supplement to Partial Motion for Summary Judgment
03/07/2012	Attorney	CAWLEY R	1.20	225.00	270.00	Attend Hearing on APCO's Motion to Strike Scott Financial's Supplement to Partial Motion for Summary Judgment
03/20/2012	Attorney	CAWLEY R	0.10	225.00	22.50	Draft Joinder to APCO's Opposition to Scott Financial's Supplement to Motion for Summary Judgment
03/21/2012	Attorney	CAWLEY R	2.60	225.00	585.00	Attend hearing on Scott Financial's and APCO Construction's Cross Motions for Summary Judgment as to Priority
04/04/2012	Attorney	CAWLEY R	0.20	225.00	45.00	Review and analyze Court's Minute Order Granting Scott Financial's Motion for Reconsideration of Decision on Priority
04/04/2012	Attorney	CAWLEY R	0.20	225.00	45.00	Draft correspondence to client regarding Court's reconsideration of decision on priority issue
04/06/2012	Attorney	CAWLEY R	0.20	225.00	45.00	Telephone conference with counsel for APCO regarding Court's decision on Motion for Reconsideration, staying of case pending writ, and on-going issues relative to sale of property
04/06/2012	Attorney	CAWLEY R	0.20	225.00	45.00	Telephone conference with client regarding Court's decision on Motion for Reconsideration, staying of case pending writ, and recent offer pertaining to sale of property
04/27/2012	Attorney	CAWLEY R	0.20	225.00	45.00	Draft correspondence to counsel for Scott Financial regarding recent proposal for sale

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
05/04/2012	Attorney	CAWLEY R	0.20	225.00	45.00	Review correspondence and attachments from counsel for APCO regarding Scott Financials proposed Order on priority motions
05/07/2012	Attorney	CAWLEY R	0.20	225.00	45.00	Review Notice of Entry of Decision, Order and Judgment on Scott Financial's Motion for Summary Judgment as to Priority of Liens
05/09/2012	Attorney	CAWLEY R	1.40	225.00	315.00	Attend status check hearing with Court and other parties
05/25/2012	Attorney	CAWLEY R	0.30	225.00	67.50	Multiple telephone conferences with counsel for Scott Financial regarding sale of property and Motion for Leave from Stay and to Sale Property
05/25/2012	Attorney	CAWLEY R	0.10	225.00	22.50	Telephone conference with counsel for APCO regarding sale of property and anticipated Motion for Leave from Stay and to Sale Property
05/25/2012	Attorney	CAWLEY R	0.20	225.00	45.00	Draft correspondence to client regarding analysis of lender's sale of property and recommendations for responding to the same
05/25/2012	Attorney	CAWLEY R	0.20	225.00	45.00	Review correspondence and attachments from counsel for BondRok (potential buyer for Manhattan West property) regarding higher bid and events underlying awarding sale to another party
05/31/2012	Attorney	CAWLEY R	0.10	225.00	22.50	Review correspondence from counsel for Scott Financial regarding motion for court approval of sale of Manhattan West property
05/31/2012	Attorney	CAWLEY R	0.30	225.00	67.50	Review and analyze Scott Financial's motion for court approval of sale of Manhattan West property
06/18/2012	Attorney	CAWLEY R	0.20	225.00	45.00	Telephone conferences with client regarding update on recent events and strategy for addressing the same
07/02/2012	Attorney	CAWLEY R	6.90	225.00	1,552.50	Attend full day evidentiary hearing on Scott Financial's Motion to Sell Manhattan West property
07/02/2012	Attorney	CAWLEY R	0.90	225.00	202.50	Prepare for evidentiary hearing on Scott Financial's Motion to Sell Manhattan West property
07/09/2012	Attorney	CAWLEY R	4.70	225.00	1,057.50	Attend half day at evidentiary hearing on Scott Financial's Motion to Sell Manhattan West Property
07/18/2012	7556	VAN NESS A	2.10	225.00	472.50	Attend Hearing on Bank's Request to Sell the Property on behalf of Client pursuant to Court's Order that all parties attend hearing
07/23/2012	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze correspondence from Developer's counsel regarding complaint filed by WGH Acquisitions.
07/23/2012	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze correspondence from Plaintiff's counsel regarding proposed order for motion to lift stay and allow sale to proceed.
07/23/2012	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze correspondence from Developer's counsel regarding revisions to order proposed by Scott Financial.
07/23/2012	Attorney	RAMIREZ J	0.30	225.00	67.50	Telephone call with APCO Construction's counsel regarding Scott Financial's order and further handling of upcoming hearing.
07/31/2012	Attorney	CAWLEY R	1.70	225.00	382.50	Attend status check on submission of proposed orders to Court regarding decision on Scott Financial's motion to sale property
08/16/2012	Attorney	CAWLEY R	1.70	225.00	382.50	Attend status check hearing on remaining issues for Court order to sale the Manhattan West property
08/28/2012	Attorney	CAWLEY R	0.40	225.00	90.00	Review client file materials to obtain information needed for confidential mediation brief

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
08/28/2012	Attorney	CAWLEY R	2.40	225.00	540.00	Draft confidential mediation brief
09/04/2012	Attorney	CAWLEY R	6.60	225.00	1,485.00	Attend court ordered mediation
10/01/2012	Attorney	CAWLEY R	0.10	225.00	22.50	Review Supreme Court Order allowing APCO's Writ
10/05/2012	Attorney	CAWLEY R	0.40	225.00	90.00	Lenghty telephone conference with counsel for APCO regarding upcoming Order to Show Cause hearing
10/09/2012	Attorney	RAMIREZ J	2.30	225.00	517.50	Attend Order to Show Cause hearing.
10/16/2012	Attorney	CAWLEY R	0.10	225.00	22.50	Review Supreme Court Order Approving Stipulation for Extension of Time for Scott Financial to File Answer
11/27/2012	Attorney	CAWLEY R	0.20	225.00	45.00	Telephone conferences with counsel for APCO regarding recent developments as to the sale of the property and upcoming mediation
11/29/2012	Attorney	CAWLEY R	7.90	225.00	1,777.50	Attend Court Ordered Mediation
11/30/2012	Attorney	CAWLEY R	0.20	225.00	45.00	Receive and send e-correspondence from other lien claimant counsel regarding revised list of outstanding liens
12/03/2012	Attorney	CAWLEY R	0.10	225.00	22.50	Review Court Order Staying Case Except for Sale of Property Pending Resolution of Appeal Before the Supreme Court
12/03/2012	Attorney	CAWLEY R	0.10	225.00	22.50	Review Notice of Entry of Order of Court Order Staying Case Except for Sale of Property Pending Resolution of Appeal Before the Supreme Court
12/13/2012	Attorney	CAWLEY R	2.40	225.00	540.00	Attend meeting with counsel for APCO and other mechanic's lien claimants to discuss strategy for case going forward and issues surrounding funding of appeal
01/02/2013	Attorney	CAWLEY R	0.20	225.00	45.00	Draft joinder to motion re: approval of Purchase and Sale Agreement and related issues
01/02/2013	Attorney	CAWLEY R	0.20	225.00	45.00	Telephone conferences with counsel for APCO regarding upcoming hearing with court regarding motion to approve revised purchase sale agreement
01/03/2013	Attorney	CAWLEY R	1.60	225.00	360.00	Attend hearing on motion to approve revised purchase and sale agreement and related matters on order shortening time
01/16/2013	Attorney	CAWLEY R	2.80	225.00	630.00	Attend continued hearing on lien claimants motion to approve revised purchase and sale agreement and othe relevant items
03/01/2013	Attorney	CAWLEY R	4.30	225.00	967.50	Attend portion of evidentiary hearing regarding commission to be paid to broker for Manhattan West sale
03/07/2013	Attorney	CAWLEY R	4.40	225.00	990.00	Attend portions of continued evidentiary hearing on commission of broker for sale of Manhattan West
03/08/2013	Attorney	CAWLEY R	0.30	225.00	67.50	Review correspondence and attachment from counsel for other lien claimants regarding order on motion to approve purchase and sale agreement
04/04/2013	Attorney	CAWLEY R	0.30	225.00	67.50	Review and analyze Court's decision on evidentiary hearing as to commission of real estate broker
04/04/2013	Attorney	CAWLEY R	0.40	225.00	90.00	Draft correspondence to client regarding brief status update on case
04/04/2013	Attorney	CAWLEY R	0.20	225.00	45.00	Review client file materials to obtain information needed for correspondence to client
06/13/2013	Attorney	CAWLEY R	1.90	225.00	427.50	Attend hearing on APCO's motion for judgment against Gemstone
09/10/2013	Attorney	CAWLEY R	0.20	225.00	45.00	Telephone conference with counsel for APCO regarding request for update on status of case, settlement negotiations, and writ progress

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
09/10/2013	Attorney	CAWLEY R	0.40	225.00	90.00	Draft brief status update to client
10/12/2015	Attorney	CAWLEY R	0.10	225.00	22.50	Review Court's notice of hearing for status check
10/21/2015	Attorney	CAWLEY R	0.40	225.00	90.00	Prepare for status hearing with Court and all parties regarding Supreme Court decision and stay of case
10/21/2015	Attorney	CAWLEY R	1.80	225.00	405.00	Attend status hearing with Court and all parties regarding Supreme Court decision and stay of case
05/05/2016	Attorney	RAMIREZ J	6.40	225.00	1,440.00	Analyze file to determine issues remaining after Supreme Court decision and prepare litigation strategy for upcoming conference with clients.
05/06/2016	Attorney	RAMIREZ J	4.00	225.00	900.00	Attend conference with Client to discuss remaining issues and litigation strategy.
05/06/2016	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Court's Order regarding June 2, 2016 Status Check.
05/09/2016	Attorney	RAMIREZ J	0.30	225.00	67.50	Analyze APCO Construction's Motion to Appoint Special Master.
05/18/2016	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Las Vegas Pipeline's Counsel Motion to Withdraw.
05/18/2016	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Application for Order Shortening Time Re: Motion to Withdraw.
05/18/2016	Attorney	RAMIREZ J	0.80	225.00	180.00	Analyze Insulpro Projects' Renewed Motion for Partial Summary Judgment to determine if joinder is required.
05/20/2016	Attorney	I-CHE L	0.20	225.00	45.00	Review and evaluate Smith and Shapiro, PLLC's Application for Order Shortening Time on Motion to Withdraw and the underlying motion.
05/23/2016	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Notice of Entry of Order granting Movant's Application for Order Shortening Time on Its Motion to withdraw.
05/24/2016	Attorney	I-CHE L	0.20	225.00	45.00	Review order granting Smith and Shapiro, PLLC's Application for Order Shortening Time and setting June 2, 2016 status check and analyze preparation needed for status check.
05/25/2016	Attorney	RAMIREZ J	0.30	225.00	67.50	Analyze Various Lien Claimants' Limited Opposition to APCO's Motion to Appoint Special Master.
05/31/2016	Attorney	I-CHE L	0.30	225.00	67.50	Analyze Peel Brimley Lien Claimants' and Insulpro Project's limited oppositions to APCO Construction's motion to appoint special master for need and grounds for a response.
05/31/2016	Attorney	I-CHE L	0.20	225.00	45.00	Draft joinder to Peel Brimley Claimants' limited opposition to motion to appoint special master.
05/31/2016	Attorney	I-CHE L	0.00	0.00	0.00	Analyze Insulpro Projects, Inc.'s Renewed Motion for Partial Summary Judgment (including 184 pages of exhibits) for need and grounds for a response.
05/31/2016	Attorney	I-CHE L	0.20	225.00	45.00	Draft joinder to Insulpro Projects, Inc.'s renewed motion for partial summary judgment.
06/01/2016	Attorney	I-CHE L	0.80	225.00	180.00	Analyze Steel Structures, Inc. and Nevada Prefab Engineers, Inc.'s joinder to Peel Brimley Lien Claimants' limited opposition to appoint special master and APCO Construction's reply in support of appointment for need to respond to their filings.
06/01/2016	Attorney	I-CHE L	1.50	225.00	337.50	Prepare for June 2, 2016 status check by reviewing portion of case file.
06/01/2016	Attorney	RAMIREZ J	2.50	225.00	562.50	Attend conference with Client to discuss role and benefits of special master.

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
06/01/2016	Attorney	RAMIREZ J	0.20	225.00	45.00	Analyze APCO Construction's Reply in Support of Motion to Appoint Special Master.
06/02/2016	Attorney	I-CHE L	1.50	225.00	337.50	Attend status check.
06/02/2016	Attorney	I-CHE L	0.20	225.00	45.00	Evaluate need to adjust litigation plan based on result of status check and settlement discussions with APCO Construction.
06/02/2016	Attorney	I-CHE L	0.10	225.00	22.50	Review and evaluate June 2, 2016 order regarding Smith & Shapiro, LLC's motion to withdrawal.
06/02/2016	Attorney	I-CHE L	0.10	225.00	22.50	Draft proposed email to client advising of case status and strategy.
06/02/2016	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Steel Structures' Joinder to Peel Brimley's Limited Opposition to APCO's Motion to Appoint Special Master.
06/03/2016	Attorney	I-CHE L	0.20	225.00	45.00	Analyze Scott Financial Corp.'s limited opposition to Insulpro's renewed motion for partial summary judgment for need for further response.
06/06/2016	Attorney	RAMIREZ J	0.80	225.00	180.00	Analyze APCO's Opposition to Renewed Motion for Partial Summary Judgment and Joinder Thereto; and Countermotion to Dismiss and/or for Summary Judgment Against Insulpro.
06/06/2016	Attorney	RAMIREZ J	0.50	225.00	112.50	Analyze CAMCO's Opposition to Insulpro's Renewed Motion for Partial Summary Judgment.
06/08/2016	Attorney	I-CHE L	1.00	225.00	225.00	Prepare for hearing on the motion to appoint special master by reviewing briefing on the motion and formulating any arguments for the hearing.
06/09/2016	Attorney	I-CHE L	1.00	225.00	225.00	Attend hearing on motion to appoint special master.
06/13/2016	Attorney	I-CHE L	0.20	225.00	45.00	Review and analyze June 13, 2016 order appoint special master for need to respond.
06/13/2016	Attorney	I-CHE L	0.20	225.00	45.00	Draft proposed email to client advising of appointment of special master.
06/15/2016	Attorney	RAMIREZ J	0.80	225.00	180.00	Analyze Reply in Support of Renewed Motion for Partial Summary Judgment Re: CAMCO Opposition
06/15/2016	Attorney	RAMIREZ J	1.20	225.00	270.00	Analyze Reply in Support of Renewed Motion for Partial Summary Judgment Re: APCO Opposition
06/18/2016	Attorney	I-CHE L	1.00	225.00	225.00	Review and analyze Insulpro's reply to oppositions to motion for partial summary judgment by APCO and Camco to prepare for hearing on motion.
06/20/2016	Attorney	I-CHE L	1.20	225.00	270.00	Attend hearing on Insulpro's motion for summary judgment.
06/22/2016	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Notice of Special Master Hearing.
06/27/2016	Attorney	I-CHE L	0.10	225.00	22.50	Review and evaluate APCO's June 23, 2016 letter attaching and discussing proposed order denying Insulpro's motion for summary judgment.
06/27/2016	Attorney	I-CHE L	0.20	225.00	45.00	Review and evaluate Special Master's June 22, 2016 letter scheduling and discussing July 11, 2016 discovery hearing and Peel Brimley's June 23, 2016 letter to Special Master requesting continuance.
06/28/2016	Attorney	I-CHE L	0.10	225.00	22.50	Review and evaluate APCO's June 28, 2016 letter discussing proposed order denying Insulpro's motion for summary judgment.
06/30/2016	Attorney	I-CHE L	0.10	225.00	22.50	Review and analyze Special Master's June 28, 2016 Notice of Re-Scheduled SM Hearing for need to respond.

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
07/01/2016	Attorney	RAMIREZ J	0.10	225.00	22.50	Review and analyze Order denying Motion for Summary Judgment without Prejudice.
07/06/2016	Attorney	I-CHE L	1.00	225.00	225.00	Review and evaluate July 1, 2016 notice of entry of order denying motion for summary judgment.
08/01/2016	Attorney	RAMIREZ J	1.60	225.00	360.00	Attend Special Master hearing.
08/02/2016	Attorney	RAMIREZ J	0.10	225.00	22.50	Review and analyze Notice of Special Master Hearing.
08/08/2016	Attorney	RAMIREZ J	0.00	0.00	0.00	Analyze Special Master Report, Recommendation and District Court Order.
08/26/2016	Attorney	I-CHE L	0.10	225.00	22.50	Review and evaluate August 8, 2016 Special Master Report, Recommendation, and District Court Order.
08/30/2016	Paralegal	MAILE J	4.80	125.00	600.00	Reviewed client and case documents (1200+ pp.) to determine relevance to include in Zitting Brothers' initial 16.1 disclosures
08/30/2016	Paralegal	MAILE J	1.90	125.00	237.50	Began drafting Zitting Brothers' initial 16.1 disclosures
08/30/2016	Attorney	RAMIREZ J	5.00	225.00	1,275.00	Attend conference with client to review draft 16.1 disclosures and determine if there are any additional documents available regarding probject.
08/31/2016	Attorney	I-CHE L	0.90	225.00	202.50	Review draft of initial disclosures, including documents for production (about 1,000 pages), and evaluate their compliance with disclosure rules.
08/31/2016	Paralegal	MAILE J	1.70	125.00	212.50	Completed draft of Zitting Brother's initial list of witnesses and production of documents pursuant to NRCP 16.1
08/31/2016	Paralegal	MAILE J	0.50	125.00	62.50	Prepared report calculating updated interest accrued to update Zitting Brothers' initial 16.1 disclosures to include damages sought
08/31/2016	Attorney	RAMIREZ J	1.20	225.00	270.00	Supplement and revise 16.1 to include additional witnesses and categories of testimony and final review prior to filing.
08/31/2016	Paralegal	MAILE J	0.50	125.00	62.50	Finalized and served Zitting Brothers' initial 16.1 disclosures
08/31/2016	Attorney	RAMIREZ J	1.00	225.00	225.00	Analyze Fast Glass, Inc.'s Initial Disclosures Pursuant to NRCP 16.1
09/01/2016	Attorney	RAMIREZ J	2.00	225.00	450.00	Review and analyze CAMCO's 16.1 Disclosure.
09/01/2016	Attorney	RAMIREZ J	0.10	225.00	22.50	Review and analyze Insulpro Projects' Sixth Notice of Compliance.
09/01/2016	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze correspondence from Scott Financial's counsel regarding necessity to comply with Special Master's order.
09/01/2016	Attorney	RAMIREZ J	0.10	225.00	22.50	Review and analyze Special Master Order Requiring Completion of Questionnaire.
09/01/2016	Attorney	RAMIREZ J	0.10	225.00	22.50	Review and analyze APCO Construction's Sixth Supplemental Disclosure of Witnesses and Imaged Documents.
09/01/2016	Attorney	RAMIREZ J	0.50	225.00	112.50	Review and analyze Uintah Investments' Initial Disclosures Pursuant to NRCP 16.1.
09/01/2016	Attorney	RAMIREZ J	0.10	225.00	22.50	Review and analyze SWPPP Compliance Solutions' Initial Disclosures.
09/01/2016	Attorney	RAMIREZ J	0.10	225.00	22.50	Review and analyze Interstate Plumbing's Initial Disclosures.
09/01/2016	Attorney	RAMIREZ J	0.50	225.00	112.50	Review and analyze Accuracy Glass & Mirror Company's Initial Disclosures.

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
09/01/2016	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze correspondence from APCO's counsel regarding proposed questionnaire for all claimants.
09/01/2016	Attorney	RAMIREZ J	0.10	225.00	22.50	Review and analyze Notice of Appearance of Counsel for Plaintiff Uintah Investments.
09/01/2016	Paralegal	MAILE J	0.30	125.00	37.50	Receipt and review of Special Master Order Requiring Completion of Questionnaire and discussed same with I. Lai re: items needed to prepare response
09/01/2016	Paralegal	MAILE J	0.10	125.00	12.50	Receipt and review of Letter to Special Master Hale re Questionnaire dated September 1, 2016 from attorney Rachel Donn, counsel for Scott Financial Corporation
09/01/2016	Paralegal	MAILE J	0.00	0.00	0.00	Receipt and review of Insulpro Projects' Sixth Notice of Compliance
09/02/2016	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze correspondence from Special Master regarding Scott Financial participation in order.
09/02/2016	Attorney	RAMIREZ J	0.50	225.00	112.50	Review and analyze Buchele, Inc.'s Initial Disclosures.
09/02/2016	Attorney	RAMIREZ J	1.00	225.00	225.00	Review and analyze Cactus Rose Construction's Initial Disclosures.
09/02/2016	Attorney	RAMIREZ J	1.00	225.00	225.00	Review and analyze Helix Electric's Initial Disclosures.
09/02/2016	Attorney	RAMIREZ J	1.00	225.00	225.00	Review and analyze Heinaman Contract Glazing's Initial Disclosures.
09/02/2016	Attorney	RAMIREZ J	1.00	225.00	22.50	Review and analyze Cardno WRG's Initial Disclosures.
09/09/2016	Attorney	I-CHE L	0.20	225.00	45.00	Review Peel Brimley's August 31, 2016 letter proposing questionnaire to all lien claimants and evaluate need to respond to letter.
09/09/2016	Attorney	I-CHE L	0.10	225.00	22.50	Review Special Master's order requiring completion of questionnaire.
09/09/2016	Attorney	I-CHE L	0.10	225.00	22.50	Review Holly Drigg's September 1, 2016 letter to Special Master requesting excusal from questionnaire response and evaluate need to respond.
09/09/2016	Attorney	I-CHE L	0.10	225.00	22.50	Review Special Master's September 2, 2016 letter addressing Holly Drigg's letter and evaluate need to respond.
09/09/2016	Attorney	I-CHE L	0.60	225.00	135.00	Review and evaluate APCO Construction's sixth supplemental initial disclosure and CAMCO's initial disclosure.
09/14/2016	Paralegal	MAILE J	0.10	125.00	12.50	Reviewed and responded to email correspondence from Steve Morris, attorney for Defendant/Counterclaimant Camco Construction Company, Inc., re: 16.1 disclosure documents
09/14/2016	Paralegal	MAILE J	0.10	125.00	12.50	Telephone conference with Litigation Services to request various documents from Apco Construction's disclosures in preparation of Questionnaire required by Special Master Order
09/14/2016	Paralegal	MAILE J	0.20	125.00	25.00	Telephone conference with Litigation Services to request Apco's document production
09/15/2016	Paralegal	MAILE J	0.10	125.00	12.50	Reviewed and responded to email correspondence from Litigation Services with requested documents produced by Apco Construction
09/15/2016	Paralegal	MAILE J	0.10	125.00	12.50	Prepared email correspondence to Litigation Services to request status of additional Apco documents requested

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
09/20/2016	Paralegal	MAILE J	0.70	125.00	87.50	Reviewed and analyzed documents produced by APCO (Gemstone checks, Notice of Intent to Lien, Notice of Lien, Amended and Restated Notice of Lien, Change Order Spreadsheet for Lien Amount and Documents re: Zitting Construction and provided same to I. Lai for Special Master's questionnaire response
09/20/2016	Paralegal	MAILE J	1.40	125.00	175.00	Reviewed and analyzed documents produced by Camco and provided same to I. Lai for Special Master's questionnaire response
09/20/2016	Attorney	RAMIREZ J	4.00	225.00	900.00	Analzye other parties disclosurses to identify documents to prepare for upcoming conference with client.
09/20/2016	Attorney	RAMIREZ J	2.50	225.00	562.50	Attend conference with client to go over other parties disclosures.
09/21/2016	Attorney	I-CHE L	2.00	225.00	450.00	Review the parties' initial disclosures and evaluates answers to the Special Master's questionnaire.
09/21/2016	Attorney	I-CHE L	0.50	225.00	112.50	Draft response to the Special Master's questionnaire.
09/22/2016	Attorney	RAMIREZ J	0.90	225.00	202.50	Analyze multiple (x16) Responses to Special Master Questionnaires from various parties.
09/22/2016	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Noorda Sheet Metal's Notice of Compliance.
09/22/2016	Paralegal	MAILE J	0.20	125.00	25.00	Revised Zitting Brothers' response to Special Master's questionnaire and provided same to attorney for review
09/23/2016	Attorney	RAMIREZ J	0.10	225.00	22.50	Review and analyze National Wood Products Response to Special Master Questionnaire.
09/28/2016	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze correspondence from APCO's counsel regarding objection to various parties questionnaire.
09/29/2016	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze correspondence from Peel Brimley regarding APCO's objection.
09/29/2016	Attorney	I-CHE L	1.10	225.00	247.50	Review parties' responses to special master's questionnaire and initial disclosures to prepare for September 29, 2016 hearing before special master.
09/29/2016	Attorney	I-CHE L	1.70	225.00	382.50	Attend hearing before Special Master to address discovery parameters and scheduling.
09/30/2016	Attorney	RAMIREZ J	1.00	225.00	225.00	Analyze Request for Leave to Special Master for Approval of Late Filing and Service of Rule 16.1 Disclosures by National Wood Products, Inc., Judgment Creditor and Intervenor of Claimant, Cabinetec, Inc.
10/03/2016	Attorney	RAMIREZ J	0.10	225.00	22.50	Review and analyze Special Master Order Authorizing National Wood Products to File and Serve Disclosures.
10/05/2016	Attorney	RAMIREZ J	1.00	225.00	225.00	Analyze Plaintiff in Intervention national Wood Products Initial Disclosures.
10/06/2016	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze United Subcontractors' Motion to Approve and Accept as timely Incorrectly Filed and Served NRCP 16.1 Disclosures and Special Master Questionnaire.
10/07/2016	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Special Master Report Regarding Remaining Parties to the Litigation, Special Master Recommendation and District Court Order Amending Case Agenda.
10/12/2016	Attorney	RAMIREZ J	0.10	225.00	22.50	Review and analyze United Subcontractors' Re-Filed Supplemented and Consolidated Disclosure.
11/10/2016	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze correspondence from Tri-City Drywall's counsel regarding motion to approve and accept late filing.
11/17/2016	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Special Master's Approval for Tri-City Drywall to serve questionnaire late.

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
12/07/2016	Attorney	I-CHE L	0.40	225.00	90.00	Review and evaluate other plaintiffs' requests to file late initial disclosures and responses to Special Master's questionnaire and Special Master's order approving late filings and setting case agenda.
12/15/2016	Attorney	RAMIREZ J	0.20	225.00	45.00	Analyze APCO Construction's First Set of Request for Production of Documents and Things to various co-plaintiffs (x4).
12/15/2016	Attorney	RAMIREZ J	0.20	225.00	45.00	Analyze APCO Construction's First Set of Interrogatories to Helix Electric of Nevada.
12/16/2016	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Plaintiff's First Request for Production of Documents to Zitting Brother.
12/16/2016	Attorney	RAMIREZ J	0.20	225.00	45.00	Analyze Plaintiff's First Set of Interrogatories to Zitting Brothers.
12/23/2016	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Insulpro Projects Second Set of Interrogatories to Camco.
12/23/2016	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Insulpro Projects Second Set of Request for Admissions to Camco.
12/23/2016	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Insulpro Projects Second Set of Request for Production of Documents to Camco.
01/03/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Plaintiff in Intervention National Wood Products' Request for Production of Documents to APCO Construction.
01/03/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Plaintiff in Intervention National Wood Products' Interrogatories to APCO Construction.
01/03/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Plaintiff in Intervention National Wood Products' Request for Admissions to APCO Construction.
01/04/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Plaintiff in Intervention National Wood Products' Request for Admissions to CAMCO Pacific Construction Company.
01/04/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Plaintiff in Intervention National Wood Products' Request for Production of Documents to CAMCO Pacific Construction Company.
01/04/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Plaintiff in Intervention National Wood Products' Interrogatories to CAMCO Pacific Construction Company.
01/11/2017	Attorney	I-CHE L	0.10	225.00	22.50	Call with Apco Construction's counsel to discuss Zitting Brothers' discovery responses.
01/11/2017	Attorney	I-CHE L	0.10	225.00	22.50	Draft email to Apco Construction's counsel to memorialize telephone discussion regarding Zitting Brothers' discovery responses.
01/11/2017	Paralegal	MAILE J	2.30	125.00	287.50	Analyzed and reviewed documents produced in case in preparation for determining responses to APCO Construction's First Set of Requests for Production of Documents to Zitting Brothers (325 pages reviewed)
01/13/2017	Attorney	RAMIREZ J	0.40	225.00	90.00	Analyze Tharaldson Parties' Motion for Order to Show Cause Why Grubb & Ellis Should Not Be Held In Contempt Of Court to determine if joinder is warranted.
01/18/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Steel Structures' First Supplemental Disclosure Statement.
01/18/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Nevada Prefab Engineers' First Supplemental Disclosure Statement.

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
01/19/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Steel Structures' Response to APCO Construction's First Set of Request for Production of Documents and Things.
01/19/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Nevada Prefab Engineer's Response to APCO Construction's First Set of Request for Production of Documents and Things.
01/19/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Uintah Investments' Response to APCO Construction's First Set of Request for Production of Documents and Things.
01/20/2017	Paralegal	MAILE J	1.50	125.00	187.50	Continued analysis and review of documents produced in case in preparation for determining responses to APCO Construction's First Set of Requests for Production of Documents to Zitting Brothers (420 pages reviewed)
01/23/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Review and analyze Prefab Engineer's Answers to APCO Construction's First Set of Interrogatories.
01/23/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Review and analyze Steel Structures' Answers to APCO Construction's First Set of Interrogatories.
01/23/2017	Attorney	I-CHE L	0.10	225.00	22.50	Draft email to plaintiff's counsel to discuss scope of plaintiff's discovery requests.
01/24/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Review and analyze United Subcontractors' Responses to APCO Construction's First Request for Production of Documents.
01/30/2017	Paralegal	MAILE J	5.00	125.00	625.00	Continued analysis and review of documents produced in case in preparation for determining responses to APCO Construction's First Set of Requests for Production of Documents to Zitting Brothers (535 pages reviewed)
01/30/2017	Attorney	I-CHE L	3.00	225.00	675.00	Review APCO's interrogatories to Interstate Plumbing, National Wood Products, Buchele, Noorda Sheet Metal, Cardno WRG, Steel Structure, NV Prefab Engineers, Insulpro Projects, Unitah Investments, United Subcontractors, Accuracy Glass & Mirror. and Zitting Brothers and evaluate for response needed in Zitting Brothers' interrogatory responses.
01/30/2017	Attorney	I-CHE L	2.00	225.00	450.00	Review APCO's requests for production to Helix Electric, Interstate Plumbing, National Wood Product, Unitah Investments, Noorda Sheet Metal, United Subcontractors, Accuracy Glass & Mirror, Cardno WRG, and Zitting Brothers and evaluate for response needed in Zitting Brothers' responses to requests for production.
01/30/2017	Attorney	I-CHE L	1.80	225.00	405.00	Review discovery responses from United Subcontractors, Steel Structure, NV Prefab Engineers, Unitah Investments and first supplemental NRCP 16.1 disclosure from Steel Structure, NV Prefab Engineers and evaluate for use in response in Zitting Brothers' interrogatory responses.
01/30/2017	Attorney	I-CHE L	1.60	225.00	360.00	Review Zitting Brothers' NRCP 16.1 disclosures and evaluate for use in Zitting Brothers' interrogatory responses.
01/30/2017	Attorney	I-CHE L	0.70	225.00	157.50	Draft Zitting Brothers' responses to APCO's interrogatories based on review of parties' discovery requests, discovery responses, and initial disclosures.

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
01/30/2017	Attorney	I-CHE L	0.20	225.00	45.00	Identify documents to disclose in our supplemental initial disclosure based on review of parties' discovery requests, discovery responses, and initial disclosures.
01/31/2017	Paralegal	MAILE J	0.40	125.00	50.00	Preparation of Zitting Brothers' first supplemental initial disclosures (14 pages) to include additional documents to support outstanding amounts owed to client
01/31/2017	Paralegal	MAILE J	2.30	125.00	287.50	Analyzed, reviewed and prepared documents to supplement in case in order to support Zitting Brothers' outstanding claims amount regarding work performed on the Manhattan West Project (1223 pages)
02/01/2017	Paralegal	MAILE J	0.10	125.00	12.50	Preparation of email correspondence to Litigation Services to request Manhattan West General Construction Agreement between Gemstone and APCO produced by Nevada Prefab Engineers, Inc. for use in discovery efforts
02/01/2017	Attorney	I-CHE L	2.10	225.00	472.50	Review Zitting Brothers' NRCP 16.1 disclosures and evaluate for use in Zitting Brothers' responses to requests for production.
02/01/2017	Attorney	I-CHE L	0.50	225.00	112.50	Draft Zitting Brothers' responses to APCO's requests for production based on review of parties' discovery requests, discovery responses, and initial disclosures.
02/01/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Order Setting Civil Non-Jury Trial and Calendar Call.
02/02/2017	Paralegal	MAILE J	0.20	125.00	25.00	Edited and revised Zitting Construction's first supplemental disclosure to include primary contract between Gemstone and APCO
02/02/2017	Attorney	I-CHE L	0.80	225.00	180.00	Analyze client's ability to recover from APCO Construction, including potential solvency concerns with APCO Construction.
02/02/2017	Attorney	I-CHE L	0.40	225.00	90.00	Evaluate supplement to responses to interrogatories and requests for production and supplement accordingly.
02/02/2017	Attorney	I-CHE L	0.20	225.00	45.00	Draft email to client discussing responses to APCO Construction's discovery requests.
02/02/2017	Attorney	RAMIREZ J	0.30	225.00	67.50	Analyze Chapter 7 Trustee's Motion to Associate Counsel for Interstate Plumbing & Air Conditioning.
02/03/2017	Paralegal	MAILE J	0.10	125.00	12.50	Preparation of email correspondence to Plaintiff APCO's counsel to request short extension for Zitting Brothers' to respond to APCO's discovery requests
02/03/2017	Attorney	I-CHE L	1.50	225.00	337.50	Review and evaluate Chapter 7 Trustee's motion to associate counsel for Interstate Plumbing and Air Conditions.
02/07/2017	Paralegal	MAILE J	0.40	125.00	50.00	Multiple emails (x8) to Litigation Services inquiring process of utilizing depository in order to determine best efforts for Zitting Brothers' document production
02/08/2017	Attorney	I-CHE L	1.50	225.00	337.50	Review draft of first supplemental initial disclosure and evaluate for changes to comply with Nevada Rules of Civil Procedure.
02/08/2017	Attorney	I-CHE L	0.20	225.00	45.00	Supplement draft responses to interrogatories and requests for production based on first supplemental initial disclosure.
02/08/2017	Attorney	I-CHE L	1.00	225.00	225.00	Review and evaluate Uintah Investments' responses to APCO Construction's interrogatories.

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
02/08/2017	Attorney	I-CHE L	0.10	225.00	22.50	Review order setting civil non-jury trial and evaluate for adjustment to discovery plan.
02/08/2017	Paralegal	MAILE J	0.20	125.00	25.00	Finalized Zitting Brothers' first supplemental disclosure of witnesses and documents to incorporate language regarding third-party depository information for parties to retrieve documents
02/08/2017	Paralegal	MAILE J	0.20	125.00	25.00	Finalized Zitting Brothers' responses to APCO Construction's first request for production of documents and things to incorporate parties' information for service by Court's electronic filing system
02/14/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Stipulation and Order for Amended Briefing Schedule and to Continue Hearing on Motion for Order to Show Cause.
02/14/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Uintah Investments' Corrected and Verified Answers to APCO Construction's First Set of Interrogatories.
02/14/2017	Attorney	RAMIREZ J	3.00	225.00	675.00	Attend conference with Client to discuss answers to written discovery and production of documents by other parties.
02/14/2017	Attorney	I-CHE L	0.10	225.00	22.50	Review interrogatory response verification signed by Sam Zitting and evaluate for compliance with Nevada Rules of Civil Procedure.
02/14/2017	Paralegal	MAILE J	0.00	0.00	0.00	Reviewed client's signed verification page to Zitting Brother's answers to APCO's requests for interrogatories and submitted same to all parties in case
02/15/2017	Attorney	RAMIREZ J	0.50	225.00	112.50	Analyze Monica Caffaratti's Motion to Withdraw as counsel of record for Gemstone Development West, Inc.
02/16/2017	Attorney	I-CHE L	0.60	225.00	135.00	Prepare for hearing before special master regarding discovery progress by reviewing and analyzing parties' disclosures and discovery responses.
02/16/2017	Attorney	I-CHE L	1.50	225.00	337.50	Attend hearing before special master regarding discovery progress.
02/23/2017	Attorney	RAMIREZ J	1.30	225.00	292.50	Analyze Newmark Grubb Knight Frank's Opposition to Motion for Order to Show Cause.
02/24/2017	Attorney	I-CHE L	0.20	225.00	45.00	Review Special Master's February 16, 2017 letter inquiring about remaining claimants in case and evaluate need for response to inquiry.
02/24/2017	Attorney	I-CHE L	0.10	225.00	22.50	Review Special Master's notice of hearing and evaluate need for response to notice.
02/28/2017	Attorney	I-CHE L	0.70	225.00	157.50	Review and evaluate APCO Construction's February 27 letter to Special Master objecting to parties' NRS 108 claims, Peel Brimley's and Special Master's responses to Apco Construction's letter, and Special Master's February 27 report on the active claims.
03/01/2017	Attorney	RAMIREZ J	1.40	225.00	315.00	Analyze Reply in Support of Order to Show Cause Why Grubb & Ellis Should Note Be Held in Contempt of Court.
03/01/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Special Master Report Regarding Remaining Parties to the Litigation and Discovery Status.
03/03/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze APCO's Response to National Wood Products' Request for Admissions.
03/03/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Plaintiff National Wood Products' First Supplemental Disclosures.

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
03/03/2017	Attorney	RAMIREZ J	0.20	225.00	45.00	Analyze APCO's Answers to National Wood Products' Request for Interrogatories.
03/03/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze APCO's Answers to National Wood Products' Request for Production of Documents.
03/03/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze National Wood Products' Answers to APCO's First Set of Request for Production of Documents.
03/03/2017	Attorney	RAMIREZ J	0.20	225.00	45.00	Analyze National Wood Products' Answers to APCO's First Set of Interrogatories.
03/15/2017	Attorney	RAMIREZ J	0.30	225.00	67.50	Analyze Court's Decision and Order regarding Motion for Order to Show Cause.
03/17/2017	Attorney	I-CHE L	1.00	225.00	225.00	Review and evaluate APCO Construction's motion for summary judgment against Uintah Investment.
03/17/2017	Attorney	RAMIREZ J	1.00	225.00	225.00	Analyze APCO Construction's Motion for Summary Judgment Against Uintah Investments.
03/21/2017	Paralegal	MAILE J	1.90	125.00	237.50	Preparation of initial draft of Zitting Brothers' requests for production of documents to APCO Construction (15 pages)
03/21/2017	Paralegal	MAILE J	2.80	125.00	350.00	Preparation of initial draft of Zitting Brothers' first set of requests for interrogatories to APCO Construction (17 pages)
03/21/2017	Paralegal	MAILE J	1.30	125.00	292.50	Preparation of initial draft of Zitting Brothers' first set of requests for admissions to APCO Construction (13 pages)
03/30/2017	Attorney	I-CHE L	0.10	225.00	22.50	Review and evaluate notice and entry of order denying motion requesting civil contempt against Grubb & Ellis.
04/03/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Notice of Taking 30(b)(6) Deposition of National Wood Products, Inc.
04/03/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Notice of Taking 30(b)(6) Deposition of Interstate Plumbing & Air Conditioning.
04/03/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Notice of Taking 30(b)(6) Deposition of Helix Electric of Nevada.
04/03/2017	Attorney	RAMIREZ J	1.50	225.00	337.50	Analyze Uintah Investments LLC d/b/a Sierra Enforcing's Opposition to APCO Construction's Motion for Summary Judgment
04/04/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Notice of Taking 30(b)(6) Deposition of Zitting Brothers Construction.
04/04/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Notice of Taking 30(b)(6) Deposition of Steel Structures, Inc.
04/04/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Notice of Taking 30(b)(6) Deposition of Nevada Prefab Engineers.
04/04/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Notice of Taking 30(b)(6) Deposition of Insulpro Projects, Inc.
04/04/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Notice of Taking 30(b)(6) Deposition of United Subcontractors.
04/04/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Notice of Taking 30(b)(6) Deposition of Accuracy Glass & Mirror Company.
04/07/2017	Attorney	RAMIREZ J	1.20	225.00	270.00	Analyze Plaintiff APCO Construction's Reply in support of its Motion for Summary Judgment.
04/10/2017	Attorney	I-CHE L	3.90	225.00	877.50	Review and evaluate the parties' initial disclosures (about 400 pages).
04/10/2017	Attorney	I-CHE L	0.40	225.00	90.00	Supplement draft of requests for admission, interrogatories, and requests for production based on review of initial disclosures.

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
04/10/2017	Attorney	I-CHE L	1.20	225.00	270.00	Review and evaluate Apco Construction's Reply in Support of Motion for Summary Judgment against Uintah Investments, LLC.
04/10/2017	Attorney	I-CHE L	0.10	225.00	22.50	Review Apco Construction's NRCP 30(b)(6) deposition notice and evaluate objections to deposition topics and appropriate witness to attend deposition.
04/10/2017	Attorney	I-CHE L	0.20	225.00	45.00	Draft email to Sam Zitting discussing NRCP 30(b)(6) deposition notice.
04/10/2017	Attorney	RAMIREZ J	1.00	225.00	225.00	Telephone conference with Client regading status of litigation and request for deposition.
04/11/2017	Attorney	I-CHE L	0.10	225.00	22.50	Supplement draft of requests for production to include request for insurance agreement.
04/13/2017	Attorney	I-CHE L	0.10	225.00	22.50	Draft email to Apco Construction's counsel to discuss parameters for Zitting Brothers' deposition.
04/13/2017	Attorney	I-CHE L	0.10	225.00	22.50	Draft email to Sam Zitting to discuss status of his deposition.
04/13/2017	Attorney	I-CHE L	0.90	225.00	202.50	Review and evaluate Steel Structures', Nevada Prefab Engineers', Uintah Investments' First Supplemental Initial Disclosures.
04/13/2017	Attorney	I-CHE L	0.40	225.00	90.00	Review and evaluate Apco Construction's March 29, 2017 deposition notices for Insulpro Projects, Nevada Prefab Engineers, Steel Structures, Helix Electric, Interstate Plumbing and Air Conditioning, National Wood Products, United Subcontractors, Accuracy Glass & Mirror Company.
04/13/2017	Attorney	I-CHE L	0.50	225.00	112.50	Review and evaluate Apco Construction's responses to National Wood Product's requests for admission, interrogatories, and requests for production.
04/13/2017	Attorney	I-CHE L	0.60	225.00	135.00	Review and evaluate National Wood Products' First Supplemental Initial Disclosures and responses to Apco Construction's requests for production, interrogatories, and requests for admission.
04/13/2017	Attorney	RAMIREZ J	0.20	225.00	45.00	Analyze Interstate Plumbing and Air Conditioning's written discovery (x4) to both APCO and CAMCO.
04/14/2017	Attorney	I-CHE L	0.30	225.00	67.50	Review and evaluate Helix Electric of Nevada's requests for admission, interrogatories, and requests for production to Apco Construction and CAMCO.
04/14/2017	Attorney	I-CHE L	0.90	225.00	202.50	Review and evaluate Cactus Rose Construction, Inc.'s, Fast Glass, Inc.'s, and Heninaman Contract Glazing, Inc.'s requests for admission, interrogatories, and requests for production to CAMCO.
04/14/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Stipulation and Order to Continue Hearing on APCO Construction's Motion for Summary Judgment.
04/14/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze other parties (x3) first set of interrogatories to CAMCO.
04/14/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze other parties (x4) first set of requests for production of documents to CAMCO.
04/14/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Helix Electric's First Set of Interrogatories to APCO.
04/14/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Helix Electric's First Set of Request for Admissions to APCO.
04/14/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze other parties (x2) First Set of Requests for Admissions to CAMCO.

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
04/14/2017	Attorney	RAMIREZ J	0.20	225.00	45.00	Analyze Stipulation and Order to Continue Hearing on APCO Construction’s Motion for Summary Judgment Against Uintah Investments LLC dba Sierra Reinforcing.
04/18/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Notice of Entry of Stipulation and Order to Continue Hearing on APCO Construction’s Motion for Summary Judgment Against Uintah Investments LLC dba Sierra Reinforcing.
04/18/2017	Attorney	I-CHE L	0.10	225.00	22.50	Review and evaluate the Court's April 18, 2017 minutes regarding Plaintiff's Motion to Set Aside Judgement.
04/18/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze APCO Construction's Notice of Taking Rule 30(b)(6) Deposition of Uintah Investments.
04/20/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Notice of Bankruptcy of Accuracy Glass & Mirror.
04/21/2017	Attorney	RAMIREZ J	0.20	225.00	45.00	Analyze National Wood Products' Notice of Deposition of APCO Construction and Request for Production of Documents.
04/21/2017	Attorney	RAMIREZ J	0.20	225.00	45.00	Analyze National Wood Products' Notice of Deposition of CAMCO Pacific Construction Company and Request for Production of Documents.
04/21/2017	Attorney	I-CHE L	1.20	225.00	270.00	Review Zitting Brothers' and Apco's NRCP 16.1 disclosures and evaluate topics to address at Apco's NRCP 30(b)(6) deposition for purpose of preparing NRCP 30(b)(6) deposition notice to Apco.
04/21/2017	Attorney	I-CHE L	0.20	225.00	45.00	Draft outline of deposition topics for NRCP 30(b)(6) depositon notice to Apco based on review.
04/25/2017	Attorney	I-CHE L	1.10	225.00	247.50	Complete review of Zitting Brothers' and Apco's NRCP 16.1 disclosures and evaluate topics to address at Apco's NRCP 30(b)(6) deposition for purpose of preparing NRCP 30(b)(6) deposition notice to Apco.
04/25/2017	Attorney	I-CHE L	0.20	225.00	45.00	Supplement outline of deposition topics for NRCP 30(b)(6) depositon notice to Apco based on completed review.
04/27/2017	Attorney	I-CHE L	0.00	0.00	0.00	Review and evaluate deposition notices with topics to Apco's and/or CAMCO's NRCP 30(b)(6) representative from Skyline Insulation, Helix Electric, Heinaman Contract Glazing, Cactus Rose Construction, Fast Glass, and National Wood Products (along with their disclosures).
05/01/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze National Wood Products' Motion to Associate Counsel.
05/01/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Motion to Withdraw as Counsel for Accuracy Glass & Mirror Co. and for Order Shortening Time.
05/01/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze United Subcontractors' Amended Notice of 30(b)(6) Deposition of APCO Construction.
05/01/2017	Attorney	RAMIREZ J	2.00	225.00	450.00	Attend conference with client to discuss status of discovery and upcoming APCO deposition.
05/02/2017	Attorney	I-CHE L	4.50	225.00	1,012.50	Evaluate and prepare questions to explore at APCO Construction's deposition.
05/02/2017	Attorney	I-CHE L	0.30	225.00	67.50	Draft outline of APCO Construction's deposition based on evaluation.
05/03/2017	Paralegal	MAILE J	0.00	0.00	0.00	Reviewed and analyzed updates sent to client regarding case

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
05/03/2017	Paralegal	MAILE J	0.40	125.00	50.00	Analyzed and prepared various discovery responses from APCO to provide to attorney I. Lai in preparation for upcoming deposition (reviewed 85 pages)
05/03/2017	Attorney	I-CHE L	5.70	225.00	1,282.50	Continue review of APCO Construction's and Zitting Brothers' disclosures and discovery responses (about 550 pages) and evaluate questions to explore at APCO Construction's deposition.
05/03/2017	Attorney	I-CHE L	1.80	225.00	405.00	Analyze pay-if-paid provision under NRS 624 for purpose of preparing questions to ask at APCO Construction's deposition.
05/03/2017	Attorney	RAMIREZ J	4.90	225.00	1,102.50	Analyze Client and APCO documents (@1,000 pages) to identify issues for supplement to APCO 30(b)(6) deposition outline.
05/03/2017	Attorney	RAMIREZ J	1.70	225.00	382.50	Supplement and revise APCO 30(b)(6) deposition outline with information provided by client and from review of documents.
05/03/2017	Attorney	I-CHE L	0.40	225.00	90.00	Supplement outline of APCO Construction's deposition.
05/03/2017	Paralegal	MAILE J	0.20	125.00	25.00	Analyzed discovery responses from Camco to Zitting Brothers to provide to attorney I. Lai in preparation for upcoming deposition (reviewed 22 pages)
05/04/2017	Attorney	I-CHE L	0.80	225.00	180.00	Review the parties' disclosures and discovery responses to date (about 127 pages) to prepare for special master's hearing on discovery progress.
05/04/2017	Attorney	I-CHE L	2.10	225.00	472.50	Attend special master's hearing regarding discovery progress.
05/04/2017	Attorney	I-CHE L	0.20	225.00	45.00	Meet with APCO Construction's counsel to discuss potential settlement of subcontractors' claims against APCO Construction.
05/04/2017	Attorney	I-CHE L	1.00	225.00	225.00	Review United Subcontractors' amended deposition notice to APCO Construction, including deposition topics, and evaluate changes to Zitting Brothers' draft deposition notice to APCO Construction to address additional topics.
05/05/2017	Attorney	I-CHE L	0.20	225.00	45.00	Review and evaluate APCO Construction's May 5, 2017 document subpoena to Martin-Harris Construction.
05/08/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Special Master Order regarding extending discovery to June 30, 2017.
05/08/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Special Master Report Regarding Discovery Status.
05/09/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze correspondence from APCO Construction's counsel regarding agreement to depose PMK on two days.
05/09/2017	Attorney	I-CHE L	0.40	225.00	90.00	Review and evaluate APCO Construction's May 9, 2017 letter discussing pending depositions and Special Master's May 8, 2017 Report Regarding Discovery and May 8, 2017 Order.
05/09/2017	Attorney	I-CHE L	0.60	225.00	135.00	Analyze enforceability of pay-if-paid provision under NRS 624 for purpose of valuing case for settlement.
05/11/2017	Attorney	I-CHE L	0.10	225.00	22.50	Review draft of amended deposition notice for APCO Construction's NRCP 30(b)(6) witness and evaluate for changes to comply with NRCP.
05/11/2017	Attorney	I-CHE L	0.10	225.00	22.50	Review and evaluate May 11, 2017 order granting withdrawal of Accuracy Glass & Mirror's counsel.

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
05/11/2017	Attorney	I-CHE L	0.10	225.00	22.50	Review and evaluate Errata to Subpoena Duces Tecum to Martin-Harris Construction.
05/11/2017	Paralegal	MAILE J	0.10	125.00	12.50	Preparation of Zitting Brothers' amended notice of deposition of APCO Construction pursuant to NRCP 30(b)(6) to reference new date agreed by all parties at Special Master hearing
05/11/2017	Attorney	I-CHE L	0.20	225.00	45.00	Review and evaluate National Wood Products' amended deposition notice to APCO Construction.
05/12/2017	Attorney	RAMIREZ J	0.50	225.00	112.50	Analyze APCO Construction's Response to Client's First Set of Request for Admissions.
05/12/2017	Attorney	RAMIREZ J	1.40	225.00	315.00	Analyze APCO Construction's Response to Client's First Set of Interrogatories.
05/12/2017	Attorney	RAMIREZ J	1.80	225.00	405.00	Analyze APCO Construction's Response to Client's First Set of Request for Production of Documents.
05/15/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Prepare correspondence to APCO's counsel regarding request for settlement offer prior to deposition.
05/15/2017	Attorney	I-CHE L	0.10	225.00	22.50	Review APCO Construction's counsel's email proposing deposition of Zitting Brothers and evaluate for response to email.
05/15/2017	Attorney	I-CHE L	0.10	225.00	22.50	Draft email to Sam Zitting discussing proposed deposition of Zitting Brothers' representative.
05/15/2017	Attorney	I-CHE L	0.40	225.00	90.00	Review APCO Construction's responses to Helix Electric's requests for admission, interrogatories, and requests for production and evaluate for any questions to explore at APCO Construction's deposition.
05/15/2017	Attorney	I-CHE L	0.20	225.00	45.00	Supplement outline of APCO Construction's deposition based on review.
05/15/2017	Paralegal	MAILE J	0.10	125.00	12.50	Preparation of email correspondence to P. Escobar, with Litigation Services, to request documents deposited by APCO Construction
05/23/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze APCO Construction's Notice of Taking NRCP Rule 30(b)(6) Deposition of Person Most Knowledgeable for Zitting Brothers Construction.
05/23/2017	Attorney	I-CHE L	0.50	225.00	112.50	Review APCO's letter to all parties regarding APCO's NRCP 30(b)(6) designee, APCO's deposition notices to National Wood Products, Inc. and Zitting Brothers, and APCO's notice of vacating deposition of Martin-Harris Construction and evaluate objections to notices and preparation for depositions.
05/23/2017	Attorney	I-CHE L	0.20	225.00	45.00	Review and evaluate Helix Electric's deposition notice to CAMCO, deposition subpoena to David Parry, and amended deposition notices to CAMCO and APCO.
05/23/2017	Attorney	I-CHE L	0.20	225.00	45.00	Review and evaluate Heinaman's, Cactus Rose Construction's, and Fast Glass's amended deposition notices to CAMCO, including referenced documents.
05/23/2017	Attorney	I-CHE L	0.10	225.00	22.50	Draft email to Sam Zitting discussing APCO's pending deposition of Zitting Brothers to secure Sam Zitting's availability and to plan for his deposition preparation.
05/25/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Court's Order regarding Motion for Summary Judgment against Uintah.
05/25/2017	Attorney	I-CHE L	0.10	225.00	22.50	Review and evaluate order granting APCO's motion for summary judgment against Uintah Investments LLC.

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
05/30/2017	Attorney	I-CHE L	0.10	225.00	22.50	Review APCO's Notice of Entry of Order Granting Summary Judgment against Uintah Investments and evaluate for need to respond to any comments by APCO.
05/30/2017	Attorney	I-CHE L	0.40	225.00	90.00	Review and evaluate APCO Construction's NRCP 30(b)(6) deposition notice to Uintah Investments, amended NRCP 30(b)(6) deposition notices to Nevada Prefab Engineers, Steel Structures Inc., and Helix Electric.
05/30/2017	Attorney	I-CHE L	0.20	225.00	45.00	Review APCO Construction's responses to Interstate Plumbing and Air Conditioning's interrogatories and requests for production and evaluate for preparation of APCO Construction's deposition.
05/30/2017	Attorney	I-CHE L	0.60	225.00	135.00	Review APCO Construction's responses to Zitting Brothers' second set of requests for admission and requests for production and evaluate for completeness of discovery responses and preparation of APCO Construction's deposition.
05/30/2017	Attorney	I-CHE L	0.30	225.00	67.50	Supplement draft of APCO Construction's deposition outline based on review of discovery documents.
05/31/2017	Attorney	I-CHE L	0.20	225.00	45.00	Review and evaluate CAMCO's responses to Fast Glass' requests for admission.
06/02/2017	Attorney	I-CHE L	4.50	225.00	1,012.50	Review and evaluate APCO Construction's disclosures pertaining to project progress (about 350 pages), including progress payments.
06/02/2017	Attorney	I-CHE L	0.50	225.00	112.50	Supplement outline of APCO Construction's Rule 30(b)(6) deposition based on document review.
06/04/2017	Attorney	I-CHE L	2.80	225.00	630.00	Continue review and evaluation of APCO Construction's disclosures pertaining to project progress (about 240 more pages), including progress payments.
06/04/2017	Attorney	I-CHE L	1.30	225.00	292.50	Supplement outline of APCO Construction's Rule 30(b)(6) deposition based on document review.
06/04/2017	Attorney	I-CHE L	1.40	225.00	315.00	Identify exhibits to use at APCO Construction's deposition.
06/05/2017	Attorney	I-CHE L	4.50	225.00	1,012.50	Attend deposition of APCO Construction's NRCP 30(b)(6) representative.
06/08/2017	Attorney	RAMIREZ J	2.00	225.00	450.00	Attend conference with Client to discuss outcome of APCO deposition.
06/08/2017	Attorney	I-CHE L	0.10	225.00	22.50	Review APCO Construction's June 7, 2017 email regarding its second deposition and potential settlement and evaluate need for response.
06/08/2017	Attorney	I-CHE L	1.40	225.00	315.00	Review and evaluate APCO Construction's 7th and 8th supplemental initial disclosures.
06/08/2017	Attorney	I-CHE L	0.20	225.00	45.00	Evaluate letter to APCO Construction regarding late disclosure of 7th and 8th supplemental initial disclosure.
06/08/2017	Attorney	I-CHE L	0.20	225.00	45.00	Review and evaluate bankruptcy trustee's deposition notice to CAMCO and APCO Construction.
06/08/2017	Paralegal	MAILE J	4.00	125.00	500.00	Began retrieving and reviewing videos and documents produced by APCO.
06/09/2017	Attorney	I-CHE L	0.10	225.00	22.50	Review APCO Construction's substitution of counsel and evaluate need for response.
06/09/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze APCO Construction's Substitution of Attorneys.
06/09/2017	Paralegal	MAILE J	2.00	125.00	250.00	Continued retrieving and reviewing videos and documents produced by APCO

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
06/12/2017	Paralegal	MAILE J	1.00	125.00	125.00	Continued retrieving and reviewing videos and documents produced by APCO
06/13/2017	Paralegal	MAILE J	3.00	125.00	375.00	Continued retrieving and reviewing videos and documents produced by APCO
06/14/2017	Paralegal	MAILE J	2.00	125.00	250.00	Continued retrieving and reviewing videos and documents produced by APCO
06/15/2017	Paralegal	MAILE J	1.00	125.00	125.00	Continued retrieving and reviewing videos and documents produced by APCO
06/16/2017	Paralegal	MAILE J	3.00	125.00	375.00	Continued retrieving and reviewing videos and documents produced by APCO
06/19/2017	Paralegal	MAILE J	1.80	125.00	225.00	Continued retrieving and reviewing videos and documents produced by APCO
06/20/2017	Paralegal	MAILE J	2.70	125.00	337.50	Continued retrieving and reviewing videos and documents produced by APCO
06/21/2017	Attorney	I-CHE L	0.20	225.00	45.00	Review Peel Brimley's June 21, 2017 letter discussing intent to proceed with CAMCO's deposition and evaluate need to respond.
06/21/2017	Attorney	I-CHE L	0.20	225.00	45.00	Review stipulation and order to dismiss Insulpro Projects with prejudice and evaluate need to respond for purpose of preserving potential settlement funds for Zitting Brothers.
06/21/2017	Attorney	I-CHE L	0.10	225.00	22.50	Draft email to Sam Zitting to discuss need for deposition preparation.
06/21/2017	Paralegal	MAILE J	1.00	125.00	125.00	Continued retrieving and reviewing videos and documents produced by APCO
06/22/2017	Attorney	I-CHE L	0.20	225.00	45.00	Draft email to Sam Zitting discussing unpaid change orders.
06/22/2017	Paralegal	MAILE J	3.60	125.00	450.00	Continued retrieving and reviewing videos and documents produced by APCO
06/23/2017	Attorney	I-CHE L	0.50	225.00	112.50	Review documents discussed at APCO Construction's deposition and evaluate documents for Sam Zitting to review for purpose of his deposition preparation.
06/23/2017	Attorney	I-CHE L	0.20	225.00	45.00	Draft email to Sam Zitting to discuss documents he needed to review prior to deposition preparation call.
06/23/2017	Paralegal	MAILE J	4.30	125.00	537.50	Continued retrieving and reviewing videos and documents produced by APCO
06/26/2017	Attorney	RAMIREZ J	0.50	225.00	112.50	Analyze Steel Structure's Motion to Substitute Counsel.
06/26/2017	Attorney	I-CHE L	0.30	225.00	67.50	Review notice for Zitting Brothers' deposition and Zitting's disclosures to prepare for call with Sam Zitting to address his deposition preparation.
06/26/2017	Attorney	I-CHE L	0.70	225.00	157.50	Call with Sam Zitting to discuss the deposition topics for Zitting Brothers and testimony from APCO Construction's deposition.
06/26/2017	Paralegal	MAILE J	2.40	125.00	300.00	Continued retrieving and reviewing videos and documents produced by APCO
06/26/2017	Attorney	RAMIREZ J	1.30	225.00	292.50	Analyze Motion to Substitute [Gerdau Reinforcing Steel (“Gerdau”)] and Notice of Entry of Order Admitting to Practice.
06/27/2017	Attorney	RAMIREZ J	1.40	225.00	315.00	Analyze APCO Construction's Motion to Dismiss or for Summary Judgment on Lien Claimants' NRS Chapter 108 Claim for Foreclosure of Mechanic's Lien.

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
06/27/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze correspondence from Peel Brimley regarding resetting dates for APCO's Motion for Summary Judgment.
06/27/2017	Paralegal	MAILE J	1.00	125.00	125.00	Continued retrieving and reviewing videos and documents produced by APCO
06/28/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Order granting Monica Caffarati's Motion to Withdraw as Counsel for Gemstone Development.
06/28/2017	Paralegal	MAILE J	3.80	125.00	475.00	Continued retrieving and reviewing videos and documents produced by APCO
06/29/2017	Paralegal	MAILE J	6.20	125.00	775.00	Continued retrieving and reviewing videos and documents produced by APCO
06/30/2017	Attorney	I-CHE L	0.40	225.00	90.00	Review draft of second supplemental initial disclosures, including 25 pages of documents for disclosures, and evaluate for compliance with local rules.
06/30/2017	Paralegal	MAILE J	2.00	125.00	250.00	Preparation of initial draft of Zitting Brothers second supplemental list of witnesses and production of documents to include documents recently provided by client
07/01/2017	Attorney	RAMIREZ J	0.30	225.00	67.50	Analyze APCO Construction's Ninth Supplemental Disclosure of Witnesses and Imaged Documents.
07/05/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Review and analyze Stipulation and Order for Dismissal with Prejudice of Insulpro Projects.
07/10/2017	Attorney	I-CHE L	2.30	225.00	517.50	Review APCO's motion for partial summary judgment on the lien claimants' mechanics lien claim and evaluate issues to address in opposition to motion.
07/10/2017	Attorney	I-CHE L	0.60	225.00	135.00	Call with Eric Zimbelman (counsel at Peel Brimley) to discuss coordinated opposition to APCO's motion for partial summary judgment.
07/11/2017	Attorney	I-CHE L	0.10	225.00	22.50	Draft email to Sam Zitting to discuss his deposition and in-person meeting needed to review documents pertaining to Manhattan West project.
07/11/2017	Attorney	I-CHE L	0.30	225.00	67.50	Review the parties' communications regarding continuance of motion for partial summary judgment hearing and evaluate arguments in support of joint motion to continue.
07/11/2017	Attorney	I-CHE L	3.80	225.00	855.00	Draft joint motion to continue motion for partial summary judgment hearing.
07/11/2017	Attorney	RAMIREZ J	1.20	225.00	270.00	Supplement and revise joint motion to continue motion for partial summary judgment hearing.
07/11/2017	Attorney	I-CHE L	0.20	225.00	45.00	Evaluate exhibits necessary to support joint motion to continue motion for partial summary judgment hearing.
07/11/2017	Attorney	I-CHE L	0.20	225.00	45.00	Draft declaration in support of joint motion to continue motion for partial summary judgment hearing.
07/11/2017	Attorney	I-CHE L	0.20	225.00	45.00	Draft proposed order shortening time on hearing on joint motion to continue.
07/11/2017	Attorney	I-CHE L	0.10	225.00	22.50	Draft email to APCO's counsel and other lien claimants' counsel discussing draft of joint motion to continue motion for partial summary judgment hearing for purpose of inviting comments on draft.
07/12/2017	Attorney	I-CHE L	0.20	225.00	45.00	Review email from Jack Juan and Eric Zimbelman commenting on draft of joint motion to continue motion for partial summary judgment hearing and evaluate need to supplement draft to incorporate their comments.

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
07/12/2017	Attorney	I-CHE L	0.80	225.00	180.00	Supplement draft of joint motion to continue motion for partial summary judgment hearing to address other parties' comments.
07/12/2017	Attorney	I-CHE L	2.70	225.00	607.50	Review and evaluate Zitting Brothers' disclosures pertaining to payment applications (about 380 pages) to prepare for APCO Construction's deposition.
07/12/2017	Attorney	I-CHE L	0.40	225.00	90.00	Draft outline of APCO's second deposition regarding payment based on evaluation.
07/13/2017	Paralegal	MAILE J	0.10	125.00	12.50	Preparation of email correspondence to APCO's counsel to request information regarding upcoming depositions of APCO PMK #2
07/13/2017	Attorney	I-CHE L	3.80	225.00	855.00	Review and evaluate APCO's disclosure pertaining to payment applications (about 600 pages) to prepare for APCO Construction's deposition.
07/13/2017	Attorney	I-CHE L	0.80	225.00	180.00	Supplement outline of APCO's second deposition regarding payment based on evaluation.
07/13/2017	Attorney	I-CHE L	0.30	225.00	67.50	Evaluate questions for Sam Zitting to answer for purpose of formulating arguments in support of motion for summary judgment.
07/13/2017	Attorney	I-CHE L	0.20	225.00	45.00	Draft email to Sam Zitting discussing information needed pertaining to 2 unpaid payment applications.
07/17/2017	Paralegal	MAILE J	0.10	125.00	12.50	Preparation of notice of continued deposition of APCO 30(b)(6) witness (10 pages)
07/17/2017	Attorney	I-CHE L	1.90	225.00	427.50	Continue review and evaluation of APCO's disclosure pertaining to payment applications (about 300 more pages) to prepare for APCO's deposition.
07/17/2017	Attorney	I-CHE L	0.60	225.00	135.00	Supplement outline of APCO's second deposition regarding payment based on evaluation.
07/18/2017	Paralegal	MAILE J	2.00	125.00	250.00	Preparation of documents disclosed in case in preparation for attorney's review for upcoming deposition of APCO's person most knowledgeable (262 pages)
07/18/2017	Attorney	I-CHE L	0.70	225.00	157.50	Continue review and evaluation of APCO's disclosure pertaining to payment applications (about 100 more pages) to prepare for APCO's deposition.
07/18/2017	Attorney	I-CHE L	1.30	225.00	292.50	Identify exhibits needed to address and authenticate at APCO's second deposition.
07/18/2017	Attorney	RAMIREZ J	2.70	225.00	607.50	Analzye other parties disclosurses to identify issues for supplement to APCO second deposition outline.
07/18/2017	Attorney	RAMIREZ J	1.30	225.00	292.50	Supplement and revise APCO 30(b)(6) deposition outline with information from review of documents.
07/18/2017	Attorney	I-CHE L	0.30	225.00	67.50	Supplement outline of APCO's second deposition regarding payment based on evaluation and need for exhibits.
07/19/2017	Attorney	I-CHE L	6.30	225.00	1,417.50	Attend continued deposition of APCO Construction's NRCP 30(b)(6) witness.
07/21/2017	Attorney	I-CHE L	2.40	225.00	540.00	Analyze and identify arguments to address survival of NRS 108 claim after court-order lien sale for purpose of preparing opposition to APCO's motion for partial summary judgment on NRS 108 claim.
07/21/2017	Attorney	I-CHE L	2.60	225.00	585.00	Draft opposition to APCO's motion for partial summary judgment on NRS 108 claim based on analysis.

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
07/23/2017	Attorney	I-CHE L	2.50	225.00	562.50	Review prior briefings, minutes, and orders addressing the court-order sale of the subject property and evaluate for any impairment of Zitting Brothers' NRS 108 lien for purpose of preparing opposition to APCO's motion for partial summary judgment on NRS 108 claim.
07/23/2017	Attorney	I-CHE L	0.50	225.00	112.50	Supplement opposition to APCO's motion for partial summary judgment on NRS 108 claim based on review.
07/24/2017	Attorney	I-CHE L	1.00	225.00	225.00	Attend hearing on the parties' joint motion to continue hearing on APCO's motion for partial summary judgment on Chapter 108 claim.
07/24/2017	Attorney	I-CHE L	2.20	225.00	495.00	Evaluate arguments supporting enforcement of lien against parties other than owner of liened property for purpose of preparing opposition to APCO's motion for partial summary judgment on NRS 108 claim.
07/24/2017	Attorney	I-CHE L	0.70	225.00	157.50	Supplement opposition to APCO's motion for partial summary judgment on NRS 108 claim based on evaluation.
07/24/2017	Attorney	I-CHE L	0.20	225.00	45.00	Call with Eric Zimbelman (other lien claimants' counsel) to discuss resolution of case.
07/25/2017	Attorney	I-CHE L	0.10	225.00	22.50	Review Eric Zimbelman's email addressing the other lien claimants' draft opposition to APCO's motion for partial summary judgment on NRS 108 claim and evaluate need for response.
07/25/2017	Attorney	I-CHE L	0.30	225.00	67.50	Review other lien claimants' draft opposition to APCO's motion for partial summary judgment on NRS 108 claim and evaluate for additional issues to address in Zitting Brothers' opposition to APCO's motion.
07/25/2017	Attorney	I-CHE L	0.30	225.00	67.50	Supplement draft of Zitting Brothers' opposition to APCO's motion for partial summary judgment on NRS 108 claim to address additional issues raised in other lien claimants' draft opposition.
07/25/2017	Attorney	I-CHE L	0.10	225.00	22.50	Draft response email to Eric Zimbelman's email addressing the lien claimants' arguments against APCO's motion for partial summary judgment.
07/26/2017	Attorney	RAMIREZ J	1.60	225.00	360.00	Supplement and revise Opposition to APCO's Motion for Summary Judgment as to Foreclosure Claim with additional factual and legal arguments supporting first step of process arguments.
07/26/2017	Attorney	RAMIREZ J	1.80	225.00	405.00	Analyze Peel Brimley Lien Claimants' Opposition to APCO's Motion for Summary Judgment RE: Lien Claims.
07/26/2017	Attorney	I-CHE L	2.20	225.00	495.00	Review Zitting's contract with APCO, APCO's discovery responses, and deposition transcript and evaluate extent of APCO's reliance on the "pay-if-paid" provision to refuse payment of amount owed to Zitting for purpose of preparing motion for partial summary judgment on contract and NRS 108 claims.
07/26/2017	Attorney	I-CHE L	2.80	225.00	630.00	Evaluate NRS 624 and authorities interpreting the statute and formulate arguments addressing invalidity of APCO's "pay-if-paid" provision for purpose of preparing motion for partial summary judgment on contract and NRS 108 claims.
07/26/2017	Attorney	I-CHE L	1.60	225.00	360.00	Draft motion for partial summary judgment on contract and NRS 108 claims.

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
07/27/2017	Attorney	I-CHE L	1.10	225.00	247.50	Review Interstate Plumbing's joinder to Helix Electric's opposition to APCO's motion for partial summary judgment on NRS 108 claim and evaluate need for response to joinder.
07/27/2017	Attorney	I-CHE L	3.80	225.00	855.00	Review the parties' disclosures and APCO's deposition transcript and evaluate for breach of contract on non-payment of change orders for purpose of preparing motion for partial summary judgment on contract and NRS 108 claims.
07/27/2017	Attorney	I-CHE L	1.90	225.00	427.50	Supplement draft motion for partial summary judgment on contract and NRS 108 claims to address arguments regarding unpaid change orders.
07/28/2017	Attorney	I-CHE L	0.20	225.00	45.00	Evaluate amount of current damages, including calculation of interest on lien amount, for purpose of advising Sam Zitting the damages range for his use in settlement discussions with APCO.
07/28/2017	Attorney	I-CHE L	0.20	225.00	45.00	Draft email to Sam Zitting discussing amount of current damages.
07/28/2017	Attorney	RAMIREZ J	0.80	225.00	180.00	Telephone conference with Client regarding amount of current damages and those claimed in motion.
07/28/2017	Attorney	I-CHE L	3.20	225.00	720.00	Review the parties' disclosures and APCO's deposition transcript and evaluate for breach of contract on non-payment of retention amount for purpose of preparing motion for partial summary judgment on contract and NRS 108 claims.
07/28/2017	Attorney	I-CHE L	2.80	225.00	630.00	Supplement draft motion for partial summary judgment on contract and NRS 108 claims to address arguments regarding unpaid retention amount.
07/31/2017	Attorney	RAMIREZ J	1.80	225.00	405.00	Supplement and revise Client's Motion for Summary Judgment with additional factual arguments regarding completion of scope of work and legal arguments on void paid if paid provision.
07/31/2017	Attorney	I-CHE L	2.40	225.00	540.00	Review the parties' disclosures and APCO's deposition transcript and evaluate NRS 108 compliance and Zitting's damages for purpose of preparing motion for partial summary judgment on contract and NRS 108 claims.
07/31/2017	Attorney	I-CHE L	2.20	225.00	495.00	Supplement draft motion for partial summary judgment on contract and NRS 108 claims to address arguments regarding NRS 108 compliance and damages.
07/31/2017	Attorney	I-CHE L	0.80	225.00	180.00	Evaluate and identify exhibits needed to support Zitting's motion for partial summary judgment.
07/31/2017	Attorney	I-CHE L	0.50	225.00	112.50	Draft Sam Zitting's declaration in support of Zitting's motion for partial summary judgment.
07/31/2017	Attorney	I-CHE L	0.10	225.00	22.50	Call with Sam Zitting to discuss declaration in support of Zitting's motion for partial summary judgment.
07/31/2017	Attorney	I-CHE L	0.10	225.00	22.50	Draft email to Sam Zitting discussing draft declaration in support of Zitting's motion for partial summary judgment.
07/31/2017	Paralegal	MAILE J	2.50	125.00	312.50	Analyzed documents disclosed in case and prepare exhibits to Zitting's motion for partial summary judgment against APCO Construction (350 pages)

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
08/01/2017	Attorney	RAMIREZ J	0.80	225.00	180.00	Analyze Apco Construction's Reply in Support of Motion to Dismiss or for Summary Judgment on Lien Claimants' NRS Ch. 108 Claim for Foreclosure of Mechanic's Lien.
08/02/2017	Attorney	RAMIREZ J	1.40	225.00	315.00	Analyze Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements and Ex-Parte Application for Order Shortening Time to determine if joinder is warranted.
08/02/2017	Attorney	I-CHE L	0.40	225.00	90.00	Review various lien claimants' motion for partial summary judgment and evaluate need for a joinder or opposition.
08/02/2017	Attorney	I-CHE L	1.40	0.00	315.00	Review APCO's reply in support of motion for partial summary judgment and evaluate for any improper arguments requiring a response.
08/02/2017	Attorney	I-CHE L	0.20	225.00	45.00	Draft joinder to various lien claimants' motion for partial summary judgment.
08/04/2017	Attorney	I-CHE L	0.10	225.00	22.50	Draft email to APCO's counsel demanding long overdue settlement offer.
08/04/2017	Attorney	I-CHE L	0.30	225.00	67.50	Call with Eric Zimbelman (counsel for the other lien claimants) to discuss settlement with APCO.
08/04/2017	Attorney	I-CHE L	0.70	225.00	157.50	Research likelihood of success on collection against APCO, including initial evaluation of APCO's assets and recovery from Nevada's residential recovery fund, at Sam Zitting's request, and evaluate trial preparation strategy.
08/07/2017	Paralegal	MAILE J	2.10	125.00	262.50	Preparation of initial draft of client's pre-trial disclosures (22 pages)
08/07/2017	Paralegal	MAILE J	0.00	0.00	0.00	Analyze and review email from Litigation Services depository associate regarding status of quote for attorneys' request for all documents disclosed in case
08/07/2017	Attorney	RAMIREZ J	0.40	225.00	90.00	Analyze National Wood Products' Joiner to Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-If-Paid Agreements.
08/07/2017	Attorney	I-CHE L	0.20	225.00	45.00	Draft joinder to various lien claimants' opposition to APCO's motion for partial summary judgment on Chapter 108 claims.
08/09/2017	Attorney	I-CHE L	3.70	225.00	832.50	Review the parties' briefing on APCO's motion for partial summary judgment on Chapter 108 claim and formulate arguments to address at hearing on motion.
08/10/2017	Attorney	I-CHE L	2.20	225.00	495.00	Attend hearing on APCO's motion for partial summary judgment.
08/10/2017	Attorney	I-CHE L	0.70	225.00	157.50	Brief review Zitting Brothers' and APCO's disclosures of witnesses and documents to date and evaluate witnesses and documents needed for mandatory pre-trial disclosure.
08/10/2017	Attorney	I-CHE L	0.80	225.00	180.00	Supplement draft of Zitting Brothers' pre-trial disclosure based on review.
08/11/2017	Attorney	RAMIREZ J	0.60	225.00	135.00	Supplement and revise Pre-Trial Disclosures to extract unnecessary witnesses and documents and determine if additional witnesses are necessary.
08/11/2017	Paralegal	MAILE J	0.60	125.00	75.00	Edited and revised client's pretrial disclosures to include additional information for witnesses
08/11/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Helix Electric's Pre-Trial Disclosures.
08/11/2017	Attorney	RAMIREZ J	0.30	225.00	67.50	Analyze unrelated subcontractors (x6) Pre-Trial Disclosures.

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
08/11/2017	Attorney	RAMIREZ J	0.30	225.00	67.50	Analyze CAMCO's Pre-Trial Disclosures.
08/11/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze United Subcontractors' Supplemental Disclosure and Special Master Order.
08/11/2017	Attorney	RAMIREZ J	1.20	225.00	270.00	Analyze APCO Construction's Pre-Trial Disclosures.
08/11/2017	Attorney	I-CHE L	0.20	225.00	45.00	Review APCO's counsel's email regarding APCO's interest in mediation and evaluate advantages of attending mediation and need for response to APCO's counsel.
08/11/2017	Attorney	I-CHE L	0.20	225.00	45.00	Review APCO's pre-trial disclosures and evaluate for incorporation into Zitting Brothers' pre-trial disclosures.
08/14/2017	Attorney	RAMIREZ J	0.20	225.00	45.00	Analyze United Subcontractors' Pre-Trial Disclosures.
08/14/2017	Attorney	I-CHE L	0.20	225.00	45.00	Call with APCO's counsel to discuss whether settlement discussion is worth the parties' time and costs.
08/15/2017	Attorney	I-CHE L	0.10	225.00	22.50	Draft email to APCO's counsel to discuss parameters for settlement conference or mediation.
08/16/2017	Attorney	I-CHE L	0.10	225.00	22.50	Review email from APCO's counsel discussing APCO's agreement to settlement conference.
08/16/2017	Attorney	I-CHE L	0.10	225.00	22.50	Draft email to APCO's counsel to discuss need for estimated settlement range and need for trial continuance to accommodate settlement conference.
08/17/2017	Attorney	I-CHE L	0.10	225.00	22.50	Draft email to APCO's counsel to discuss the parties' expectations for settlement conference.
08/17/2017	Attorney	RAMIREZ J	0.80	225.00	180.00	Analyze Camco's Opposition to Lien Claimants' Motions for Partial Summary Judgment.
08/18/2017	Paralegal	MAILE J	0.10	125.00	12.50	Analyze and review email from Lewis Brisbois requesting client's written request for invoices to support motion for attorneys' fees and costs
08/18/2017	Attorney	I-CHE L	0.80	0.00	180.00	Review Camco's opposition to Peel Brimley Lien Claimants' motion for partial summary judgment on pay-if-paid defense and evaluate need for response.
08/21/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Notice of Scheduling Settlement Conference.
08/21/2017	Attorney	RAMIREZ J	3.60	225.00	810.00	Analyze APCO Construction's Opposition to Client's Partial Motion for Summary Judgment.
08/21/2017	Attorney	RAMIREZ J	1.50	225.00	337.50	Analyze APCO's Opposition to Peel Brimley Lien Claimants' Motion for Partial Summary Judgment.
08/25/2017	Attorney	I-CHE L	0.20	225.00	45.00	Draft email to Sam Zitting discussing status of settlement conference and issues discussed in APCO's opposition to motion for partial summary judgment.
08/25/2017	Attorney	I-CHE L	0.10	225.00	22.50	Draft email to APCO's counsel to discuss trial continuance to accommodate settlement conference.
08/25/2017	Attorney	I-CHE L	0.20	225.00	45.00	Call with APCO's counsel to discuss APCO's initial settlement offer.
08/28/2017	Attorney	I-CHE L	1.20	225.00	270.00	Review APCO's pre-trial disclosures, including exhibits referenced in disclosures, and evaluate objections to pre-trial disclosures.
08/28/2017	Attorney	I-CHE L	0.80	225.00	180.00	Draft objections to APCO's pre-trial disclosures.
08/28/2017	Attorney	I-CHE L	1.30	225.00	292.50	Evaluate arguments to address enforceability of APCO's pay-if-paid provision for purpose of preparing reply in support of motion for summary judgment.
08/28/2017	Attorney	I-CHE L	1.80	225.00	405.00	Draft pay-if-paid section of reply in support of motion for summary judgment.
08/29/2017	Attorney	I-CHE L	0.20	225.00	45.00	Correspond with parties' counsel to discuss continuance of hearing on motion for partial summary judgment until after settlement conference.

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
08/29/2017	Attorney	I-CHE L	0.20	225.00	45.00	Review scope of motion hearing continuance provided by other parties' counsel and evaluate stipulation and order needed for continuance.
08/29/2017	Attorney	I-CHE L	0.30	225.00	67.50	Draft stipulation and order to continue hearing on the motions for partial summary judgment.
09/05/2017	Attorney	I-CHE L	1.10	225.00	247.50	Attend calendar call.
09/08/2017	Attorney	I-CHE L	0.20	225.00	45.00	Review lien claimant's email regarding requirements to comply with court order on lien questionnaire and pre-trial disclosure in order to avoid dismissal and evaluate response to email.
09/08/2017	Attorney	I-CHE L	0.10	225.00	22.50	Draft response to lien claimant's email regarding compliance with court order to avoid dismissal.
09/10/2017	Attorney	I-CHE L	0.00	0.00	0.00	Review court minutes regarding APCO's oral motion to dismiss and Zitting Brothers' pre-trial disclosures and response to APCO's questionnaire and evaluate issues to address at hearing on APCO's oral motion.
09/11/2017	Attorney	I-CHE L	0.90	225.00	202.50	Attend hearing on APCO Construction's oral motion to dismiss subcontractors' claims for failure to comply with trial disclosure requirements.
09/13/2017	Attorney	I-CHE L	3.20	225.00	720.00	Brief review the parties' written discovery responses, disclosures, and briefing on motions for summary judgment and evaluate issues to address in confidential settlement brief.
09/13/2017	Attorney	I-CHE L	2.00	225.00	450.00	Draft confidential settlement brief.
09/14/2017	Attorney	RAMIREZ J	0.50	225.00	112.50	Supplement and revise Client's Confidential Settlement Conference Brief with additional arguments challenging negative aspects of case and settlement terms.
09/15/2017	Paralegal	MAILE J	1.00	125.00	125.00	Preparation of documents to accompany client's confidential settlement conference brief
09/15/2017	Paralegal	MAILE J	0.00	0.00	0.00	Preparation of email to clerk to provide client's confidential settlement conference brief
09/15/2017	Attorney	I-CHE L	0.30	225.00	67.50	Evaluate and identify exhibits needed to support confidential settlement brief.
09/20/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Pro Hac Vice Applicant John Taylor's Notice of Compliance with SCR 42.
09/20/2017	Attorney	RAMIREZ J	4.50	225.00	1,102.50	Analzye all parties documents and pleadings to identify issues and facts to prepare for upcoming mandatory settlement conference.
09/20/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Order Granting Plaintiff's Motion to Dismiss Accuracy Glass and Mirror Company, Noorda Sheet Metal and Tri-City Drywall.
09/21/2017	Attorney	I-CHE L	0.10	225.00	22.50	Review order granting APCO's oral motion to dismiss sub-contractors and evaluate need to challenge order.
09/21/2017	Attorney	I-CHE L	2.60	225.00	585.00	Attend mandatory settlement conference.
09/21/2017	Attorney	RAMIREZ J	3.70	225.00	832.50	Attend conference with Client after failed settlement conference to discuss further handling of litigation and potential settlement demand.
09/21/2017	Attorney	RAMIREZ J	2.60	225.00	585.00	Attend mandatory settlement conference.
09/27/2017	Attorney	I-CHE L	2.80	225.00	630.00	Review APCO's opposition to Zitting's motion for summary judgment and evaluate arguments in response to APCO's arguments.
09/27/2017	Attorney	I-CHE L	1.60	225.00	360.00	Evaluate evidentiary objections to APCO's evidence in support of opposition to motion for summary judgment.

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
09/27/2017	Attorney	I-CHE L	3.60	225.00	810.00	Draft reply in support of motion for summary judgment.
09/28/2017	Attorney	RAMIREZ J	1.80	225.00	405.00	Supplement and revise Reply to APCO's Opposition to Motion for Summary Judgment with additional factual and legal arguments.
09/28/2017	Attorney	I-CHE L	0.10	225.00	22.50	Draft email to APCO's counsel discussing need to proceed with motion for summary judgment hearing.
09/28/2017	Attorney	I-CHE L	0.10	225.00	22.50	Review APCO's counsel's email requesting settlement offer from Zitting Brothers and evaluate response to email.
09/28/2017	Attorney	I-CHE L	0.10	225.00	22.50	Draft email to Sam Zitting discussing APCO's bankruptcy status and need for updated settlement offer.
09/28/2017	Attorney	I-CHE L	2.20	225.00	495.00	Evaluate arguments in response to APCO's arguments on breach of contract to prepare reply in support of motion for summary judgment.
09/28/2017	Attorney	I-CHE L	1.30	225.00	292.50	Supplement draft of reply in support of motion for summary judgment with additional arguments regarding APCO's breach of contract.
09/29/2017	Attorney	RAMIREZ J	1.60	225.00	360.00	Analyze Peel Brimley Lien Claimants' Reply to Oppositions to Motion for Partial Summary Judgment Precluding Defenses Based on Pay-If-Paid Agreements.
09/29/2017	Attorney	I-CHE L	0.00	0.00	0.00	Evaluate arguments in response APCO's conclusory statements about Zitting's questionable damages for purpose of preparing reply in support of motion for summary judgment.
09/29/2017	Attorney	I-CHE L	0.60	225.00	135.00	Supplement draft of reply in support of motion for summary judgment against APCO with additional arguments regarding Zitting's damages.
09/29/2017	Attorney	I-CHE L	0.10	225.00	22.50	Review Sam Zitting's email discussing potential settlement offer to APCO and evaluate settlement offer range to negotiate with APCO.
10/02/2017	Attorney	I-CHE L	0.30	225.00	67.50	Review the other lien claimants' reply in support of their motion for partial summary judgment and evaluate need for joinder to their reply.
10/04/2017	Attorney	I-CHE L	4.40	225.00	990.00	Review the parties' briefing on the motions for summary judgment and prepare oral arguments to address on hearing on motions.
10/05/2017	Attorney	I-CHE L	1.30	225.00	292.50	Complete preparation of oral arguments for hearing on the lien claimants' motions for summary judgment.
10/05/2017	Attorney	I-CHE L	2.20	225.00	495.00	Attend hearing on the lien claimants' motions for summary judgment.
10/05/2017	Attorney	RAMIREZ J	2.20	225.00	495.00	Attend hearing on the lien claimants' motions for summary judgment.
10/06/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze correspondence from Plaintiff's counsel regarding availability of Joe Pelan for deposition.
10/09/2017	Attorney	I-CHE L	0.50	225.00	112.50	Review APCO counsel's October 5, 2017 letters discussing proposed order on the parties' motions for summary judgment and parameters for Zitting Brothers' deposition and evaluate response to letters.
10/09/2017	Attorney	I-CHE L	0.10	225.00	22.50	Draft email to APCO counsel regarding changes to proposed order on the parties' motions for summary judgment and Zitting Brothers' availability for deposition.

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
10/09/2017	Attorney	I-CHE L	0.20	225.00	45.00	Draft email to Sam Zitting discussing result of hearing on motion for summary judgment and need for his attendance at deposition.
10/09/2017	Attorney	I-CHE L	0.10	225.00	22.50	Review email from Sam Zitting regarding his deposition and evaluate further response to APCO counsel regarding depositions.
10/10/2017	Attorney	I-CHE L	0.10	225.00	22.50	Review APCO's email inquiring about Zitting Brothers' availability for NRCP 30(b)(6) deposition and evaluate need for response.
10/10/2017	Attorney	I-CHE L	0.10	225.00	22.50	Draft email to Sam Zitting discussing parameters of Zitting Brothers' deposition based on email from APCO counsel.
10/11/2017	Attorney	I-CHE L	0.20	225.00	45.00	Review the client's email inquiring about deposition topics for Zitting Brothers and evaluate response to email.
10/11/2017	Attorney	I-CHE L	0.10	225.00	22.50	Draft email to the client discussing deposition topics for Zitting Brothers.
10/12/2017	Attorney	I-CHE L	0.10	225.00	22.50	Review email from APCO counsel discussing update to deposition topics for Zitting Brothers and evaluate response to email.
10/12/2017	Attorney	I-CHE L	0.10	225.00	22.50	Draft response email to APCO counsel discussing need for updated topics for Zitting Brothers' deposition.
10/13/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Court's Order Setting Civil Non-Jury Trial and Calendar Call.
10/13/2017	Attorney	RAMIREZ J	0.40	225.00	90.00	Telephone conference with Client regarding preparation for upcoming deposition and trial.
10/17/2017	Attorney	I-CHE L	0.10	225.00	22.50	Review APCO counsel's email inquiring about acceptance of deposition subpoena to Zitting Brothers and evaluate response to email.
10/17/2017	Attorney	I-CHE L	0.10	225.00	22.50	Draft email responding to APCO counsel's inquiry about acceptance of service of deposition subpoena.
10/23/2017	Attorney	I-CHE L	0.70	225.00	157.50	Review APCO Construction's amended deposition notices to Zitting Brothers and evaluate objections to deposition topics for purpose of preparing objections.
10/23/2017	Attorney	I-CHE L	1.20	225.00	270.00	Evaluate topics to address at meeting with Sam Zitting based on review of Zitting Brothers' and APCO Construction's disclosures to prepare him for Zitting Brothers' Rule 30(b)(6) deposition.
10/23/2017	Attorney	I-CHE L	0.10	225.00	22.50	Draft email to Sam Zitting discussing updated deposition topics for purpose of arranging meeting for deposition preparation.
10/23/2017	Attorney	I-CHE L	0.60	225.00	135.00	Draft objections to APCO Construction's second amended deposition notice to Zitting Brothers.
10/23/2017	Attorney	RAMIREZ J	0.20	225.00	45.00	Analyze APCO Construction's Second Amended Notice of Taking NRCP Rule 30(B)(6) Deposition of Person Most Knowledgeable for Zitting Brothers Construction.
10/24/2017	Paralegal	MAILE J	0.10	125.00	12.50	Edited and finalized client's objections to Apco Construction's second amended notice of deposition of client's NRCP 30(b)(6) witness
10/26/2017	Attorney	DREITZER R I	4.20	225.00	945.00	Review and analyze all pertinent material for upcoming deposition of client's NRCP 30(b)(6) representative, including emails, correspondence, pleadings and discovery responses.

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
10/26/2017	Attorney	DREITZER R I	0.50	225.00	112.50	Discussion with Sam Zitting in preparation for upcoming NRCP 30(b)(6) deposition and likely questions and issues to be raised during same.
10/26/2017	Paralegal	MAILE J	0.40	125.00	50.00	Cursory review of client documents produced in case in preparation for client meeting for upcoming deposition
10/26/2017	Attorney	I-CHE L	0.30	225.00	67.50	Call with Randy Jefferies (APCO's new counsel) to discuss use of previously undisclosed deposition exhibits at Zitting Brothers' Rule 30(b)(6) deposition.
10/26/2017	Attorney	I-CHE L	4.20	225.00	945.00	Continue review of the parties' disclosures regarding Zitting's scope of completed work on the Project and evaluate issues to address with Sam Zitting for purpose of preparing him for his deposition.
10/26/2017	Attorney	DREITZER R I	4.00	225.00	900.00	Attend conference with Sam Zitting to prepare him for his deposition.
10/26/2017	Attorney	I-CHE L	2.70	225.00	607.50	Attend conference with Sam Zitting to prepare him for his deposition.
10/26/2017	Attorney	I-CHE L	2.10	225.00	472.50	Review email from Randy Jeffries attaching undisclosed documents for his use at Sam Zitting's deposition (with cross-reference to parties' disclosures) and evaluate objections to emails and changes to deposition preparation plan.
10/26/2017	Attorney	I-CHE L	0.20	225.00	45.00	Draft email to Sam Zitting discussing APCO counsel's late disclosure of deposition exhibits.
10/27/2017	Attorney	DREITZER R I	1.80	225.00	405.00	Meeting with client regarding additional issues prior to deposition of Sam Zitting as corporate 30(b)(6) witness.
10/27/2017	Attorney	DREITZER R I	5.80	225.00	1,305.00	Attend deposition of Sam Zitting as corporate representative for client and defend same.
10/27/2017	Attorney	I-CHE L	0.70	225.00	157.50	Meet with Sam Zitting to discuss documents likely to be used as exhibits at his deposition for purpose of preparing Sam Zitting for his deposition.
10/28/2017	Attorney	I-CHE L	0.20	225.00	45.00	Review APCO's counsel's email inquiring about dismissal of unjust enrichment claim and evaluate response to email.
10/28/2017	Attorney	I-CHE L	0.10	225.00	22.50	Draft email to APCO's counsel discussing need for conference call regarding dismissal of unjust enrichment claim.
10/30/2017	Attorney	I-CHE L	0.30	225.00	67.50	Call with Mary Bacon (APCO's counsel) to discuss dismissal of Zitting Brothers' unjust enrichment claim.
10/30/2017	Attorney	I-CHE L	0.90	225.00	202.50	Review and evaluate Sam Zitting's deposition transcript for trial preparation.
10/30/2017	Attorney	I-CHE L	0.20	225.00	45.00	Draft email to Sam Zitting discussing his deposition transcript.
10/31/2017	Attorney	I-CHE L	0.10	225.00	22.50	Draft email to Mary Bacon regarding Zitting Brothers' position to hold off on any dismissal consideration until after motion for summary judgment hearing.
10/31/2017	Attorney	RAMIREZ J	0.30	225.00	67.50	Telephone conference with Client regarding necessity to commence trial preparation.
10/31/2017	Attorney	I-CHE L	0.10	225.00	22.50	Review Mary Bacon's email with follow up on dismissal of unjust enrichment claim and evaluate response to email.
11/01/2017	Attorney	RAMIREZ J	4.20	225.00	945.00	Analyze file to begin selection of exhibits to present at upcoming trial.

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
11/02/2017	Attorney	RAMIREZ J	6.80	225.00	1,530.00	Continue analysis of file to select exhibits for presentation at upcoming trial.
11/03/2017	Attorney	I-CHE L	0.10	225.00	22.50	Review email from APCO's counsel discussing parameters for EDCR 2.47 conference and evaluate response to email.
11/03/2017	Attorney	I-CHE L	0.10	225.00	22.50	Draft email to APCO's counsel regarding parameters for EDCR 2.47 conference.
11/04/2017	Attorney	RAMIREZ J	10.00	225.00	2,250.00	Trial preparation.
11/05/2017	Attorney	RAMIREZ J	9.30	225.00	2,092.50	Trial preparation.
11/05/2017	Attorney	I-CHE L	2.50	225.00	562.50	Review Sam Zitting's deposition transcript and evaluate for potential exclusion of testimony.
11/05/2017	Attorney	I-CHE L	0.20	225.00	45.00	Draft emails to other lien claimants' counsel to discuss motions in limine against APCO Construction.
11/05/2017	Attorney	I-CHE L	0.40	225.00	90.00	Evaluate and identify topics to address at EDCR 2.47 conference with APCO Construction.
11/05/2017	Attorney	I-CHE L	2.80	225.00	630.00	Evaluate and identify arguments to exclude all of APCO Construction's defenses other than the pay-if-paid defense.
11/05/2017	Attorney	I-CHE L	3.10	225.00	697.50	Draft motion in limine to exclude all of APCO Construction's defenses other than the pay-if-paid defense.
11/06/2017	Attorney	RAMIREZ J	1.80	225.00	405.00	Analyze Helix Electric's Motions in Limine Nos. 1-4 Against APCO to determine if joinder is warranted.
11/06/2017	Attorney	RAMIREZ J	1.20	225.00	270.00	Analyze National Wood Products' Motions in Limine to Exclude Documents and Things Not Properly Produced By APCO During Discovery to determine if joinder is warranted.
11/06/2017	Attorney	RAMIREZ J	2.80	225.00	630.00	Analyze APCO's Omnibus Motion in Limine.
11/06/2017	Attorney	RAMIREZ J	1.10	225.00	247.50	Analyze APCO's Supplemental Briefing in Opposition to Client's Motion for Partial Summary Judgment.
11/06/2017	Attorney	I-CHE L	0.50	225.00	112.50	Attend teleconference with other lien claimants to discuss agenda for EDCR 2.47 conference on the motions in limine.
11/06/2017	Attorney	I-CHE L	0.80	225.00	180.00	Supplement draft motion in limine to incorporate additional issues discussed at teleconference with other lien claimants.
11/06/2017	Attorney	I-CHE L	0.70	225.00	157.50	Attend EDCR 2.47 conference with APCO Construction.
11/06/2017	Attorney	I-CHE L	0.30	225.00	67.50	Draft declaration in support of motion in limine.
11/06/2017	Attorney	RAMIREZ J	1.80	225.00	405.00	Supplement and revise Motion in Limine to Exclude Defenses with additional legal argument regarding invalidity of provision relied upon and prejudice to client.
11/07/2017	Attorney	I-CHE L	0.30	225.00	67.50	Review and evaluate Eric Zimbelman's email discussing APCO Construction's arguments against payment of retention.
11/07/2017	Attorney	I-CHE L	0.10	225.00	22.50	Draft email to Eric Zimbelman regarding joint defense against APCO Construction's argument against retention payment.
11/07/2017	Attorney	I-CHE L	0.60	225.00	135.00	Evaluate grounds to oppose APCO Construction's plan to seek dismissal of the unjust enrichment claim
11/07/2017	Attorney	RAMIREZ J	4.00	225.00	900.00	Trial preparation.

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
11/08/2017	Attorney	I-CHE L	0.50	225.00	112.50	Review National Wood Product's 4 motions in limine against APCO Construction and evaluate need for response to motion.
11/08/2017	Attorney	I-CHE L	0.60	225.00	135.00	Review Peel Brimley Lien Claimants' 4 motions in limine against APCO Construction and CAMCO and evaluate need for response to motions.
11/08/2017	Attorney	I-CHE L	0.30	225.00	67.50	Call with Eric Zimbelman to discuss APCO Construction's arguments against retention payment.
11/08/2017	Attorney	I-CHE L	2.20	225.00	495.00	Review APCO Construction's Omnibus Motion in Limine #3 and evaluate arguments to oppose motion.
11/08/2017	Attorney	I-CHE L	2.40	225.00	540.00	Draft opposition to APCO Construction's Omnibus Motion in Limine #3.
11/08/2017	Attorney	RAMIREZ J	3.00	225.00	678.00	Trial preparation.
11/09/2017	Attorney	I-CHE L	0.20	225.00	45.00	Review APCO Construction's letter discussing scheduling of EDCR 2.67 Conference and evaluate response to letter.
11/09/2017	Attorney	I-CHE L	0.30	225.00	67.50	Call with Mary Bacon to discuss parameters for EDCR 2.67 Conference.
11/09/2017	Attorney	I-CHE L	0.10	225.00	22.50	Draft email to other lien claimants' counsel to discuss coordinated opposition to APCO Construction's omnibus motion in limine.
11/09/2017	Attorney	I-CHE L	1.30	225.00	292.50	Attend conference call with other lien claimants to discuss opposition to APCO Construction's motions in limine and presentation of evidence at trial.
11/09/2017	Attorney	I-CHE L	2.40	225.00	540.00	Review APCO Construction's Omnibus Motion in Limine #2, 6, and 7 and evaluate arguments to oppose motion.
11/09/2017	Attorney	I-CHE L	1.50	225.00	337.50	Draft opposition to APCO Construction's Omnibus Motion in Limine #2, 6, and 7.
11/09/2017	Attorney	RAMIREZ J	3.00	225.00	678.00	Trial preparation.
11/09/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze correspondence from APCO's counsel regarding trial availability and pre-trial conference.
11/11/2017	Attorney	I-CHE L	2.70	225.00	607.50	Review APCO Construction's Omnibus Motion in Limine #1 and evaluate arguments to oppose motion.
11/11/2017	Attorney	I-CHE L	4.50	225.00	1,012.50	Draft opposition to APCO Construction's Omnibus Motion in Limine #1.
11/11/2017	Attorney	RAMIREZ J	6.50	225.00	1,462.50	Trial preparation.
11/12/2017	Attorney	I-CHE L	2.90	225.00	652.50	Review APCO Construction's Omnibus Motion in Limine #4 and 5 and evaluate arguments to oppose motion.
11/12/2017	Attorney	I-CHE L	3.40	225.00	765.00	Draft opposition to APCO Construction's Omnibus Motion in Limine #4 and 5.
11/12/2017	Attorney	RAMIREZ J	4.50	225.00	1,012.50	Trial preparation.
11/13/2017	Attorney	RAMIREZ J	2.30	225.00	517.50	Supplement and revise Client's Opposition to APCO's Omnibus Motion in Limine with additional factual and legal arguments supporting necessity to include evidence.
11/13/2017	Attorney	I-CHE L	0.20	225.00	45.00	Call with Sam Zitting to discuss preparation for trial.
11/13/2017	Attorney	I-CHE L	3.50	225.00	787.50	Review APCO Construction's supplemental opposition to Zitting Brothers' motion for summary judgment and evaluate arguments to reply to opposition.
11/13/2017	Attorney	I-CHE L	3.10	225.00	697.50	Draft supplemental reply in support of motion for summary judgment.

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
11/13/2017	Attorney	I-CHE L	0.10	225.00	22.50	Draft email to the other lien claimants to discuss Zitting Brothers' draft opposition APCO Construction's omnibus motion in limine for purpose of coordinating joint opposition to omnibus motion.
11/13/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze National Wood Products' Notice of Deposition of Nicholas Cox.
11/13/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze National Wood Products' Notice of Deposition of Kurt Micek.
11/13/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Offer of Judgment.
11/13/2017	Attorney	RAMIREZ J	0.20	225.00	45.00	Analyze National Wood Products' Second Supplemental Disclosure.
11/14/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Peel Brimley Lien Claimants' Joinder to Oppositions to APCO Construction's Omnibus Motion in Limine.
11/14/2017	Attorney	RAMIREZ J	0.40	225.00	90.00	Analyze Buchele, Inc.'s Opposition to APCO Construction's Omnibus Motion in Limine to determine if joinder is necessary.
11/14/2017	Attorney	RAMIREZ J	0.40	225.00	90.00	Analyze Camco's Opposition to Lien Claimants' Motions in Limine Nos. 1-6.
11/14/2017	Attorney	RAMIREZ J	0.50	225.00	112.50	Analyze Apco Construction, Inc.'s Opposition to Plaintiff-In-Intervention, National Wood Products, Inc.'s Motion in Limine to Exclude Evidence, Testimony, Documents and things not Properly Produced by Defendant Apco Construction in Discovery.
11/14/2017	Attorney	RAMIREZ J	0.80	225.00	180.00	Analyze Helix Electric of Nevada's Opposition to APCO Construction's Omnibus Motion in Limine to determine if joinder is warranted.
11/14/2017	Attorney	RAMIREZ J	0.50	225.00	112.50	Analyze National Wood Products, Inc.'s Opposition to APCO Construction's Omnibus Motion In Limine Nos. 3, 6 and 7A to determine if joinder is warranted.
11/14/2017	Attorney	I-CHE L	0.30	225.00	67.50	Call with Mary Bacon to address her questions about parameters for EDCR 2.67 Conference.
11/14/2017	Attorney	I-CHE L	0.30	225.00	67.50	Correspond with all parties regarding preparation of joint pre-trial memorandum and trial setting.
11/14/2017	Attorney	I-CHE L	0.60	225.00	135.00	Review other lien claimants' oppositions to APCO Construction's omnibus motion in limine and evaluate need for response.
11/14/2017	Attorney	I-CHE L	1.70	225.00	382.50	Review APCO Construction's opposition to Zitting Brothers' motion in limine and evaluate arguments to address in reply in support of motion.
11/14/2017	Attorney	I-CHE L	1.40	225.00	315.00	Review deposition transcripts of APCO Construction's Rule 30(b)(6) witnesses and evaluate testimony to rebut arguments raised in APCO Construction's opposition to Zitting Brothers' motion in limine.
11/14/2017	Attorney	I-CHE L	1.70	225.00	382.50	Draft reply in support of motion in limine against APCO Construction.
11/14/2017	Paralegal	MAILE J	2.00	125.00	250.00	Analyzed and located documents for use in upcoming client meeting
11/14/2017	Attorney	RAMIREZ J	0.20	225.00	45.00	Analyze APCO's Objection to National Wood Products' November 13, 2017 Notices of Deposition.
11/14/2017	Attorney	RAMIREZ J	0.60	225.00	135.00	Analyze Apco Construction, Inc.'s Opposition to Helix Electric's Motion in Limine to Exclude Nos. 1-4 to determine if joinder is warranted.

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
11/14/2017	Attorney	RAMIREZ J	0.70	225.00	157.50	Analyze National Wood Products' Opposition to APCO Construction's Omnibus Motion in Limine Nos. 3, 7 and 7A to determine if joinder is warranted.
11/15/2017	Attorney	I-CHE L	0.50	225.00	112.50	Draft joinders to the other lien claimants' motions in limine against APCO Construction and oppositions to APCO Construction's omnibus motion in limine.
11/15/2017	Attorney	I-CHE L	4.90	225.00	1,102.50	Review briefing on motions for summary judgment and motions in limine and prepare oral arguments for hearing on motions.
11/15/2017	Attorney	I-CHE L	0.20	225.00	45.00	Draft email to Eric Zimbelman to coordinate presentation of arguments at hearing on motions for summary judgment and motions in limine.
11/15/2017	Attorney	RAMIREZ J	0.80	225.00	180.00	Analyze Apco Construction, Inc.'s Reply in Support of its Omnibus Motion in Limine.
11/15/2017	Attorney	RAMIREZ J	1.70	225.00	382.50	Supplement and revise Client's Supplemental Response to APCO's Supplemental Opposition to Motion for Partial Summary Judgment with additional legal arguments regarding limited scope of review of facts of case.
11/15/2017	Attorney	RAMIREZ J	0.90	225.00	202.50	Supplement and revise Client's Reply to APCO's Opposition to Motion in Limine with additional legal arguments regarding prejudice to client and failure of justification for late disclosure of evidence.
11/16/2017	Attorney	I-CHE L	1.10	225.00	247.50	Attend hearing on motions for summary judgment and motions in limine.
11/16/2017	Attorney	I-CHE L	0.90	225.00	202.50	Evaluate and identify documents needed for discussion with Sam Zitting regarding trial exhibits and trial strategy.
11/16/2017	Attorney	I-CHE L	1.60	225.00	360.00	Meet with Sam Zitting to evaluate potential trial exhibits and trial strategy.
11/16/2017	Attorney	I-CHE L	0.30	225.00	67.50	Call with Mary Bacon to discuss preparation of joint pre-trial memorandum.
11/16/2017	Attorney	RAMIREZ J	1.00	225.00	225.00	Attend motion for summary judgment and motions in limine hearing.
11/17/2017	Attorney	I-CHE L	0.30	225.00	67.50	Draft letter to all parties discussing need to continue EDCR 2.67 conference.
11/17/2017	Attorney	I-CHE L	0.40	225.00	90.00	Correspond with Eric Zimbelman, Mary Bacon, and Steve Morris regarding their position on continuance of EDCR 2.67 conference.
11/17/2017	Attorney	I-CHE L	0.20	225.00	45.00	Call with Mary Bacon to discuss parameters for exhibits exchange at EDCR 2.67 conference.
11/17/2017	Attorney	I-CHE L	0.20	225.00	45.00	Review APCO Construction's letter discussing changes to EDCR 2.67 conference.
11/17/2017	Attorney	I-CHE L	0.30	225.00	67.50	Review draft of third supplemental initial disclosures and evaluate for changes to comply with court rules and to posture disclosures for use at trial.
11/17/2017	Attorney	I-CHE L	0.10	225.00	22.50	Draft email to Sam Zitting regarding status of the project.
11/17/2017	Attorney	I-CHE L	0.40	225.00	90.00	Evaluate process for initiating complaint with Nevada State Contractor Board based on recent developments.
11/17/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze correspondence from APCO's counsel regarding holding pre-trial conference.
11/19/2017	Attorney	RAMIREZ J	8.00	225.00	1,800.00	Prepare for trial by reviewing documents disclosed by APCO prior to discovery cut-off.

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
11/19/2017	Attorney	I-CHE L	6.90	225.00	1,552.50	Prepare for EDCR 2.67 conference by reviewing the parties' pre-trial disclosures (about 800 pages).
11/20/2017	Attorney	DREITZER R I	1.30	225.00	292.50	Prepare for and attend mandatory early case conference with all counsel in anticipation of upcoming trial, pursuant to Court Rule 2.67.
11/20/2017	Attorney	I-CHE L	1.50	225.00	337.50	Attend EDCR 2.67 conference.
11/20/2017	Attorney	I-CHE L	0.10	225.00	22.50	Call with Sam Zitting to discuss potential continuance of trial.
11/20/2017	Attorney	I-CHE L	0.90	225.00	202.50	Attend calendar call.
11/20/2017	Attorney	RAMIREZ J	0.20	225.00	45.00	Analyze National Wood Products' List of Witnesses.
11/21/2017	Attorney	I-CHE L	3.80	225.00	855.00	Review Peel Brimley's subcontractors' trial exhibits and evaluate additional trial exhibits needed.
11/21/2017	Attorney	I-CHE L	0.60	225.00	135.00	Review and evaluate APCO's untimely supplement responses to the subcontractors' discovery requests.
11/21/2017	Attorney	I-CHE L	0.10	225.00	22.50	Draft email to Sam Zitting regarding result of calendar call.
11/27/2017	Attorney	RAMIREZ J	0.40	225.00	90.00	Analyze APCO's Eleventh Supplemental Disclosure of Witnesses and Imaged Documents.
11/29/2017	Attorney	I-CHE L	0.80	225.00	180.00	Evaluate need and scope for any trial preparation based on the court's decision on the pending motions for summary judgment.
11/29/2017	Attorney	I-CHE L	0.20	225.00	45.00	Call with Sam Zitting to discuss result of the court's decision on the pending motions for summary judgment.
12/06/2017	Attorney	RAMIREZ J	0.50	225.00	112.50	Analyze APCO Construction's Motion to Request Buchele, Inc. Comply with EDCR 7.42 on Order Shortening Time.
12/11/2017	Paralegal	MAILE J	0.20	125.00	25.00	Preparation of initial draft of consent letter for client for review and authorization for previous counsel to produce invoices of attorneys' fees and costs incurred in case
12/11/2017	Attorney	I-CHE L	0.10	225.00	22.50	Review draft letter to Zitting Brothers' former counsel regarding production of prior invoices and evaluate need for changes to clarify scope of production for purpose of obtaining invoices to support request for attorney's fees.
12/11/2017	Attorney	I-CHE L	0.10	225.00	22.50	Supplement draft of letter to Zitting Brothers' former counsel to address scope of prior invoices needed.
12/11/2017	Attorney	I-CHE L	0.10	225.00	22.50	Draft email to Sam Zitting discussing need for his authorization to release prior invoices to Wilson Elser.
12/11/2017	Attorney	I-CHE L	1.30	225.00	292.50	Review and evaluate the parties' briefing on Zitting Brothers' motion for summary judgment for purpose of preparing order granting Zitting Brothers' motion for summary judgment.
12/11/2017	Attorney	I-CHE L	1.20	225.00	270.00	Draft order granting Zitting Brothers' motion for summary judgment based on the parties' briefing.
12/12/2017	Attorney	I-CHE L	0.60	225.00	135.00	Review the court's minute orders regarding the motions in limine and evaluate response to the minute orders.
12/12/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Court's Minute Order granting Client's Motion in Limine.
12/13/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Court's Minute Order addressing APCO Construction's Motions in Limine.
12/13/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Court's Minute Order addressing other Helix Electric's Motions in Limine.
12/13/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Court's Minute Order addressing Peel Brimley Lien Claimants' Motions in Limine.

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
12/13/2017	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Court's Minute Order addressing National Wood Products' Motions in Limine.
12/18/2017	Attorney	RAMIREZ J	3.00	225.00	675.00	Attend meeting with Sam Zitting to discuss various options to proceed with potential collection.
12/18/2017	Attorney	I-CHE L	0.30	225.00	67.50	Evaluate scope of prejudgment interest under NRS 108 for purpose of incorporating prejudgment interest in order granting Zitting Brothers' motion for summary judgment.
12/18/2017	Attorney	I-CHE L	0.20	225.00	45.00	Supplement draft of order granting Zitting Brothers' motion for summary judgment to incoporate proposed ruling on prejudgment interest on judgment amount.
12/19/2017	Attorney	I-CHE L	0.30	225.00	67.50	Call with APCO Construction's counsel to discuss her proposed parameters for order granting Zitting Brothers' motion for summary judgment.
12/20/2017	Paralegal	MAILE J	0.10	125.00	12.50	Preparation of email correspondence to Lewis Brisbois requesting the status of invoices for all attorneys' fees and costs incurred in case
12/20/2017	Attorney	I-CHE L	0.20	225.00	45.00	Draft email to APCO Construction's counsel with arguments in favor of APCO Construction signing off on Zitting Brothers' proposed order granting motion for summary judgment.
12/22/2017	Attorney	I-CHE L	0.10	225.00	22.50	Review email from APCO Construction's counsel discussing need for additional changes to Zitting Brothers' draft order granting motion for summary judgment and evaluate need to respond to email.
12/22/2017	Attorney	I-CHE L	0.10	225.00	22.50	Draft email to APCO Construction's counsel to address additional time needed to review APCO Construction's proposed changes.
12/22/2017	Attorney	I-CHE L	0.90	225.00	202.50	Review APCO Construction's redlined changes to draft order granting Zitting Brothers' motion for summary judgment with cross-reference to the parties' briefing on the motion and evaluate whether to accept or reject changes.
12/22/2017	Attorney	I-CHE L	0.50	225.00	112.50	Prepare for call with APCO Construction's counsel to discuss draft order granting Zitting Brothers' motion for summary judgment and trial preparation needed for Zitting Brothers' claims by reviewing pleadings and pre-trial disclosures.
12/22/2017	Attorney	I-CHE L	0.50	225.00	112.50	Call with APCO Construction to discuss draft order granting Zitting Brothers' motion for summary judgment and trial preparation needed for Zitting Brothers' claims.
12/22/2017	Attorney	I-CHE L	0.40	225.00	90.00	Draft letter to the court with arguments persuading court to accept Zitting Brothers' draft of the order granting Zitting Brothers' motion for summary judgment.
12/26/2017	Attorney	RAMIREZ J	0.30	225.00	67.50	Analyze correspondence from APCO's to Court regarding proposed competing order for Client's summary judgment.
12/26/2017	Attorney	I-CHE L	0.30	225.00	67.50	Review APCO Construction's letter to the court with exhibits regarding APCO Construction's proposed order granting Zitting Brothers' motion for summary judgment and evaluate need for response.

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
12/27/2017	Attorney	I-CHE L	0.90	225.00	202.50	Review APCO Construction's and other lien claimants' letters to the court with proposed orders on APCO Construction's motions in limine and other lien claimants' motions in limine and motion for summary judgment and evaluate need for response.
12/29/2017	Attorney	I-CHE L	1.70	225.00	382.50	Evaluate grounds for full recovery of attorney's fees, costs, and interest incurred since April 30, 2009 based on Nevada law and the court's order granting Zitting Brothers' motion for summary judgment for purpose of preparing motion for attorney's fees and costs and memorandum of costs.
12/29/2017	Attorney	I-CHE L	0.90	225.00	202.50	Draft outline of motion for attorney's fees and costs and memorandum of costs based on review and evaluation.
01/02/2018	Attorney	RAMIREZ J	0.20	225.00	45.00	Analyze correspondence from APCO Construction's counsel regarding competing order on Peel Brimley Lien Claimants motion for summary judgment proposed order.
01/02/2018	Attorney	RAMIREZ J	0.30	225.00	67.50	Analyze correspondence from Peel Brimley Lien Claimants' counsel regarding proposed motion in limine orders.
01/02/2018	Attorney	RAMIREZ J	0.20	225.00	45.00	Analyze correspondence from Peel Brimley Lien Claimants' counsel regarding proposed order on motion for partial summary judgment.
01/02/2018	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze correspondence from Peel Brimley regarding proposed order granting motions in limine.
01/02/2018	Attorney	RAMIREZ J	0.30	225.00	67.50	Analyze Order Granting Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements.
01/02/2018	Attorney	I-CHE L	0.70	225.00	157.50	Prepare for issues to address at calendar call, including review of the parties' exhibit lists.
01/02/2018	Attorney	I-CHE L	1.30	225.00	292.50	Attend calendar call to discuss trial setting.
01/02/2018	Attorney	I-CHE L	0.40	225.00	90.00	Draft order granting Zitting Brothers' motion in limine against APCO Construction.
01/04/2018	Attorney	RAMIREZ J	1.80	225.00	405.00	Analyze APCO Construction's Motion for Reconsideration of Court's Order Granting Peel Brimley Lien Claimants' Partial Motion for Summary Judgment to Preclude Defenses Based on Pay if Paid Provisions on an Order Shortening Time.
01/04/2018	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze correspondence from Court regarding further handling of trial and exhibits.
01/04/2018	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Amended Nunc Pro Trunc Order Regarding APCO's Omnibus Motion in Limine No. 7.
01/05/2018	Attorney	I-CHE L	0.40	225.00	90.00	Call with APCO Construction's counsel to discuss parameters for briefing on motion for attorney's fees, costs, and interest and for confirmation of Zitting Brothers' involvement at trial.
01/08/2018	Attorney	RAMIREZ J	2.70	225.00	607.50	Analyze APCO Construction's Motion for Reconsideration of Court's Order Granting Zitting Brother's Partial Motion for Summary Judgment and Ex Part Application for Order Shortening time and to Exceed Page Limit (700+ pages) to determine appropriate opposition.

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
01/08/2018	Attorney	RAMIREZ J	0.70	225.00	157.50	Analyze CAMCO's Joinder to APCO's Motion for Reconsideration of Court's Order Granting Peel Brimley Lien Claimants' Partial Motion for Summary Judgment.
01/08/2018	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Notice of Attorney's Lien.
01/08/2018	Attorney	I-CHE L	0.20	225.00	45.00	Call with Sam Zitting to address his questions regarding progress of case in light of summary judgment order.
01/08/2018	Attorney	I-CHE L	0.20	225.00	45.00	Review email from APCO Construction's counsel discussing its issues for serving motion for reconsideration of order granting summary judgment to Zitting Brothers and evaluate response to email.
01/08/2018	Attorney	I-CHE L	1.80	225.00	405.00	Review APCO Construction's motion for reconsideration of Peel Brimley Lien Claimants' motion for summary judgment on pay-if-paid provision and evaluate response needed to protect Zitting Brothers' summary judgment regarding pay-if-paid provision.
01/09/2018	Attorney	RAMIREZ J	0.80	225.00	180.00	Analyze Plaintiff in Intervention, National Wood Products, Inc.s Opposition to APCO Construction's Motion for Reconsideration of the Court's Order Granting Peel Brimley Lien Claimants' Motion for Partial Summary Judgment to Preclude Defenses of Pay if Paid Provisions.
01/09/2018	Attorney	RAMIREZ J	0.40	225.00	90.00	Analyze Peel Brimley's Opposition to APCO Construction's Motion for Reconsideration of Order Granting Partial Summary Judgment.
01/09/2018	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Order Granting National Wood Products' Motion in Limine.
01/09/2018	Paralegal	MAILE J	2.00	125.00	250.00	Preparation of initial draft of client's memorandum of costs and disbursements to include all costs incurred after date plaintiff's complaint was filed to present
01/09/2018	Attorney	I-CHE L	3.50	225.00	787.50	Review APCO Construction's motion for reconsideration of Zitting Brothers' summary judgment (711 pages), including exhibits, and evaluate response to APCO Construction's arguments on preclusion of evidence for purpose of preparing opposition to motion.
01/09/2018	Attorney	I-CHE L	2.50	225.00	562.50	Draft opposition to APCO Construction's motion for reconsideration of Zitting Brothers' summary judgment based on analysis of issues on the merits.
01/10/2018	Attorney	RAMIREZ J	2.40	225.00	540.00	Supplement and revise Opposition to Motion for Reconsideration with additional legal arguments regarding establishment of claims via NRS Chapter 624 and appropriateness of excluding evidence.
01/10/2018	Attorney	RAMIREZ J	1.30	225.00	292.50	Analyze APCO's Reply in Support of Motion for Reconsideration of Court's Order Granting Peel Brimley Lien Claimants' Partial Motion for Summary Judgment.
01/10/2018	Attorney	I-CHE L	3.80	225.00	855.00	Evaluate and formulate response to APCO Construction's arguments on the merits of Zitting Brothers' breach of contract claims for purpose of preparing opposition to motion for reconsideration of Zitting Brothers' summary judgment.
01/10/2018	Attorney	I-CHE L	2.60	225.00	585.00	Continue drafting opposition to APCO Construction's motion for reconsideration of Zitting Brothers' summary judgment based on analysis of preclusion issues.

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
01/10/2018	Attorney	I-CHE L	0.20	225.00	45.00	Draft email to Sam Zitting discussing result of Zitting Brothers' motion for summary judgment and filing of APCO Construction's motion for reconsideration.
01/10/2018	Attorney	I-CHE L	2.80	225.00	630.00	Prepare oral arguments for hearing on APCO's motions for reconsideration of orders granting Peel Brimley Lien Claimants' and Zitting Brothers' motions for summary judgment, including review of all briefing on the motions and related motions.
01/11/2018	Attorney	RAMIREZ J	0.90	225.00	202.50	Analyze correspondence from APCO's counsel regarding motion to stay execution of judgment.
01/11/2018	Attorney	RAMIREZ J	1.20	225.00	270.00	Analyze Plaintiff's Motion to Stay Pending Entry of Final Judgment on Order Shortening Time.
01/11/2018	Attorney	I-CHE L	2.00	225.00	450.00	Attend hearing on APCO Construction's motion for reconsideration of orders granting Zitting Brothers' and Peel Brimley Lien Claimants' motions for summary judgment.
01/11/2018	Attorney	I-CHE L	0.20	225.00	45.00	Call with APCO Construction's counsel to discuss his reasoning for pursuing motion to stay enforcement of judgment and potential agreement to continue hearing on motion.
01/12/2018	Attorney	LAURSEN C T	2.30	225.00	517.50	Research collection methods in Clark County, Nevada
01/12/2018	Attorney	LAURSEN C T	0.70	225.00	157.50	Draft Affidavit of Judgment
01/12/2018	Attorney	I-CHE L	0.40	225.00	90.00	Draft stipulation and order to continue hearing on APCO Construction's motion to stay enforcement of judgment.
01/12/2018	Attorney	I-CHE L	0.20	225.00	45.00	Draft email to the parties' counsel to discuss need for submitting draft stipulation and order to continue hearing on APCO Construction's motion to stay enforcement of judgment.
01/16/2018	Attorney	RAMIREZ J	0.10	225.00	22.50	Analyze Order Granting Apco Construction, Inc.'s Motion to Request Buchele, Inc. Comply with EDCR 7.42 on Order Shortening Time.
01/16/2018	Attorney	LAURSEN C T	0.50	225.00	112.50	Supplement draft of Affidavit of Judgment
01/16/2018	Attorney	LAURSEN C T	0.50	225.00	112.50	Draft cover letters for affidavit of judgment
01/16/2018	Attorney	I-CHE L	3.50	225.00	787.50	Review APCO Construction's motion to stay enforcement of judgment, including authorities cited in motion, and evaluate arguments to oppose motion to stay.
01/16/2018	Attorney	I-CHE L	2.50	225.00	562.50	Draft opposition to APCO Construction's motion to stay enforcement of judgment.
01/16/2018	Attorney	I-CHE L	0.80	225.00	180.00	Analyze enforcement of judgment under Nevada law.
01/17/2018	Attorney	RAMIREZ J	1.20	225.00	270.00	Supplement and revise Client's Opposition to APCO's Motion to Stay Enforcement of Judgment with additional factual and legal arguments.
01/17/2018	Paralegal	MAILE J	0.20	125.00	25.00	Preparation of correspondence to the Nevada State Contractors Board regarding potential complaint.
01/17/2018	Paralegal	MAILE J	0.10	125.00	12.50	Edited and revised client's memorandum of costs to include deposition transcript fees incurred in case
01/18/2018	Attorney	I-CHE L	0.80	225.00	180.00	Prepare oral argument for hearing on APCO Construction's motion to stay execution of judgment based on review of the parties' briefing on the motion.
01/19/2018	Attorney	RAMIREZ J	0.20	225.00	45.00	Supplement and revise Memorandum of Costs to include additional taxable costs.
01/19/2018	Attorney	I-CHE L	0.80	225.00	180.00	Attend hearing on APCO Construction's motion to stay execution of judgment.

Billed Time Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Role	Name	Hours	Rate	Amount	Narrative
01/19/2018	Attorney	I-CHE L	0.20	225.00	45.00	Draft order denying APCO Construction's motion for reconsideration of order granting Zitting Brothers' motion for summary judgment.
01/19/2018	Attorney	I-CHE L	0.60	225.00	135.00	Evaluate complaint against APCO Construction before Nevada State Contractor Board for non-payment of amount owed.
01/19/2018	Attorney	I-CHE L	0.50	225.00	112.50	Evaluate NRCP 54(b) certification of judgment.
01/19/2018	Attorney	I-CHE L	0.60	225.00	135.00	Review and evaluate vendor invoices included with draft memorandum of fees and costs for compliance with Nevada Rules of Civil Procedure.
01/19/2018	Attorney	I-CHE L	0.10	225.00	22.50	Draft email to APCO Construction's counsel to discuss draft order denying APCO Construction's motion for reconsideration of Zitting Brothers' summary judgment order.
01/19/2018	Attorney	I-CHE L	0.10	225.00	22.50	Correspond with APCO Construction's counsel to finalize briefing schedule on issue of attorney's fees, costs, and interest.
			990.50		**213,376.00**	

EXHIBIT C

MEMC
JORGE A. RAMIREZ, ESQ.
Nevada Bar No. 6787
I-CHE LAI, ESQ.
Nevada Bar No. 12247
WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP
300 South 4th Street, 11th Floor
Las Vegas, NV 89101-6014
Telephone: (702) 727-1400
Facsimile: (702) 727-1401
Jorge.Ramirez@wilsonelser.com
I-Che.Lai@wilsonelser.com
Attorneys for Lien Clamant,
Zitting Brothers Construction, Inc.

DISTRICT COURT

CLARK COUNTY, NEVADA

APCO CONSTRUCTION, a Nevada corporation, Plaintiff, vs. GEMSTONE DEVELOPMENT WEST, INC., a Nevada corporation, Defendant.	CASE NO. A571228 DEPT. NO. XIII Consolidated with: A574391; A574792; A577623; A583289; A587168; A580889; A584730; A589195; A595552; A597089; A592826; A589677; A596924; A584960; A608717; A608718; and A590319
AND ALL RELATED MATTERS	

ZITTING BROTHERS CONSTRUCTION, INC.'S VERIFIED MEMORANDUM OF COSTS

Lien Claimant, ZITTING BROTHERS CONSTRUCTION, INC. ("Zitting") by and through its counsel of record, Jorge A. Ramirez, Esq. and I-Che Lai, Esq., of WILSON ELSER MOSKOWITZ EDELMAN & DICKER LLP, hereby submits this verified memorandum of costs and disbursements incurred subsequent to plaintiff's filing of the Complaint in the above-entitled action.

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VERIFIED MEMORANDUM OF COSTS AND DISBURSEMENTS INCURRED SUBSEQUENT TO PLAINTIFF'S FILING OF THE COMPLAINT SEPTEMBER 9, 2008

Court costs	$20.63
Filing fees	$1,523.50
Postage	$269.39
Photocopies	$823.17
Long Distance Telephone Calls	$0.06
Process Server/Messenger Service	$1,901.65
Publications	$108.25
Mediation Service	$724.77
Computerized Legal Research	$1,355.48
Deposition Transcript fees	$1,748.85
Miscellaneous (PACER Service Center)	$0.20
TOTAL	**$8,475.95**

An itemization and documentation of the costs incurred is attached hereto as **Exhibit A**.

STATE OF NEVADA)
) SS
COUNTY OF CLARK)

I-CHE LAI, ESQ., being duly sworn, states that he is the attorney for Zitting Brothers Construction, Inc. and has personal knowledge of the above costs and disbursements expended; that the items contained in the above memorandum are true and correct to the best of this affiant's knowledge and belief; and that the said disbursements have been necessarily incurred and paid in this action.

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I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Dated this 29th day of January, 2018.

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

Jorge A. Ramirez, Esq.
I-Che Lai, Esq.
300 South Fourth Street, 11th Floor
Las Vegas, Nevada 89101
Attorneys for Lien Claimant, Zitting Brothers Construction, Inc.

SUBSCRIBED AND SWORN to before me this 29TH day of January, 2018.

NOTARY PUBLIC in and for said County and State

Janice Maile
Notary Public
State of Nevada
Appt. Expires: May 18, 2019
Appt. No: 06-108506-1

1246751v.1

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of WILSON ELSER MOSKOWITZ EDELMAN & DICKER LLP, and that on this 29th day of January, 2018, I served a true and correct copy of the foregoing **ZITTING BROTHERS CONSTRUCTION, INC.'S VERIFIED MEMORANDUM OF COSTS** as follows:

- ☐ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;
- ☒ via electronic means by operation of the Court's electronic filing system, upon each party in this case who is registered as an electronic case filing user with the Clerk; and pursuant to Rule 9 of the N.E.F.C.R.
- ☐ via hand-delivery to the addressees listed below;
- ☐ via facsimile;
- ☐ by transmitting via email the document listed above to the email address set forth below on this date before 5:00 p.m.

An Employee of
WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

EXHIBIT D

Cost Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Description	Quantity	Amount	Vendor	Narrative
05/05/2009	Messenger Charges	0.00	8.50	LEGAL WINGS	Messenger Charges 21 LEGAL WINGS
06/16/2009	Publications	0.00	108.25	NEVADA LEGAL NEWS	Publications 21 NEVADA LEGAL NEWS
06/28/2009	Filing fees	0.00	6.00	AMERICAN EXPRESS	Filing fees 21 AMERICAN EXPRESS
06/28/2009	Filing fees	0.00	6.00	AMERICAN EXPRESS	Filing fees 21 AMERICAN EXPRESS
06/28/2009	Filing fees	0.00	6.00	AMERICAN EXPRESS	Filing fees 21 AMERICAN EXPRESS
06/28/2009	Filing fees	0.00	6.00	AMERICAN EXPRESS	Filing fees 21 AMERICAN EXPRESS
07/02/2009	Messenger Charges	0.00	35.00	U.S. LEGAL MANAGEMENT	Messenger Charges 21: U.S. LEGAL MANAGEMENT SERVICES, INVOICE 3702861
07/02/2009	Process Server	0.00	348.00	U.S. LEGAL MANAGEMENT	Process Server 21: U.S. LEGAL MANAGEMENT SERVICES, INVOICE 3702861
07/02/2009	Process Server	0.00	54.24	U.S. LEGAL MANAGEMENT	Process Server 21: U.S. LEGAL MANAGEMENT SERVICES, INVOICE 3702861
07/02/2009	Process Server	0.00	54.24	U.S. LEGAL MANAGEMENT	Process Server 21: U.S. LEGAL MANAGEMENT SERVICES, INVOICE 3702861
07/02/2009	Process Server	0.00	54.24	U.S. LEGAL MANAGEMENT	Process Server 21: U.S. LEGAL MANAGEMENT SERVICES, INVOICE 3702861
07/02/2009	Process Server	0.00	54.24	U.S. LEGAL MANAGEMENT	Process Server 21: U.S. LEGAL MANAGEMENT SERVICES, INVOICE 3702861
07/02/2009	Process Server	0.00	54.24	U.S. LEGAL MANAGEMENT	Process Server 21: U.S. LEGAL MANAGEMENT SERVICES, INVOICE 3702861
07/02/2009	Process Server	0.00	54.24	U.S. LEGAL MANAGEMENT	Process Server 21: U.S. LEGAL MANAGEMENT SERVICES, INVOICE 3702861
07/02/2009	Process Server	0.00	35.00	U.S. LEGAL MANAGEMENT	Process Server 21: U.S. LEGAL MANAGEMENT SERVICES, INVOICE 3702861
07/02/2009	Process Server	0.00	35.00	U.S. LEGAL MANAGEMENT	Process Server 21: U.S. LEGAL MANAGEMENT SERVICES, INVOICE 3702861
07/02/2009	Process Server	0.00	35.00	U.S. LEGAL MANAGEMENT	Process Server 21: U.S. LEGAL MANAGEMENT SERVICES, INVOICE 3702861
07/02/2009	Process Server	0.00	35.00	U.S. LEGAL MANAGEMENT	Process Server 21: U.S. LEGAL MANAGEMENT SERVICES, INVOICE 3702861
07/02/2009	Process Server	0.00	54.24	U.S. LEGAL MANAGEMENT	Process Server 21: U.S. LEGAL MANAGEMENT SERVICES, INVOICE 3702861
07/02/2009	Process Server	0.00	35.00	U.S. LEGAL MANAGEMENT	Process Server 21: U.S. LEGAL MANAGEMENT SERVICES, INVOICE 3702861

Cost Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Description	Quantity	Amount	Vendor	Narrative
07/02/2009	Process Server	0.00	35.00	U.S. LEGAL MANAGEMENT	Process Server 21: U.S. LEGAL MANAGEMENT SERVICES, INVOICE 3702861
07/02/2009	Process Server	0.00	35.00	U.S. LEGAL MANAGEMENT	Process Server 21: U.S. LEGAL MANAGEMENT SERVICES, INVOICE 3702861
07/02/2009	Process Server	0.00	35.00	U.S. LEGAL MANAGEMENT	Process Server 21: U.S. LEGAL MANAGEMENT SERVICES, INVOICE 3702861
07/02/2009	Process Server	0.00	54.24	U.S. LEGAL MANAGEMENT	Process Server 21: U.S. LEGAL MANAGEMENT SERVICES, INVOICE 3702861
07/02/2009	Process Server	0.00	54.24	U.S. LEGAL MANAGEMENT	Process Server 21: U.S. LEGAL MANAGEMENT SERVICES, INVOICE 3702861
07/02/2009	Process Server	0.00	35.00	U.S. LEGAL MANAGEMENT	Process Server 21: U.S. LEGAL MANAGEMENT SERVICES, INVOICE 3702861
07/02/2009	Process Server	0.00	35.00	U.S. LEGAL MANAGEMENT	Process Server 21: U.S. LEGAL MANAGEMENT SERVICES, INVOICE 3702861
07/02/2009	Process Server	0.00	54.24	U.S. LEGAL MANAGEMENT	Process Server 21: U.S. LEGAL MANAGEMENT SERVICES, INVOICE 3702861
07/02/2009	Process Server	0.00	35.00	U.S. LEGAL MANAGEMENT	Process Server 21: U.S. LEGAL MANAGEMENT SERVICES, INVOICE 3702861
07/02/2009	Process Server	0.00	35.00	U.S. LEGAL MANAGEMENT	Process Server 21: U.S. LEGAL MANAGEMENT SERVICES, INVOICE 3702861
07/02/2009	Process Server	0.00	35.00	U.S. LEGAL MANAGEMENT	Process Server 21: U.S. LEGAL MANAGEMENT SERVICES, INVOICE 3702861
07/02/2009	Process Server	0.00	35.00	U.S. LEGAL MANAGEMENT	Process Server 21: U.S. LEGAL MANAGEMENT SERVICES, INVOICE 3702861
07/02/2009	Process Server	0.00	35.00	U.S. LEGAL MANAGEMENT	Process Server 21: U.S. LEGAL MANAGEMENT SERVICES, INVOICE 3702861
07/02/2009	Messenger Charges	0.00	96.00	U.S. LEGAL MANAGEMENT	Messenger Charges 21: U.S. LEGAL MANAGEMENT SERVICE, INVOICE 3703004
07/09/2009	Photo Copying	496.00	99.20		Photo Copying, 496 copies at $.20
07/09/2009	Photo Copying	136.00	27.20		Photo Copying, 136 copies at $.20
07/09/2009	Photo Copying	8.00	1.60		Photo Copying, 8 copies at $.20
07/27/2009	Photo Copying	5.00	1.00		Photo Copying, 5 copies at $.20
08/05/2009	Photo Copying	2.00	0.40		Photo Copying, 2 copies at $.20
08/05/2009	Photo Copying	7.00	1.40		Photo Copying, 7 copies at $.20
08/13/2009	Photo Copying	2.00	0.40		Photo Copying, 2 copies at $.20
08/14/2009	Photo Copying	8.00	1.60		Photo Copying, 8 copies at $.20
08/17/2009	Photo Copying	3.00	0.60		Photo Copying, 3 copies at $.20
08/18/2009	Postage	0.00	0.44		Postage
08/21/2009	Photo Copying	29.00	5.80		Photo Copying, 29 copies at $.20

Cost Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Description	Quantity	Amount	Vendor	Narrative
08/24/2009	Photo Copying	152.00	30.40		Photo Copying, 152 copies at $.20
08/24/2009	Postage	0.00	12.76		Postage
08/24/2009	Postage	0.00	4.84		Postage
09/02/2009	Photo Copying	89.00	17.80		Photo Copying, 89 copies at $.20
09/14/2009	Westlaw - Online Research	0.00	107.18		Westlaw - Online Research
09/22/2009	Photo Copying	127.00	25.40		Photo Copying, 127 copies at $.20
09/22/2009	Photo Copying	24.00	4.80		Photo Copying, 24 copies at $.20
09/22/2009	Photo Copying	54.00	10.80		Photo Copying, 54 copies at $.20
09/22/2009	Postage	0.00	2.64		Postage
09/22/2009	Postage	0.00	16.50		Postage
09/22/2009	Postage	0.00	6.16		Postage
09/22/2009	Postage	0.00	7.04		Postage
09/23/2009	Filing fees	0.00	6.00	AMERICAN EXPRESS	Filing fees 21 AMERICAN EXPRESS
09/23/2009	Filing fees	0.00	6.00	MICHAEL M. EDWARDS	Filing fees 21; EXP REPORT/ MICHAEL EDWARDS
09/23/2009	Photocopying Charges (outside)	0.00	450.99	LEGAL COPYCATS & PRINTING	Photocopying Charges (outside) 21 LEGAL COPY CATS
09/23/2009	Postage	0.00	4.95		Postage
09/23/2009	Postage	0.00	94.05		Postage
09/23/2009	Postage	0.00	79.20		Postage
09/24/2009	Photo Copying	54.00	10.80		Photo Copying, 54 copies at $.20
09/24/2009	Postage	0.00	0.88		Postage
10/05/2009	Photo Copying	83.00	16.60		Photo Copying, 83 copies at $.20
10/14/2009	Postage	0.00	0.44		Postage
10/15/2009	Postage	0.00	1.39		Postage
11/09/2009	Photo Copying	4.00	0.80		Photo Copying, 4 copies at $.20
12/09/2009	Postage	0.00	1.22		Postage
01/19/2010	Long distance telephone	1.00	0.06		Long distance telephone, Phone#: 71473039993, City: SANTA ANA, CA
01/19/2010	Photo Copying	4.00	0.80		Photo Copying, 4 copies at $.20
02/17/2010	Postage	0.00	4.84		Postage
02/17/2010	Postage	0.00	11.44		Postage
02/28/2010	Filing fees	0.00	6.00		Filing fees 01; AMERICAN EXPRESS; ACCOUNT NUMBER 3785-954579-71003; STATEMENT DATE 02-28-10
03/30/2010	Filing fees	0.00	6.00		Filing fees AMERICAN EXPRESS / STATEMENT DATE 03-30-10 / ACCOUNT NUMBER 3785-954579-71003
03/30/2010	Filing fees	0.00	6.00		Filing fees AMERICAN EXPRESS / STATEMENT DATE 03-30-10 / ACCOUNT NUMBER 3785-954579-71003
03/30/2010	Filing fees	0.00	6.00		Filing fees AMERICAN EXPRESS / STATEMENT DATE 03-30-10 / ACCOUNT NUMBER 3785-954579-71003
03/30/2010	Filing fees	0.00	6.00		Filing fees AMERICAN EXPRESS / STATEMENT DATE 03-30-10 / ACCOUNT NUMBER 3785-954579-71003
03/30/2010	Filing fees	0.00	6.00		Filing fees AMERICAN EXPRESS / STATEMENT DATE 03-30-10 / ACCOUNT NUMBER 3785-954579-71003

Cost Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Description	Quantity	Amount	Vendor	Narrative
03/30/2010	Filing fees	0.00	6.00		Filing fees AMERICAN EXPRESS / STATEMENT DATE 03-30-10 / ACCOUNT NUMBER 3785-954579-71003
03/30/2010	Filing fees	0.00	10.00		Filing fees AMERICAN EXPRESS / STATEMENT DATE 03-30-10 / ACCOUNT NUMBER 3785-954579-71003
03/30/2010	Filing fees	0.00	10.00		Filing fees AMERICAN EXPRESS / STATEMENT DATE 03-30-10 / ACCOUNT NUMBER 3785-954579-71003
04/07/2010	Photo Copying	1.00	0.20		Photo Copying, 1 copies at $.20
04/07/2010	Photo Copying	12.00	2.40		Photo Copying, 12 copies at $.20
04/07/2010	Photo Copying	8.00	1.60		Photo Copying, 8 copies at $.20
04/07/2010	Postage	0.00	17.13		Postage
04/07/2010	Messenger Charges	0.00	176.25	U.S. LEGAL MANAGEMENT LEGAL	Messenger Charges 16: U.S. LEGAL MANAGEMENT SERVICES, INVOICE 3705451
04/08/2010	Photocopying Charges (outside)	0.00	97.08	COPYCATS & PRINTING	Photocopying Charges (outside) 21 LEGAL COPY CATS
04/29/2010	Filing fees	0.00	6.00		Filing fees 01; AMERICAN EXPRESS / ACCOUNT NUMBER: 3785-964199
04/29/2010	Filing fees	0.00	6.00		Filing fees 01; AMERICAN EXPRESS / ACCOUNT NUMBER: 3785-964199
04/29/2010	Filing fees	0.00	6.00		Filing fees 01; AMERICAN EXPRESS / ACCOUNT NUMBER: 3785-964199
04/29/2010	Filing fees	0.00	6.00		Filing fees 01; AMERICAN EXPRESS / ACCOUNT NUMBER: 3785-964199
04/29/2010	Filing fees	0.00	6.00		Filing fees 01; AMERICAN EXPRESS / ACCOUNT NUMBER: 3785-964199
04/29/2010	Filing fees	0.00	6.00		Filing fees 01; AMERICAN EXPRESS / ACCOUNT NUMBER: 3785-964199
04/29/2010	Filing fees	0.00	6.00		Filing fees 01; AMERICAN EXPRESS / ACCOUNT NUMBER: 3785-964199
04/29/2010	Filing fees	0.00	6.00		Filing fees 01; AMERICAN EXPRESS / ACCOUNT NUMBER: 3785-964199
05/27/2010	Westlaw - Online Research	0.00	39.17		Westlaw - Online Research
05/28/2010	Photo Copying	33.00	6.60		Photo Copying, 33 copies at $.20
06/28/2010	E-Filing	0.00	216.00		E-Filing 01; AMERICAN EXPRESS / STATEMENT 06-28-2010 / ACCOUNT NUMBER 3785-964199-91006
07/22/2010	Photo Copying	3.00	0.60		Photo Copying, 3 copies at $.20
07/28/2010	E-Filing	0.00	6.00		E-Filing 01; AMERICAN EXPRESS, STATEMENT DATE 07-28-10
07/28/2010	E-Filing	0.00	6.00		E-Filing 01; AMERICAN EXPRESS, STATEMENT DATE 07-28-10
07/28/2010	E-Filing	0.00	10.00		E-Filing 01; AMERICAN EXPRESS, STATEMENT DATE 07-28-10
07/28/2010	E-Filing	0.00	10.00		E-Filing 01; AMERICAN EXPRESS, STATEMENT DATE 07-28-10
07/28/2010	E-Filing	0.00	216.00		E-Filing 01; AMERICAN EXPRESS, STATEMENT DATE 07-28-10
10/21/2010	E-Filing	0.00	3.50		E-Filing 01; AMERICAN EXPRESS, OCTOBER 28, 2010, ACCOUNT NUMBER: 3785-964199-91006
01/24/2011	Postage	0.00	0.88		Postage

Cost Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Description	Quantity	Amount	Vendor	Narrative
06/07/2011	E-Filing	0.00	5.50		Diners Club-E-Filing 76 DINERS CLUB PAYMENTS
11/09/2011	E-Filing	0.00	5.50		Diners Club-E-Filing 31; DINERS CLUB; NOVEMBER 28, 2011, ACCOUNT# 5563 1500 0008 0748
01/05/2012	E-Filing	0.00	5.50	DINERS CLUB INTERNATIONAL	Diners Club-E-Filing 96; DINERS CLUB INTERNATIONAL; JANUEARY 28, 2012, 5563 1500 0008 0748
01/11/2012	E-Filing	0.00	5.50	DINERS CLUB INTERNATIONAL	Diners Club-E-Filing 96; DINERS CLUB INTERNATIONAL; JANUARY 28, 2012, 5563 1500 0008 0748
01/13/2012	Photo Copying	20.00	4.00		Photo Copying, 20 copies at $.20
03/21/2012	E-Filing	0.00	5.50	DINERS CLUB INTERNATIONAL	E-Filing (Vendor: Diners Club) 96; DINERS CLUB INTERNATIONAL, MARCH 28, 2012, 5563 1500 0008 0748-LAS VEGAS
04/27/2012	E-Filing	0.00	4.00	DINERS CLUB INTERNATIONAL	E-Filing (Vendor: Diners Club) 96; DINERS CLUB INTERNATIONAL, APRIL 28, 2012, ACCOUNT 5563 1500 0008 0748
08/31/2012	Photo Copying	23.00	2.30		Photo Copying, 23 copies at $.10
10/05/2012	Mediation Service	0.00	256.28	JAMS, INC.	Mediation Service 41 JAMS
12/06/2012	Mediation Service	0.00	55.00	JAMS, INC.	Mediation Service 31: JAMS INVOICE DATE: 12/06/2012 INVOICE #: 2770562-260
01/03/2013	E-Filing	0.00	5.50	DINERS CLUB INTERNATIONAL	E-Filing (Vendor: Diners Club) 96; DINERS CLUB INTERNATIONAL, JANUARY 28, 2013, E-FILE ID# 3789668
05/31/2016	E-Filing	0.00	3.50	DINERS CLUB INTERNATIONAL	E-Filing E-Filing 96;DINERS CLUB INTERNATIONAL JUN28 2016 ACCT;5754
05/31/2016	E-Filing	0.00	3.50	DINERS CLUB INTERNATIONAL	E-Filing E-Filing 96;DINERS CLUB INTERNATIONAL JUN28 2016 ACCT;5754
06/01/2016	E-Filing	0.00	209.50	DINERS CLUB INTERNATIONAL	E-Filing E-Filing 96;DINERS CLUB INTERNATIONAL JUN28 2016 ACCT;5754
10/28/2016	Referees Fees	0.00	127.14	JAMS, INC.	Referees Fees, A/P Batch - 0237517, JAMS, INC., Invoice # 0003874128-260, Invoice Date 10/28/2016 mediator fees
12/29/2016	Mediation Service	0.00	12.37	JAMS, INC.	Mediation Service JAMS, INV.# 3923928-260, DATE: 12/29/16
01/24/2017	Postage	0.00	1.19		Postage
01/30/2017	Referees Fees	0.00	17.87	JAMS, INC.	Referees Fees, A/P Batch - 0242649, JAMS, INC., Invoice # 0003946204-260, Invoice Date 01/30/2017 Floyd Hale Neutral fees
02/27/2017	Referees Fees	0.00	29.00	JAMS, INC.	Referees Fees, A/P Batch - 0244551, JAMS, INC., Invoice # 0003969656-260, Invoice Date 02/27/2017 Special Master fees
03/30/2017	Referees Fees	0.00	16.60	JAMS, INC.	Referees Fees, A/P Batch - 0246301, JAMS, INC., Invoice # 0003996584-260, Invoice Date 03/30/2017 Special Master fees
04/15/2017	Process Server	0.00	24.50	American Legal Services Nevada	Process Server, A/P Batch - 0247349, AMERICAN LEGAL INVESTIGATION SERVICES, Invoice # 37010033, Invoice Date 04/15/2017, runner service
04/27/2017	Mediation Service	0.00	75.85	JAMS, INC.	Mediation Service 31 : JAMS, INC : INV #. 4021846-260 : DATE. 4/27/17

Cost Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Description	Quantity	Amount	Vendor	Narrative
04/30/2017	Process Server	0.00	24.50	American Legal Services Nevada	Process Server, A/P Batch - 0248754, AMERICAN LEGAL INVESTIGATION SERVICES, Invoice # 37010248, Invoice Date 04/30/2017, Runner Service
05/04/2017	Westlaw - Online Research	0.00	24.76		Westlaw - Online Research
05/09/2017	Westlaw - Online Research	0.00	35.71		Westlaw - Online Research
05/30/2017	Referees Fees	0.00	67.24	JAMS, INC.	Referees Fees, A/P Batch - 0250171, JAMS, INC., Invoice # 0004046416-260, Invoice Date 05/30/2017 Special Master fees
06/06/2017	Deposition Transcript	0.00	708.90	ESQUIRE	Transcript Fees for Deposition of Brian Benson
06/29/2017	Referees Fees	0.00	42.42	JAMS, INC.	Referees Fees, A/P Batch - 0252159, JAMS, INC., Invoice # 4073004-260, Invoice Date 06/29/2017 Special Master fees
07/14/2017	E-Filing	0.00	3.50	DINERS CLUB INTERNATIONAL	E-Filing 96;DINERS CLUB INTERNATIONAL JULY282017 ACCT ENDING#2194
07/19/2017	Deposition Transcript	0.00	1,039.95	ESQUIRE	Transcript Fees for Deposition of Mary Jo Allen
07/23/2017	Westlaw - Online Research	0.00	46.65		Westlaw - Online Research
07/24/2017	Westlaw - Online Research	0.00	43.78		Westlaw - Online Research
07/26/2017	Westlaw - Online Research	0.00	10.94		Westlaw - Online Research
07/27/2017	E-Filing	0.00	3.50	DINERS CLUB INTERNATIONAL	E-Filing 96;DINERS CLUB INTERNATIONAL JULY282017 ACCT ENDING#2194
07/28/2017	Referees Fees	0.00	14.14	JAMS, INC.	Referees Fees, A/P Batch - 0253934, JAMS, INC., Invoice # 0004095608-260, Invoice Date 07/28/2017 special master fees
08/02/2017	E-Filing	0.00	9.50	DINERS CLUB INTERNATIONAL	E-Filing 96;DINERS CLUB INTERNATIONAL AUG282017 ACCT ENDING#2194
08/02/2017	E-Filing	0.00	200.00	DINERS CLUB INTERNATIONAL	E-Filing 96;DINERS CLUB INTERNATIONAL AUG282017 ACCT ENDING#2194
08/04/2017	Westlaw - Online Research	0.00	10.94		Westlaw - Online Research
08/04/2017	E-Filing	0.00	200.00	DINERS CLUB INTERNATIONAL	E-Filing 96;DINERS CLUB INTERNATIONAL AUG282017 ACCT ENDING#2194
08/04/2017	E-Filing	0.00	9.50	DINERS CLUB INTERNATIONAL	E-Filing 96;DINERS CLUB INTERNATIONAL AUG282017 ACCT ENDING#2194
08/09/2017	E-Filing	0.00	9.50	DINERS CLUB INTERNATIONAL	E-Filing 96;DINERS CLUB INTERNATIONAL AUG282017 ACCT ENDING#2194
08/09/2017	E-Filing	0.00	200.00	DINERS CLUB INTERNATIONAL	E-Filing 96;DINERS CLUB INTERNATIONAL AUG282017 ACCT ENDING#2194
08/10/2017	Postage	0.00	1.40		Postage
08/28/2017	Westlaw - Online Research	0.00	98.50		Westlaw - Online Research
08/29/2017	Westlaw - Online Research	0.00	54.72		Westlaw - Online Research
08/30/2017	Referees Fees	0.00	7.05	JAMS, INC.	Referees Fees, A/P Batch - 0255838, JAMS, INC., Invoice # 0004121388-260, Invoice Date 08/30/2017 Special Master fees

Cost Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Description	Quantity	Amount	Vendor	Narrative
08/31/2017	Process Server	0.00	32.00	American Legal Services Nevada	Process Server, A/P Batch - 0256203, AMERICAN LEGAL INVESTIGATION SERVICES, Invoice # 37012016, Invoice Date 08/31/2017, Runner Service
08/31/2017	Process Server	0.00	44.75	American Legal Services Nevada	Process Server, A/P Batch - 0256203, AMERICAN LEGAL INVESTIGATION SERVICES, Invoice # 37012017, Invoice Date 08/31/2017, Runner Service
08/31/2017	Process Server	0.00	44.75	American Legal Services Nevada	Process Server, A/P Batch - 0256203, AMERICAN LEGAL INVESTIGATION SERVICES, Invoice # 37012018, Invoice Date 08/31/2017, Runner Service
09/01/2017	E-Filing	0.00	3.50	DINERS CLUB INTERNATIONAL	E-Filing 96;DINERS CLUB INTERNATIONAL SEPT282017 ACCT ENDING#5754
09/01/2017	E-Filing	0.00	3.50	DINERS CLUB INTERNATIONAL	E-Filing 96;DINERS CLUB INTERNATIONAL SEPT282017 ACCT ENDING#5754
09/27/2017	Westlaw - Online Research	0.00	10.94		Westlaw - Online Research
09/27/2017	Pacer Service Center-Court costs	0.00	0.20	PACER SERVICE CENTER	Pacer Service Center-Court costs 96;PACER SERVICE INVOICE #3945099-Q32017(3945099)
09/28/2017	Westlaw - Online Research	0.00	10.94		Westlaw - Online Research
09/28/2017	Referees Fees	0.00	3.81	JAMS, INC.	Referees Fees, A/P Batch - 0257266, JAMS, INC., Invoice # 4146260-260, Invoice Date 09/28/2017 Special Master fees
10/03/2017	E-Filing	0.00	3.50	DINERS CLUB INTERNATIONAL	E-Filing 96; DINERS CLUB INTERNATIONAL; OCT 28 2017; ACCT ENDING 1181
10/23/2017	Westlaw - Online Research	0.00	87.55		Westlaw - Online Research
10/26/2017	Westlaw - Online Research	0.00	43.77		Westlaw - Online Research
10/30/2017	Court costs	0.00	14.45	JAMS, INC.	Court costs, A/P Batch - 0259299, JAMS, INC., Invoice # 4176176-260, Invoice Date 10/30/2017 special master fees
11/04/2017	Westlaw - Online Research	0.00	21.89		Westlaw - Online Research
11/05/2017	Westlaw - Online Research	0.00	54.72		Westlaw - Online Research
11/06/2017	Westlaw - Online Research	0.00	98.50		Westlaw - Online Research
11/07/2017	Westlaw - Online Research	0.00	32.83		Westlaw - Online Research
11/07/2017	E-Filing	0.00	3.50	DINERS CLUB INTERNATIONAL	E-Filing 96;DINERS CLUB INTERNATIONAL NOV282017 ACCT ENDING#5754
11/08/2017	Westlaw - Online Research	0.00	62.35		Westlaw - Online Research
11/09/2017	Westlaw - Online Research	0.00	54.72		Westlaw - Online Research
11/10/2017	Westlaw - Online Research	0.00	87.55		Westlaw - Online Research
11/11/2017	Westlaw - Online Research	0.00	10.94		Westlaw - Online Research
11/12/2017	Westlaw - Online Research	0.00	21.89		Westlaw - Online Research
11/13/2017	Westlaw - Online Research	0.00	131.33		Westlaw - Online Research
11/14/2017	Westlaw - Online Research	0.00	76.61		Westlaw - Online Research
11/15/2017	Westlaw - Online Research	0.00	32.83		Westlaw - Online Research
11/15/2017	E-Filing	0.00	3.50	DINERS CLUB INTERNATIONAL	E-Filing 96;DINERS CLUB INTERNATIONAL NOV282017 ACCT ENDING#5754

Cost Report

ZITTING BROTHERS CONSTRUCTION, INC. / Zitting Brothers Construction, Inc. / Gemstone Development West, Inc. (11647-2)

Date	Description	Quantity	Amount	Vendor	Narrative
11/16/2017	E-Filing	0.00	3.50	DINERS CLUB INTERNATIONAL	E-Filing 96;DINERS CLUB INTERNATIONAL NOV282017 ACCT ENDING#5754
11/22/2017	Westlaw - Online Research	0.00	10.94		Westlaw - Online Research
11/29/2017	Court costs	0.00	6.18	JAMS, INC.	Court costs, A/P Batch - 0260771, JAMS, INC., Invoice # 4208408-260, Invoice Date 11/29/2017 Special Master fees
12/11/2017	Westlaw - Online Research	0.00	10.94		Westlaw - Online Research
12/20/2017	Westlaw - Online Research	0.00	21.89		Westlaw - Online Research
		1,388.00	**8,475.95**		

EXHIBIT E

Legal Wings Inc.

RECEIVED
JUN 08 2009
ACCOUNTS PAYABLE-LA

Route #: 208

Attention: CAROL R.
Law Offices Of: Lewis Brisbois Bisgaard. . .
400 S. Fourth St. * Suite #500
Las Vegas NV 89101

Tuesday May 05, 2009 ***INVOICE*** **8933383.258034**

Work Order #: WR0001810
Attorney File #: **30178-03**
Client Matter #: ZITTING/GEMSTONE
Court: DISTRICT COURT CLARK COUNTY, NEVADA
Title: ZITTING vs. GEMSTONE
Description: SUMMONS AND COMPLAINT; NOTICE OF LIS PENDENS; CHECK #6710

Date	Description	Amount
05/01/09	Miscellaneous Job: RUNNER	
05/01/09	SERVICE .	8.50
	FILE WITH CLERK RETURN	
TOTAL:		**8.50**

MME
GTONE

APPROVED FOR PAYMENT
DATE _____ AMOUNT 8.50
FILE/ACC # _____
PRINT NAME _____
SIGNATURE _____
ADDT APPROVAL _____
VENDOR # 40689 DB CODE _____

1118 FREMONT STREET, Las Vegas, NV 89101
Telephone: (702) 384-0305, FAX: (702) 384-8638, Tax ID: 880223382

19851

Advertising Invoice

Nevada Legal News
930 S. Fourth St. #100
Las Vegas, NV 89101-6845

Phone: 702-382-2747
Fax: 702-598-0641
URL: www.nevadalegalnews.com

RHC

WILSON ELSER MOSKOWITZ EDELMAN
415 SO. SIXTH ST., #300
LAS VEGAS NV 89101-6937

Cust #: b0100158
Phone: (702)382-1414
Date: 06/16/2009

Invoice#	Case/Description	Start	Stop	Days	Amount	Due
00161007	A 589195 NOF ZITTING v GEMSTONE	06/16/2009	06/30/2009	3	108.25	108.25

11647.D

RHC

Please remit one copy with payment otherwise oldest charges will be credited first. **Total Due** **108.25**

Rec'd 6/19

Details of filing titled:
Zitting Brothers Subtitution of Attorney
for Case Number A589195

E-File ID:	590966
Lead File Size:	65982 bytes
Date Filed:	2009-05-29 16:21:25.0
Case Title:	A589195
Case Name:	A589195 - New Case
Filing Title:	Zitting Brothers Subtitution of Attorney
Filing Type:	EFO
Filer's Name:	Gloria Sturman
Filer's Email:	sturmang@wemed.com
Account Name:	Gloria Sturman
Filing Code:	SUBT
Amount:	$ 6.00
Court Fee:	$ 0.00
Comments:	
Courtesy Copies:	
Firm Name:	Wilson, Elser, Moskowitz, Edelman & Dicker, LLP
Your File Number:	Zitting v Gemstone MME/RHC 11647. 00002
Status:	Accepted - (A)
Date Accepted:	2009-05-29 17:24:14.0
Review Comments:	
Reviewer:	Lovie Hawkins
File Stamped Copy:	
Lead Document:	zitting v gemstone subt atty efile.pdf 65982 bytes
Data Reference ID:	
Credit Card Response:	System Response: Approved Reference: EREE3E660594

#00457002

1457002

Details of filing titled:
Zitting Brothers Construction, Inc.'s Amend...
for Case Number A580256

E-File ID:	605367
Lead File Size:	457831 bytes
Date Filed:	2009-06-25 14:57:55.0
Case Title:	A580256
Case Name:	A580256 - Zitting Brothers Construction Inc vs. LLV-IRC
Filing Title:	Zitting Brothers Construction, Inc.'s Amended Complaint for Foreclosure of Lien and Related Claims
Filing Type:	EFO
Filer's Name:	Gloria Sturman
Filer's Email:	sturmang@wemed.com
Account Name:	Gloria Sturman
Filing Code:	ACOM
Amount:	$ 6.00
Court Fee:	$ 0.00
Comments:	
Courtesy Copies:	
Firm Name:	Wilson, Elser, Moskowitz, Edelman & Dicker, LLP
Your File Number:	pending - Zitting v LLV-IRC 11647. 00002
Status:	Accepted - (A)
Date Accepted:	2009-06-25 15:23:34.0
Review Comments:	
Reviewer:	Leona Asifoa
File Stamped Copy:	A580256-605367_ACOM_Zitting_Brothers_Construction_Inc_s_Amended_Complaint_for_Foreclosure_of_Lien_and_Relate.pdf
Lead Document:	Zitting Complaint.pdf 457831 bytes
Data Reference ID:	
Credit Card Response:	System Response: Approved Reference: EQCE3EF35C40

1457015

AMERICAN EXPRESS 000006802

99998.09921/07501	067279046	06/28/2009	6.00	6.00
07621.00203/07501	067279047	06/28/2009	6.00	6.00
07621.00203/07501	067279048	06/28/2009	10.00	10.00
07621.00203/07501	067279049	06/28/2009	10.00	10.00
11647.00002/07501	067279050	06/28/2009	6.00	6.00
11611.00001/07501	067279051	06/28/2009	6.00	6.00
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10992.00002/07501	067279054	06/28/2009	10.00	10.00
10992.00025/07501	067279055	06/28/2009	10.00	10.00
10992.00001/07501	067279056	06/28/2009	10.00	10.00

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1457076

000006802 07/08/2009

Eight Hundred Fifty Two and 00/100 Dollars ********852.00

AMERICAN EXPRESS
CPC CHECK PROCESSING
2975 WEST CORPORATE LAKES BLVD
WESTON, FL 33331-3626

DUPLICATE-ATTORNEY COPY

AMERICAN EXPRESS 000006802

99998.09921/07501	067279046	06/28/2009	6.00	6.00
07621.00203/07501	067279047	06/28/2009	6.00	6.00
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11645.00001/07501	067279052	06/28/2009	6.00	6.00
11605.00001/07501	067279053	06/28/2009	6.00	6.00
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10992.00025/07501	067279055	06/28/2009	10.00	10.00
10992.00001/07501	067279056	06/28/2009	10.00	10.00

Details of filing titled:
Notice of Foreclosure of Mechanic's Lien
for Case Number A589195

E-File ID:	598034
Lead File Size:	167391 bytes
Date Filed:	2009-06-11 16:57:43.0
Case Title:	A589195
Case Name:	A589195 - New Case
Filing Title:	Notice of Foreclosure of Mechanic's Lien
Filing Type:	EFO
Filer's Name:	Gloria Sturman
Filer's Email:	sturmang@wemed.com
Account Name:	Gloria Sturman
Filing Code:	NOTC
Amount:	$ 6.00
Court Fee:	$ 0.00
Comments:	
Courtesy Copies:	
Firm Name:	Wilson, Elser, Moskowitz, Edelman & Dicker, LLP
Your File Number:	Zitting Brothers v Gemstone 11647. 00002
Status:	Accepted - (A)
Date Accepted:	2009-06-11 17:29:44.0
Review Comments:	
Reviewer:	Norreta Caldwell
File Stamped Copy:	A589195-598034_NOTC_Notice_of_Foreclosure_of_Mechanic_s_Lien.pdf
Lead Document:	notc of foreclosure.pdf 167391 bytes
Data Reference ID:	
Credit Card Response:	System Response: Approved Reference: ELCE4A2DF0D5

1457089

U.S. Legal Management Services, Inc
U S LEGAL MANAGEMENT

Mail Payments to:
U. S. Legal Management Services, Inc.
File 749286
Los Angeles, CA 90074-9286

invoice

INVOICE	CUSTOMER
3702861	37005
INVOICE DATE	TOTAL AMOUNT
7/15/09	3,028.39

WILSON ELSER MOSKOWITZ & EDELMAN
415 S SIXTH ST
STE 300
LAS VEGAS, NV 89101

BILLING QUESTIONS CALL:
DON FRITSCH 702-6714002
PAYMENT QUESTIONS CALL:
PAYMENT DEPT(213)402-9007

TAX ID#	CUSTOMER	INVOICE	PERTO END	AMOUNT	PAGE	
34-2003879	37005	3702861	7/15/09	3,028.39	3	U S LEGAL MANAGEMENT

7/02/09 PROCESS-4DAYS	8559080	REP	WILSON ELSER MOSKOWITZ & EDELMAN 415 S SIXTH ST LAS VEGAS NV 89101 Caller: Kimberly Burns A580256 ZITTING V LLV-IRC SUMMONS, COMPLAINT Signed: PATTY BOONE/FR OFFICE	LLV-IRC, LLC 1120 TOWN CENTER DR LAS VEGAS NV 89144 Comment: RELATED PROCESS #60007 Ref: ZITTING V LLV-IRC 11647.00002	Base Chg :	35.00

INVOICE PAYMENT DUE UPON RECEIPT

U.S. Legal Management Services, Inc
U S LEGAL MANAGEMENT

Mail Payments to:
U. S. Legal Management Services, Inc.
File 749286
Los Angeles, CA 90074-9286

invoice

INVOICE NO.	CUST.
3702861	37005
INVOICE DATE	TOTAL AMOUNT
7/15/09	3,028.39

WILSON ELSER MOSKOWITZ & EDELMAN
415 S SIXTH ST
STE 300
LAS VEGAS, NV 89101

BILLING QUESTIONS CALL:
DON FRITSCH 702-6714002
PAYMENT QUESTIONS CALL:
PAYMENT DEPT(213)402-9007

TAX ID# 34-2003879	CUSTOMER	INVOICE	PERIOD END	AMOUNT	PAGE	U S LEGAL MANAGEMENT
	37005	3702861	7/15/09	3,028.39	3	

7/02/09 PROCESS-4DAYS	8559081	REP	WILSON ELSER MOSKOWITZ & EDELMAN 415 S SIXTH ST LAS VEGAS NV 89101 Caller: Kimberly Burns A580256 ZITTING V LLV-IRC SUMMONS, COMPLAINT Signed: PATTY BOONE/FR OFFICE	INNOVATIVE COMMUNITIES OF NEVADA 1120 TOWN CENTER DR LAS VEGAS NV 89144 #000034 Ref: ZITTING V LLV-IRC 11647.00002	Base Chg : StkOt/Misc:	48.00 300.00	348.00

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File 749286
Los Angeles, CA 90074-9286

invoice

INVOICE #	CUSTOMER
3702861	37005
INVOICE DATE	TOTAL AMOUNT
7/15/09	3,028.39

WILSON ELSER MOSKOWITZ & EDELMAN
415 S SIXTH ST
STE 300
LAS VEGAS, NV 89101

BILLING QUESTIONS CALL:
DON FRITSCH 702-6714002
PAYMENT QUESTIONS CALL:
PAYMENT DEPT(213)402-9007

TAX ID# 34-2003879	CUSTOMER	INVOICE	PERTOO END	AMOUNT	PAGE	U S LEGAL MANAGEMENT
	37005	3702861	7/15/09	3,028.39	3	

7/02/09 PROCESS-4DAYS	8559082	REP	WILSON ELSER MOSKOWITZ & EDELMAN 415 S SIXTH ST LAS VEGAS NV 89101 Caller: Kimberly Burns A580256 ZITTING V LLV-IRC SUMMONS, COMPLAINT Signed: LAWRENCE ADAMS	LAWRENCE M. ADAMS 30 VIA MANTOVA HENDERSON NV 89011 #00034 Ref: ZITTING V LLV-IRC 11647.00002	Base Chg : Fuel Chge :	48.00 6.24	54.24
					Please pay→	Continued

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U. S. Legal Management Services, Inc.
File 749286
Los Angeles, CA 90074-9286

invoice

INVOICE	CUSTOMER
3702861	37005
PERIOD END	AMOUNT
7/15/09	3,028.39

WILSON ELSER MOSKOWITZ & EDELMAN
415 S SIXTH ST
STE 300
LAS VEGAS, NV 89101

BILLING QUESTIONS CALL:
DON FRITSCH 702-6714002
PAYMENT QUESTIONS CALL:
PAYMENT DEPT(213)402-9007

TAX ID# 34-2003879

CUSTOMER	INVOICE	PERIOD END	AMOUNT	PAGE	
37005	3702861	7/15/09	3,028.39	5	U S LEGAL MANAGEMENT

7/02/09	8559088	REP	WILSON ELSER MOSKOWITZ & EDELMAN 415 S SIXTH ST LAS VEGAS NV 89101 Caller: Kimberly Burns A580256 ZITTING V LLV-IRC SUMMONS, COMPLAINT Signed: L. WICKHAM/SECURITY	RICHARD A. FERMELIA 30 VIA MANTOVA HENDERSON NV 89011 Comment: RELATED PROCESS #00034 Ref: ZITTING V LLV-IRC 11647.00002	Base Chg :	35.00	35.00
PROCESS-4DAYS							
7/02/09	8559089	REP	WILSON ELSER MOSKOWITZ & EDELMAN 415 S SIXTH ST LAS VEGAS NV 89101 Caller: Kimberly Burns A580256 ZITTING V LLV-IRC SUMMONS, COMPLAINT Signed: L. WICKHAM/SECURITY	SHANNON L. FERMELIA 30 VIA MANTOVA HENDERSON NV 89011 Comment: RELATED PROCESS #00034 Ref: ZITTING V LLV-IRC 11647.00002	Base Chg :	35.00	35.00
PROCESS-4DAYS							
7/02/09	8559090	REP	WILSON ELSER MOSKOWITZ & EDELMAN 415 S SIXTH ST LAS VEGAS NV 89101 Caller: Kimberly Burns A580256 ZITTING V LLV-IRC SUMMONS, COMPLAINT Signed: L. WICKHAM/SECURITY	JOSEPH HERZOG 30 VIA MANTOVA HENDERSON NV 89011 Comment: RELATED PROCESS #00034 Ref: ZITTING V LLV-IRC 11647.00002	Base Chg :	35.00	35.00
PROCESS-4DAYS							
7/02/09	8559091	REP	WILSON ELSER MOSKOWITZ & EDELMAN 415 S SIXTH ST LAS VEGAS NV 89101 Caller: Kimberly Burns A580256 ZITTING V LLV-IRC SUMMONS, COMPLAINT Signed: L. WICKHAM/SECURITY	FAITH HERZOG 30 VIA MANTOVA HENDERSON NV 89011 Comment: RELATED PROCESS #00034 Ref: ZITTING V LLV-IRC 11647.00002	Base Chg :	35.00	35.00
PROCESS-4DAYS							
7/02/09	8559092	REP	WILSON ELSER MOSKOWITZ & EDELMAN 415 S SIXTH ST LAS VEGAS NV 89101 Caller: Kimberly Burns A580256 ZITTING V LLV-IRC SUMMONS, COMPLAINT Signed: MICHAEL BLACK/ATA	MARILYN E. SURNOW REVOCABLE LIVING 30 VIA MANTOAVA HENDERSON NV 89011 #00034 Ref: ZITTING V LLV-IRC 11647.00002	Base Chg : Fuel Chge :	48.00 6.24	54.24
PROCESS-4DAYS							
					Please pay->		Continued

INVOICE PAYMENT DUE UPON RECEIPT

U.S. Legal Management Services, Inc
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U. S. Legal Management Services, Inc.
File 749286
Los Angeles, CA 90074-9286

invoice

INVOICE NUMBER	CUSTOMER
3702861	37005
INVOICE DATE	AMOUNT
7/15/09	3,028.39

WILSON ELSER MOSKOWITZ & EDELMAN
415 S SIXTH ST
STE 300
LAS VEGAS, NV 89101

BILLING QUESTIONS CALL:
DON FRITSCH 702-6714002
PAYMENT QUESTIONS CALL:
PAYMENT DEPT(213)402-9007

TAX ID# 34-2003879	CUSTOMER	INVOICE	PERIOD END	AMOUNT	PAGE	U S LEGAL MANAGEMENT
	37005	3702861	7/15/09	3,028.39	6	

7/02/09	8559093	REP	WILSON ELSER MOSKOWITZ & EDELMAN 415 S SIXTH ST LAS VEGAS NV 89101 Caller: Kimberly Burns A580256 ZITTING V LLV-IRC SUMMONS, COMPLAINT Signed: L. WICKHAM/SECURITY	CRAIG J. KELBEL 30 VIA MANTOVA HENDERSON NV 89011 Comment: RELATED PROCESS #00034 Ref: ZITTING V LLV-IRC 11647.00002	Base Chg :	35.00	35.00
PROCESS-4DAYS							
7/02/09	8559094	REP	WILSON ELSER MOSKOWITZ & EDELMAN 415 S SIXTH ST LAS VEGAS NV 89101 Caller: Kimberly Burns A580256 ZITTING V LLV-IRC SUMMONS, COMPLAINT Signed: L. WICKHAM/SECURITY	FRANK J. ZAZZARO 30 VIA MANTOVA HENDERSON NV 89011 Comment: RELATED PROCESS #00034 Ref: ZITTING V LLV-IRC 11647.00002	Base Chg :	35.00	35.00
PROCESS-4DAYS							
7/02/09	8559095	REP	WILSON ELSER MOSKOWITZ & EDELMAN 415 S SIXTH ST LAS VEGAS NV 89101 Caller: Kimberly Burns A580256 ZITTING V LLV-IRC SUMMONS, COMPLAINT Signed: L. WICKHAM/SECURITY	CHRISTINE M. ZAZZARO 30 VIA MANTOVA HENDERSON NV 89011 Comment: RELATED PROCESS #00034 Ref: ZITTING V LLV-IRC 11647.00002	Base Chg :	35.00	35.00
PROCESS-4DAYS							
7/02/09	8559096	REP	WILSON ELSER MOSKOWITZ & EDELMAN 415 S SIXTH ST LAS VEGAS NV 89101 Caller: Kimberly Burns A580256 ZITTING V LLV-IRC SUMMONS, COMPLAINT Signed: L. WICKHAM/SECURITY	GRIMM TRUST 30 VIA MANTOVA HENDERSON NV 89011 Comment: RELATED PROCESS #00034 Ref: ZITTING V LLV-IRC 11647.00002	Base Chg :	35.00	35.00
PROCESS-4DAYS							
7/02/09	8559097	REP	WILSON ELSER MOSKOWITZ & EDELMAN 415 S SIXTH ST LAS VEGAS NV 89101 Caller: Kimberly Burns A580256 ZITTING V LLV-IRC SUMMONS, COMPLAINT Signed: ROBERT DEARBORN	ROBERT R. DEARBORN 30 VIA MANTOVA HENDERSON NV 89011 #00034 Ref: ZITTING V LLV-IRC 11647.00002	Base Chg : Fuel Chge :	48.00 6.24	54.24
PROCESS-4DAYS							

Please pay→ Continued

INVOICE PAYMENT DUE UPON RECEIPT

U.S. Legal Management Services, Inc
U S LEGAL MANAGEMENT

Mail Payments to:
U. S. Legal Management Services, Inc.
File 749286
Los Angeles, CA 90074-9286

invoice

INVOICE NO.	CUSTOMER
3702861	37005
INVOICE DATE	INVOICE AMOUNT
7/15/09	3,028.39

WILSON ELSER MOSKOWITZ & EDELMAN
415 S SIXTH ST
STE 300
LAS VEGAS, NV 89101

BILLING QUESTIONS CALL:
DON FRITSCH 702-6714002
PAYMENT QUESTIONS CALL:
PAYMENT DEPT(213)402-9007

TAX ID# 34-2003879	CUSTOMER	INVOICE	PERIOD END	AMOUNT	PAGE	U S LEGAL MANAGEMENT
	37005	3702861	7/15/09	3,028.39	7	

7/02/09	8559098	REP	WILSON ELSER MOSKOWITZ & EDELMAN 415 S SIXTH ST LAS VEGAS NV 89101 Caller: Kimberly Burns A580256 ZITTING V LLV-IRC SUMMONS, COMPLAINT Signed: ROBERT DEARBORN/CO-OCC	DEBRA L. DEARBORN 30 VIA MANTOVA HENDERSON NV 89011 #00034 Ref: ZITTING V LLV-IRC 11647.00002	Base Chg : Fuel Chge :	48.00 6.24	54.24
PROCESS-4DAYS							
7/02/09	8559099	REP	WILSON ELSER MOSKOWITZ & EDELMAN 415 S SIXTH ST LAS VEGAS NV 89101 Caller: Kimberly Burns A580256 ZITTING V LLV-IRC SUMMONS, COMPLAINT Signed: L. WICKHAM/SECURITY	PAUL J. BRENNER 30 VIA MANTOVA HENDERSON NV 89011 Comment: RELATED PROCESS #00034 Ref: ZITTING V LLV-IRC 11647.00002	Base Chg :	35.00	35.00
PROCESS-4DAYS							
7/02/09	8559100	REP	WILSON ELSER MOSKOWITZ & EDELMAN 415 S SIXTH ST LAS VEGAS NV 89101 Caller: Kimberly Burns A580256 ZITTING V LLV-IRC SUMMONS, COMPLAINT Signed: L. WICKHAM/SECURITY	YOLANDA A. BRENNER 30 VIA MANTOVA HENDERSON NV 89011 Comment: RELATED PROCESS #00034 Ref: ZITTING V LLV-IRC 11647.00002	Base Chg :	35.00	35.00
PROCESS-4DAYS							
7/02/09	8559101	REP	WILSON ELSER MOSKOWITZ & EDELMAN 415 S SIXTH ST LAS VEGAS NV 89101 Caller: Kimberly Burns A580256 ZITTING V LLV-IRC SUMMONS, COMPLAINT Signed: JOSEPH PATRICK/ATA	PATRICK JOINT REVOCABLE TRUST 2007 30 VIA MANTOVA HENDERSON NV 89011 #00034 Ref: ZITTING V LLV-IRC 11647.00002	Base Chg : Fuel Chge :	48.00 6.24	54.24
PROCESS-4DAYS							
7/02/09	8559102	REP	WILSON ELSER MOSKOWITZ & EDELMAN 415 S SIXTH ST LAS VEGAS NV 89101 Caller: Kimberly Burns A580256 ZITTING V LLV-IRC SUMMONS, COMPLAINT Signed: L. WICKHAM/SECURITY	JOHN FACATSELIS 30 VIA MANTOVA HENDERSON NV 89011 Comment: RELATED PROCESS #00034 Ref: ZITTING V LLV-IRC 11647.00002	Base Chg :	35.00	35.00
PROCESS-4DAYS							

Please pay> Continued

INVOICE PAYMENT DUE UPON RECEIPT

U.S. Legal Management Services, Inc
U S LEGAL MANAGEMENT

Mail Payments to:
U. S. Legal Management Services, Inc.
File 749286
Los Angeles, CA 90074-9286

invoice

INVOICE	CUSTOMER
3702861	37005
INVOICE DATE	AMOUNT DUE
7/15/09	3,028.39

WILSON ELSER MOSKOWITZ & EDELMAN
415 S SIXTH ST
STE 300
LAS VEGAS, NV 89101

BILLING QUESTIONS CALL:
DON FRITSCH 702-6714002
PAYMENT QUESTIONS CALL:
PAYMENT DEPT(213)402-9007

TAX ID# 34-2003879	CUSTOMER	INVOICE	PERIOD ENDS	AMOUNT	PAGE	U S LEGAL MANAGEMENT
	37005	3702861	7/15/09	3,028.39	8	

7/02/09	8559103	REP	WILSON ELSER MOSKOWITZ & EDELMAN 415 S SIXTH ST LAS VEGAS NV 89101 Caller: Kimberly Burns A580256 ZITTING V LLV-IRC SUMMONS, COMPLAINT Signed: L. WICHKAM/SECURITY	GLADYS JANNET FACATSELIS 30 VIA MANTOVA HENDERSON NV 89011 Comment: RELATED PROCESS #00034 Ref: ZITTING V LLV-IRC 11647.00002	Base Chg :	35.00	35.00
PROCESS-4DAYS							
7/02/09	8559104	REP	WILSON ELSER MOSKOWITZ & EDELMAN 415 S SIXTH ST LAS VEGAS NV 89101 Caller: Kimberly Burns A580256 ZITTING V LLV-IRC SUMMONS, COMPLAINT Signed: L. WICKHAM/SECURITY	KENNETH WHITE 30 VIA MANTOVA HENDERSON NV 89011 Comment: RELATED PROCESS #00034 Ref: ZITTING V LLV-IRC 11647.00002	Base Chg :	35.00	35.00
PROCESS-4DAYS							
7/02/09	8559105	REP	WILSON ELSER MOSKOWITZ & EDELMAN 415 S SIXTH ST LAS VEGAS NV 89101 Caller: Kimberly Burns A580256 ZITTING V LLV-IRC SUMMONS, COMPLAINT Signed: L. WICKHAM/SECURITY	EMMETT B. FORMBY 30 VIA MANTOVA HENDERSON NV 89011 Comment: RELATED PROCESS #00034 Ref: ZITTING V LLV-IRC 11647.00002	Base Chg :	35.00	35.00
PROCESS-4DAYS							
7/02/09	8559106	REP	WILSON ELSER MOSKOWITZ & EDELMAN 415 S SIXTH ST LAS VEGAS NV 89101 Caller: Kimberly Burns A580256 ZITTING V LLV-IRC SUMMONS, COMPLAINT Signed: L. WICKHAM/SECURITY	PAMELA A. FORMBY 30 VIA MANTOVA HENDERSON NV 89011 Comment: RELATED PROCESS #00034 Ref: ZITTING V LLV-IRC 11647.00002	Base Chg :	35.00	35.00
PROCESS-4DAYS							

Please pay→ Continued

INVOICE PAYMENT DUE UPON RECEIPT

Details of filing titled:
Plaintiff Zitting Brothers Construction, Inc.&#...
for Case Number A571228

E-File ID:	647923
Lead File Size:	413575 bytes
Date Filed:	2009-09-23 09:57:29.0
Case Title:	A571228
Case Name:	A571228 - Apco Construction, Plaintiff(s) vs. Gemstone Development West Inc, Defendant(s)
Filing Title:	Plaintiff Zitting Brothers Construction, Inc.'s Partial Motion to Dismiss Club Vista Financial Services, L.L.C. and Tharaldson Motels II, Inc.'s Counterclaim or, in the Alternative, Motion for a More Definite Statement
Filing Type:	EFO
Filer's Name:	Michael M. Edwards
Filer's Email:	michael.edwards@wilsonelser.com
Account Name:	Michael M. Edwards
Filing Code:	MDSM
Amount:	$ 6.00
Court Fee:	$ 0.00
Comments:	
Courtesy Copies:	
Firm Name:	Wilson Elser Moskowitz Edelman & Dicker
Your File Number:	11647.00002
Status:	Accepted - (A)
Date Accepted:	2009-09-23 10:50:17.0
Review Comments:	
Reviewer:	Linda Denman
File Stamped Copy:	A571228-647923_MDSM_Plaintiff_Zitting_Brothers_Construction__Inc__s_Partial_Motion_to_Dismiss_Club_Vista_Finan.pdf
Lead Document:	gemstone-pmd.pdf 413575 bytes
Data Reference ID:	
Attachment # 1:	exhibit-A.pdf 1775910 bytes
Attachment # 2:	exhibit-B.pdf 3284510 bytes
Credit Card Response:	System Response: Approved Reference: ETGE4AFB50CB

Invoice

Office) 702.598.4455 • Fax) 702.598.1644
www.legalcopycats.com

Bill To
Wilson, Elser, Moskowitz, et al Attn: A/P 415 S. Sixth St., #300 Las Vegas, NV 89101

Date	Invoice #
9/23/2009	60859

Client Name	Terms	Case or Matter No.
Nicole	10 Days/EOM	11647.00002

Quantity	Description	Amount
5,215	B/W COPIES LEVEL 2	417.20T
	Sales Tax	33.79

	Total	$450.99

QC'd By
JC

U.S. Legal Management Services, Inc
U S LEGAL MANAGEMENT

Mail Payments to:
U. S. Legal Management Services, Inc.
File 749286
Los Angeles, CA 90074-9286

invoice

3705451	37005
4/15/10	2,735.77

WILSON ELSER MOSKOWITZ & EDELMAN
415 S SIXTH ST
STE 300
LAS VEGAS, NV 89101

BILLING QUESTIONS CALL:
DON FRITSCH 702-6714002
PAYMENT QUESTIONS CALL:
PAYMENT DEPT(213)402-9007

TAX ID# 34-2003879	37005	3705451	4/15/10	2,735.77	8	U S LEGAL MANAGEMENT

4/07/10	8582983	REG RET	WEMED 415 S. 6th LAS VEGAS NV 89101 Caller: Nicole Hrustyk Zitting Brothers Lien Please record docume Signed: RECORDED/RETURNED	Clark County Government Center 500 S. Grand Central Pkwy LAS VEGAS NV 89155 Ref: 11647.00002 00007	Base Chg : Return : Fuel Chge : Adv/WitCk : Check Chg :	10.00 25.25 1.30 127.00 12.70	176.25
DELIVERY-REGULAR VEHICLE						

Please pay-> Continued

INVOICE PAYMENT DUE UPON RECEIPT

RS

Details of filing titled:
Plaintiff Zitting Brothers Construction, Inc.&#...
for Case Number A571228

E-File ID:	2498317
Lead File Size:	132926 bytes
Date Filed:	2012-01-04 15:52:39.0
Case Title:	A571228
Case Name:	A571228 - Apco Construction, Plaintiff(s) vs. Gemstone Development West Inc, Defendant(s)
Filing Title:	Plaintiff Zitting Brothers Construction, Inc.'s Joinder to APCO Construction's Opposition to Motion for Reconsideration of Findings of Fact, Conclusions of Law and Order Granting APCO Construction's Motion for Summary Judgment on Priority; and Denying Scott Financial Corporation's Motion for Priority or in the Alternative, Motion for Rehearing
Filing Type:	EFS
Filer's Name:	Michael M. Edwards
Filer's Email:	rachael.johnson@wilsonelser.com
Account Name:	Michael M. Edwards
Filing Code:	JOIN
Amount:	$ 5.50
Court Fee:	$ 0.00
Card Fee:	$ 0.00
Comments:	
Courtesy Copies:	nicole.hrustyk@wilsoner.com
Firm Name:	Wilson Elser Moskowitz Edelman & Dicker
Your File Number:	11647.00002
Status:	Accepted - (A)
Date Accepted:	2012-01-05 11:36:14.0
Review Comments:	
Reviewer:	Norreta Caldwell
File Stamped Copy:	A571228-2498317_JOIN_Plaintiff_Zitting_Brothers_Construction__Inc__s_Joinder_to_APCO_Construction_s_Opposition.pdf
Cover Document:	
Lead Document:	zitting's joinder.pdf 132926 bytes
Data Reference ID:	
Credit Card Response:	System Response: VTHC8BC0ACA4 Reference:

Details of filing titled:
Zitting Brothers Construction, Inc.'s Joind...
for Case Number A571228

E-File ID:	2517417
Lead File Size:	140514 bytes
Date Filed:	2012-01-10 12:04:19.0
Case Title:	A571228
Case Name:	A571228 - Apco Construction, Plaintiff(s) vs. Gemstone Development West Inc, Defendant(s)
Filing Title:	Zitting Brothers Construction, Inc.'s Joinder to Insulpro Projects, Inc.s Opposition to Defendant Scott Financial Corporation's Motion for Reconisderation of Findings of Fact, Conclusions of Law and Order Granting APCO Construction's Motion for Summary Judgment on Priority; and Denying Scott Financial Corporation's Motion for Priority or in the Alternative, Motion for Re-Hearing
Filing Type:	EFS
Filer's Name:	Michael M. Edwards
Filer's Email:	rachael.johnson@wilsonelser.com
Account Name:	Michael M. Edwards
Filing Code:	JOIN
Amount:	$ 5.50
Court Fee:	$ 0.00
Card Fee:	$ 0.00
Comments:	
Courtesy Copies:	nicole.hrustyk@wilsonelser.com
Firm Name:	Wilson Elser Moskowitz Edelman & Dicker
Your File Number:	11647.00002
Status:	Accepted - (A)
Date Accepted:	2012-01-11 08:52:59.0
Review Comments:	
Reviewer:	Pat Walker
File Stamped Copy:	A571228-2517417_JOIN_Zitting_Brothers_Construction__Inc__s_Joinder_to_Insulpro_Projects__Inc_s_Opposition_to_D.pdf
Cover Document:	
Lead Document:	zitting joinder.pdf 140514 bytes
Data Reference ID:	
Credit Card Response:	System Response: VUHC8B645601 Reference:

Details of filing titled:
Zitting Brothers Construction, Inc.'s Joind...
for Case Number 08A571228

E-File ID:	2773137
Lead File Size:	132662 bytes
Date Filed:	2012-03-20 14:50:50.0
Case Title:	08A571228
Case Name:	Apco Construction, Plaintiff(s) vs. Gemstone Development West Inc, Defendant(s)
Filing Title:	Zitting Brothers Construction, Inc.'s Joinder to APCO Construction's Opposition to Scott Financial Corporation's Supplement to Motion for Summary Judgment as to Priority of Liens
Filing Type:	EFS
Filer's Name:	Michael M. Edwards
Filer's Email:	rachael.johnson@wilsonelser.com
Account Name:	Michael M. Edwards
Filing Code:	JOIN
Amount:	$ 5.50
Court Fee:	$ 0.00
Card Fee:	$ 0.00
Comments:	
Courtesy Copies:	nicole.hrustyk@wilsonelser.com
Firm Name:	Wilson Elser Moskowitz Edelman & Dicker
Your File Number:	11647.00002
Status:	Accepted - (A)
Date Accepted:	2012-03-21 07:42:36.0
Review Comments:	
Reviewer:	Norreta Caldwell
File Stamped Copy:	08A571228-2773137_JOIN_Zitting_Brothers_Construction__Inc__s_Joinder_to_APCO_Construction_s_Opposition_to_Scot.pdf
Cover Document:	
Lead Document:	joinder-zitting.pdf 132662 bytes
Data Reference ID:	
Credit Card Response:	System Response: VUYC8DDC7418 Reference:

Details of filing titled:
Letter to Jones re Proposed Sale of Manhattan W...
for Case Number 08A571228

E-File ID:	2912529
Lead File Size:	46671 bytes
Date Filed:	2012-04-27 14:19:15.0
Case Title:	08A571228
Case Name:	Apco Construction, Plaintiff(s) vs. Gemstone Development West Inc, Defendant(s)
Filing Title:	Letter to Jones re Proposed Sale of Manhattan West Property
Filing Type:	SO
Filer's Name:	Michael M. Edwards
Filer's Email:	rachael.johnson@wilsonelser.com
Account Name:	Michael M. Edwards
Filing Code:	Service Only
Amount:	$ 4.00
Court Fee:	$ 0.00
Card Fee:	$ 0.00
Comments:	
Courtesy Copies:	
Firm Name:	Wilson Elser Moskowitz Edelman & Dicker
Your File Number:	11647.00002
Status:	Accepted - (O)
Date Accepted:	
Review Comments:	
Reviewer:	
File Stamped Copy:	08A571228-2912529_Service_Only_Letter_to_Jones_re_Proposed_Sale_of_Manhattan_West_Property.pdf
Cover Document:	
Lead Document:	manhattan ltr.pdf 46671 bytes
Data Reference ID:	
Credit Card Response:	System Response: VKNC4AC2BA05 Reference:

THE RESOLUTION EXPERTS®

INVOICE

Invoice Date	Invoice Number
10/05/12	0002720926-260

To: **Reuben H. Cawley, Esq.**
Wilson Elser Moskowitz Edelman & Dicker LLP
300 S. Fourth Street
11th Floor
Las Vegas, NV 89101

Reference #: **1260002139** MM
Billing Specialist: **Glenn Mason**
Telephone: **(949) 224-4654**
Employer ID: **68-0542699**

RE: **Apco Construction vs. Gemstone Development West, Inc. et al.**
Representing: **Zitting Brothers Constrution, Inc.** Neutral(s): **Hon. Stewart Bell (Ret.)**
Hearing Type: **Mediation** **Rep# 70**

Date/ Time	Description	Hours	Rate/Hr.	Total Billed	Parties Billed	Your Share
09/02/12	Hon. Stewart Bell (Ret.) Review dozens of briefs and exhibits.	3.75	450.00	1,687.50	40	22.21
09/03/12	Hon. Stewart Bell (Ret.) Re-read notes; Prep for mediation	1.00	450.00	450.00	40	5.92
09/04/12 9:00:00AM	Hon. Stewart Bell (Ret.) Session Time	8.00	450.00	3,600.00	40	47.37
10/05/12	Case Management Fee					176.77
				Fees		252.27
0				304.43	40	4.01
	delivered to ... n on 9/4/12 (ref#					
				Expenses/Retainers		4.01
				Total	$	256.28
				Outstanding Balance as of 10/05/12	$	256.28

Nicole H. this got stapled to one of my invoices

Okay to Pay?

pt. Please make checks payable to JAMS, Inc. and mail to:
P.O. Box 512850
Los Angeles, CA 90051-0850
s based on the fee split agreed upon by all parties.
If the case cancels or ... inues, fees are due per our cancellation and continuance policy.

INVOICE

Invoice Date	Invoice Number
12/06/12	0002770562-260

To: **Reuben H. Cawley, Esq.**
Wilson Elser Moskowitz Edelman & Dicker LLP
300 S. Fourth Street
11th Floor
Las Vegas, NV 89101

Reference #: **1260002139** SP
Billing Specialist: **Glenn Mason**
Telephone: **(949) 224-4654**
Employer ID: **68-0542699**

RE: **Apco Construction vs. Gemstone Development West, Inc. et al.**
Representing: **Zitting Brothers Constrution, Inc.**
Neutral(s): **Hon. Stewart Bell (Ret.)**
Hearing Type: **Mediation**

Rep# 70

Date/ Time	Description	Hours	Rate/Hr.	Total Billed	Parties Billed	Your Share
11/29/12 9:00:00AM	Hon. Stewart Bell (Ret.) Your share of session fees. Total Billed: $3,600.00 1/2-Lenders (split between two entities) 1/2-Lien Claimants: 36	8.00	450.00	3,600.00	38	50.00
12/06/12	Case Management Fee					5.00

Fees		55.00
Total	$	55.00
Outstanding Balance as of 12/06/12	$	55.00

Payment due upon receipt. Please make checks payable to JAMS, Inc. and mail to:
P.O. Box 512850
Los Angeles, CA 90051-0850
Invoice total is based on the fee split agreed upon by all parties.
If the case cancels or continues, fees are due per our cancellation and continuance policy.

Details of filing titled:
Joinder to Motion to Set Hearing to Discuss Ord...
for Case Number 08A571228

E-File ID:	3789668
Lead File Size:	119080 bytes
Date Filed:	2013-01-02 15:46:43.0
Case Title:	08A571228
Case Name:	Apco Construction, Plaintiff(s) vs. Gemstone Development West Inc, Defendant(s)
Filing Title:	Joinder to Motion to Set Hearing to Discuss Order Approving Private Sale Agreement and Related Issues
Filing Type:	EFS
Filer's Name:	Michael M. Edwards
Filer's Email:	rachael.johnson@wilsonelser.com
Account Name:	Michael M. Edwards
Filing Code:	JOIN
Amount:	$ 5.50
Court Fee:	$ 0.00
Card Fee:	$ 0.00
Payment:	03-JAN-2013 11:35:00 AM: Approved $5.50 on MasterCard account "Michael M. Edwards" [****-0748]
Comments:	
Courtesy Copies:	
Firm Name:	Wilson Elser Moskowitz Edelman & Dicker
Your File Number:	11647.00002
Status:	Accepted - (A)
Date Accepted:	2013-01-03 08:35:40.0
Review Comments:	
Reviewer:	Lovie Hawkins
File Stamped Copy:	
Cover Document:	
Lead Document:	Joinder.pdf 119080 bytes
Data Reference ID:	
Credit Card Response:	System Response: VXYCA4398B99 Reference:

1885513

2

Details of filing: *Zitting Brothers Construction, Inc.'s Joinder to Peel Brimley Lien Claimants' Limited Opposition to APCO's Motion to Appoint Special Master*
Filed in Case Number: 08A571228

E-File ID: 8232616

Lead File Size: 333445 bytes

Date Filed: 2016-05-31 17:33:29.0

Case Title: 08A571228

Case Name: Apco Construction, Plaintiff(s) vs. Gemstone Development West Inc, Defendant(s)

Filing Title: Zitting Brothers Construction, Inc.'s Joinder to Peel Brimley Lien Claimants' Limited Opposition to APCO's Motion to Appoint Special Master

Filing Type: EFS

Filer's Name: Sheri M Thome

Filer's Email: sheri.thome@wilsonelser.com

Account Name: Las Vegas Efiling

Filing Code: OPPM

Amount: $ 3.50

Court Fee: $ 0.00

Card Fee: $ 0.00

Payment: Filing still processing. Payment not yet captured.

Comments:

Courtesy Copies:

Firm Name: Wilson Elser Moskowitz Edelman & Dicker

Your File Number: 11647.00002

Status: Pending - (P)

Date Accepted:

Review Comments:

Reviewer:

File Stamped Copy:

Documents:
Cover Document:
Lead Document: zitting join to limited opp re mtn to appoint sm.pdf 333445 bytes

Data Reference ID:

Credit Card Response: System Response: AS1CE509725F
Reference:

2340586

3

(2)

Details of filing: *Zitting Brothers Construction, Inc.'s Joinder to Insulpro Projects, Inc.'s Renewed Motion for Partial Summary Judgment*
Filed in Case Number: 08A571228

E-File ID: 8232621

Lead File Size: 356717 bytes

Date Filed: 2016-05-31 17:34:47.0

Case Title: 08A571228

Case Name: Apco Construction, Plaintiff(s) vs. Gemstone Development West Inc, Defendant(s)

Filing Title: Zitting Brothers Construction, Inc.'s Joinder to Insulpro Projects, Inc.'s Renewed Motion for Partial Summary Judgment

Filing Type: EFS

Filer's Name: Sheri M Thome

Filer's Email: sheri.thome@wilsonelser.com

Account Name: Las Vegas Efiling

Filing Code: OPPM

Amount: $ 3.50

Court Fee: $ 0.00

Card Fee: $ 0.00

Payment: Filing still processing. Payment not yet captured.

Comments:

Courtesy Copies:

Firm Name: Wilson Elser Moskowitz Edelman & Dicker

Your File Number: 11647.00002

Status: Pending - (P)

Date Accepted:

Review Comments:

Reviewer:

File Stamped Copy:

Documents:
Cover Document:
Lead Document: zitting join to opp to mpsj.pdf 356717 bytes

Data Reference ID:

Credit Card Response: System Response: AL1CD71A7765
Reference:

2340589

5

Details of filing: *Fee Disclosure for Zitting Brothers Construction, Inc.'s Joinder to Insulpro Projects, Inc.'s Renewed Motion for Partial Summary Judgment*
Filed in Case Number: 08A571228

E-File ID: 8233804

Lead File Size: 22618 bytes

Date Filed: 2016-06-01 09:48:43.0

Case Title: 08A571228

Case Name: Apco Construction, Plaintiff(s) vs. Gemstone Development West Inc, Defendant(s)

Filing Title: Fee Disclosure for Zitting Brothers Construction, Inc.'s Joinder to Insulpro Projects, Inc.'s Renewed Motion for Partial Summary Judgment

Filing Type: EFO

Filer's Name: Sheri M Thome

Filer's Email: sheri.thome@wilsonelser.com

Account Name: Las Vegas Efiling

Filing Code: IAFD

Amount: $ 3.50

Court Fee: $ 200.00

Card Fee: $ 6.00

Payment: 01-JUN-2016 02:17:12 PM: Approved $209.50 on MasterCard account "Las Vegas Efiling" [****-5754]

Comments:

Courtesy Copies:

Firm Name: Wilson Elser Moskowitz Edelman & Dicker

Your File Number: 11647.00002

Status: Accepted - (A)

Date Accepted: 2016-06-01 11:17:25.0

Review Comments:

Reviewer: Joshua Raak

File Stamped Copy: 08A571228-8233804_IAFD_Fee_Disclosure_for_Zitting_Brothers_Construction_Inc_s_Joinder_to_Insulpro_Projects_.pdf

Documents:
Cover Document:
Lead Document: LVDOCS01-#965465-v1-iafd_for_filing_fees_MSJ_.pdf 22618 bytes

Data Reference ID:

Credit Card Response: System Response: AL1CD7274240
Reference:

2340593

INVOICE

Invoice Date	Invoice Number
10/28/16	0003874128-260

To: **Jorge Ramirez, Esq.**
Wilson Elser Moskowitz, et al. LLP
300 S. Fourth Street
11th Floor
Las Vegas, NV 89101

Reference #: **1260003908** DKH
Billing Specialist: **Glenn Mason**
Email: **gmason@jamsadr.com**
Telephone: **(949) 224-4654**
Employer ID: **68-0542699**

RE: **APCO Construction vs. Gemstone Development West, Inc.**
FILE NUMBER: **11647.00002**
Representing: **Zitting Brothers Constrution, Inc.** Neutral(s): **Floyd Hale Esq.**
Hearing Type: **Court Reference** **Rep# 19**

Date/ Time	Description	Hours	Rate/Hr.	Total Billed	Parties Billed	Your Share
06/23/16	Floyd Hale Esq. 6/23/2016 - Review correspondence re: scheduling; Draft letter to counsel	0.30	495.00	148.50	20	4.13
07/01/16	Floyd Hale Esq. 7/1/2016 - Review Order and Notices	0.20	495.00	99.00	20	2.75
07/11/16	Floyd Hale Esq. 7/11/2016 - Review Court file	1.80	495.00	891.00	20	24.75
08/01/16	Floyd Hale Esq. 8/1/2016 - Draft Notice and Draft Special Master Recommendations and distribute Court Order with case agenda	0.40	495.00	198.00	20	5.50
08/01/16	Floyd Hale Esq. 8/1/2016 - Special Master Hearing	0.70	495.00	346.50	20	9.62
08/30/16	Floyd Hale Esq. 8/30/2016 - Review attorney notice	0.10	495.00	49.50	20	1.38
08/31/16	Floyd Hale Esq. 8/31/2016 - Review Answer and Notices and discovery information; Draft Order	0.30	495.00	148.50	20	4.11
09/02/16	Floyd Hale Esq. 9/2/2016 - Review attorney notice; Review correspondence re: discovery issue; Draft letter to counsel	0.30	495.00	148.50	20	4.12

Invoice total is based on the fee split agreed upon by all parties. If the case cancels or continues, fees are due per our cancellation and continuance policy. Please make checks payable to JAMS, Inc. **Payment is due upon receipt.**

Standard mail:
P.O. Box 845402
Los Angeles, CA 90084

Overnight mail:
18881 Von Karman Ave. Suite 350
Irvine, CA 92612

RE: **APCO Construction vs. Gemstone Development West, Inc.**

FILE NUMBER: **11647.00002**

Hearing Type: **Court Reference** REFERENCE #: **1260003908** **Rep# 19**

Date/ Time	Description	Hours	Rate/Hr.	Total Billed	Parties Billed	Your Share
09/05/16	Floyd Hale Esq. 9/5/2016 - Review discovery information	0.60	495.00	297.00	20	8.25
09/06/16	Floyd Hale Esq. 9/6/2016 - Review discovery information	0.10	495.00	49.50	20	1.38
09/09/16	Floyd Hale Esq. 9/9/2016 - Review document information	0.10	495.00	49.50	20	1.38
09/27/16	Floyd Hale Esq. 9/27/2016 - Review discovery information and document information; Prepare for Special Master Hearing	0.90	495.00	445.50	20	12.37
09/28/16	Floyd Hale Esq. 9/28/2016 - Review discovery information	0.50	495.00	247.50	20	6.87
09/29/16	Floyd Hale Esq. 9/29/2016 - Special Master Hearing	0.70	495.00	346.50	20	9.62
09/29/16	Floyd Hale Esq. 9/29/2016 - Review discovery information and document information; Review correspondence re: discovery issue; Draft Special Master Recommendations and distribute Court Order with case agenda	1.50	495.00	742.50	20	20.62
09/30/16	Floyd Hale Esq. 9/30/2016 - Review discovery information	0.10	495.00	49.50	20	1.37
10/05/16	Floyd Hale Esq. 10/5/2016 - Review discovery information	0.20	495.00	99.00	20	2.75
10/06/16	Floyd Hale Esq. 10/6/2016 - Review discovery information and correspondence re: scheduling; Draft Order	0.30	495.00	148.50	20	4.12
10/13/16	Floyd Hale Esq. 10/13/2016 - Review discovery information	0.10	495.00	49.50	20	1.38

RE: **APCO Construction vs. Gemstone Development West, Inc.**

FILE NUMBER: **11647.00002**

Hearing Type: **Court Reference** REFERENCE #: **1260003908** **Rep# 19**

Date/ Time	Description	Hours	Rate/Hr.	Total Billed	Parties Billed	Your Share
				Fees		126.47
06/22/16	Floyd Hale Esq. E-Filing			3.50	20	0.09
06/28/16	Floyd Hale Esq. E-Filing			3.50	20	0.10
08/02/16	Floyd Hale Esq. E-Filing			3.50	20	0.09
08/08/16	Floyd Hale Esq. E-Filing			3.50	20	0.09
09/08/16	Floyd Hale Esq. E-Filing			3.50	20	0.10
	\					
10/07/16	Floyd Hale Esq. E-Filings (2)			7.00	20	0.20
				Expenses/Retainers		0.67
				Total		$ 127.14
				Outstanding Balance as of 11/04/16		$ 127.14

INVOICE

Invoice Date	Invoice Number
12/29/16	0003923928-260

To: Jorge Ramirez, Esq.
Wilson Elser Moskowitz, et al. LLP
300 S. Fourth Street
11th Floor
Las Vegas, NV 89101

Reference #: 1260003908 DKH
Billing Specialist: Glenn Mason
Email: gmason@jamsadr.com
Telephone: (949) 224-4654
Employer ID: 68-0542699

RE: APCO Construction vs. Gemstone Development West, Inc.
FILE NUMBER: 11647.00002
Representing: Zitting Brothers Constrution, Inc.
Neutral(s): Floyd Hale Esq.
Hearing Type: Court Reference
Rep# 19

Date/ Time	Description	Hours	Rate/Hr.	Total Billed	Parties Billed	Your Share
12/19/16	Floyd Hale Esq. 12/19/2016 - Review discovery information	0.40	495.00	198.00	20	5.50
12/22/16	Floyd Hale Esq. 12/22/2016 - Review discovery information	0.30	495.00	148.50	20	4.12
12/23/16	Floyd Hale Esq. 12/23/2016 - Review discovery information	0.20	495.00	99.00	20	2.75

Fees	12.37
Total	$ 12.37
Outstanding Balance as of 03/09/17	$ 59.24

Invoice total is based on the fee split agreed upon by all parties. If the case cancels or continues, fees are due per our cancellation and continuance policy. Please make checks payable to JAMS, Inc. Payment is due upon receipt.

Standard mail:
P.O. Box 845402
Los Angeles, CA 90084

Overnight mail:
18881 Von Karman Ave. Suite 350
Irvine, CA 92612

INVOICE

Invoice Date	Invoice Number
01/30/17	0003946204-260

To: **Jorge Ramirez, Esq.**
Wilson Elser Moskowitz, et al. LLP
300 S. Fourth Street
11th Floor
Las Vegas, NV 89101

Reference #: **1260003908** DKH
Billing Specialist: **Glenn Mason**
Email: **gmason@jamsadr.com**
Telephone: **(949) 224-4654**
Employer ID: **68-0542699**

RE: **APCO Construction vs. Gemstone Development West, Inc.**
FILE NUMBER: **11647.00002**
Representing: **Zitting Brothers Constrution, Inc.** Neutral(s): **Floyd Hale Esq.**
Hearing Type: **Court Reference**

Rep# 19

Date/ Time	Description	Hours	Rate/Hr.	Total Billed	Parties Billed	Your Share
01/02/17	Floyd Hale Esq. 1/2/2017 - Review discovery information and document information	0.50	495.00	247.50	20	6.88
01/10/17	Floyd Hale Esq. 1/10/2017 - Review attorney notice	0.10	495.00	49.50	20	1.36
01/23/17	Floyd Hale Esq. 1/23/2017 - Review discovery information	0.30	495.00	148.50	20	4.13
01/26/17	Floyd Hale Esq. 1/26/2017 - Review discovery information	0.20	495.00	99.00	20	2.75
01/27/17	Floyd Hale Esq. 1/27/2017 - Review discovery information	0.20	495.00	99.00	20	2.75

Fees	17.87
Total	$ 17.87
Outstanding Balance as of 02/03/17	$ 157.38

Invoice total is based on the fee split agreed upon by all parties. If the case cancels or continues, fees are due per our cancellation and continuance policy. Please make checks payable to JAMS, Inc. **Payment is due upon receipt.**

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Los Angeles, CA 90084

Overnight mail:
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Irvine, CA 92612

INVOICE

Invoice Date	Invoice Number
02/27/17	0003969656-260

To: **Jorge Ramirez, Esq.**
Wilson Elser Moskowitz, et al. LLP
300 S. Fourth Street
11th Floor
Las Vegas, NV 89101

Reference #: **1260003908** DKH
Billing Specialist: **Glenn Mason**
Email: **gmason@jamsadr.com**
Telephone: **(949) 224-4654**
Employer ID: **68-0542699**

RE: **APCO Construction vs. Gemstone Development West, Inc.**
FILE NUMBER: **11647.00002**
Representing: **Zitting Brothers Constrution, Inc.** Neutral(s): **Floyd Hale Esq.**
Hearing Type: **Court Reference** **Rep# 19**

Date/ Time	Description	Hours	Rate/Hr.	Total Billed	Parties Billed	Your Share
02/01/17	Floyd Hale Esq. 2/1/2017 - Review discovery information	0.10	495.00	49.50	20	1.38
02/02/17	Floyd Hale Esq. 2/2/2017 - Review Order	0.10	495.00	49.50	20	1.38
02/08/17	Floyd Hale Esq. 2/8/2017 - Review discovery information and Notice	0.30	495.00	148.50	20	4.13
02/09/17	Floyd Hale Esq. 2/9/2017 - Review discovery information	0.30	495.00	148.50	20	4.13
02/15/17	Floyd Hale Esq. 2/15/2017 - Prepare for Special Master Hearing	0.30	495.00	148.50	20	4.13
02/16/17	Floyd Hale Esq. 2/16/2017 - Review discovery information and Notice; Draft letter to counsel	0.40	495.00	198.00	20	5.50
02/16/17	Floyd Hale Esq. 2/16/2017 - Special Master Hearing	0.20	495.00	99.00	20	2.75
02/17/17	Floyd Hale Esq. 2/17/2017 - Review Motion; Review Stipulation and Order	0.20	495.00	99.00	20	2.75

Invoice total is based on the fee split agreed upon by all parties. If the case cancels or continues, fees are due per our cancellation and continuance policy. Please make checks payable to JAMS, Inc. **Payment is due upon receipt.**

Standard mail:
P.O. Box 845402
Los Angeles, CA 90084

Overnight mail:
18881 Von Karman Ave. Suite 350
Irvine, CA 92612

RE: **APCO Construction vs. Gemstone Development West, Inc.**

FILE NUMBER: **11647.00002**

Hearing Type: **Court Reference** REFERENCE #: **1260003908** **Rep# 19**

Date/ Time	Description	Hours	Rate/Hr	Total Billed	Parties Billed	Your Share
02/21/17	Floyd Hale Esq. 2/21/2017 - Review Notice	0.10	495.00	49.50	20	1.38
02/24/17	Floyd Hale Esq. 2/24/2017 - Review discovery information	0.10	495.00	49.50	20	1.38
				Fees		28.91
02/16/17	Floyd Hale Esq. E-Filing			3.50	20	0.09
				Expenses/Retainers		0.09
				Total		$ 29.00
				Outstanding Balance as of 03/02/17		$ 186.38

INVOICE

Invoice Date	Invoice Number
03/30/17	0003996584-260

To: **Jorge Ramirez, Esq.**
Wilson Elser Moskowitz, et al. LLP
300 S. Fourth Street
11th Floor
Las Vegas, NV 89101

Reference #: **1260003908** DKH
Billing Specialist: **Glenn Mason**
Email: **gmason@jamsadr.com**
Telephone: **(949) 224-4654**
Employer ID: **68-0542699**

RE: **APCO Construction vs. Gemstone Development West, Inc.**
FILE NUMBER: **11647.00002**
Representing: **Zitting Brothers Constrution, Inc.** Neutral(s): **Floyd Hale Esq.**
Hearing Type: **Court Reference** **Rep# 19**

Date/ Time	Description	Hours	Rate/Hr.	Total Billed	Parties Billed	Your Share
02/27/17	Floyd Hale Esq. 2/27/2017 - Review correspondence re: discovery issue	0.10	495.00	49.50	20	1.37
03/03/17	Floyd Hale Esq. 3/3/2017 - Review discovery information	0.50	495.00	247.50	20	6.88
03/06/17	Floyd Hale Esq. 3/6/2017 - Review discovery information	0.10	495.00	49.50	20	1.38
03/13/17	Floyd Hale Esq. 3/13/2017 - Review Order	0.10	495.00	49.50	20	1.38
03/14/17	Floyd Hale Esq. 3/14/2017 - Review document information	0.10	495.00	49.50	20	1.36
03/29/17	Floyd Hale Esq. 3/29/2017 - Review discovery notice and additional notices	0.30	495.00	148.50	20	4.13
				Fees		16.50
02/27/17	Floyd Hale Esq.			3.50	20	0.10

Invoice total is based on the fee split agreed upon by all parties. If the case cancels or continues, fees are due per our cancellation and continuance policy. Please make checks payable to JAMS, Inc. **Payment is due upon receipt.**

Standard mail:
P.O. Box 845402
Los Angeles, CA 90084

Overnight mail:
18881 Von Karman Ave. Suite 350
Irvine, CA 92612

RE: **APCO Construction vs. Gemstone Development West, Inc.**

FILE NUMBER: **11647.00002**

Hearing Type: **Court Reference** REFERENCE #: **1260003908** **Rep# 19**

Date/ Time	Description	Hours	Rate/Hr.	Total Billed	Parties Billed	Your Share
	E-Filing					
				Expenses/Retainers		0.10
				Total		$ 16.60
				Outstanding Balance as of 04/04/17		$ 75.84

American Legal Services Nevada
PI-PS 1452
P.O. Box 59701
Los Angeles CA 90074-9701

TAX ID# 26-1476985

INVOICE

Invoice No.	Customer No.
37010033	37005
Invoice Date	**Total Due**
4/15/17	24.50

WILSON ELSER MOSKOWITZ & EDELMAN
300 S. FOURTH STREET
11TH FLOOR
LAS VEGAS, NV 89101

BILLING/PAYMENT QUESTIONS
CLIENT CARE (877)350-8698

Customer No.	Invoice No.	Period Ending	Amount Due	Pg
37005	37010033	4/15/17	24.50	1

Date	Ordr No.	Svc	Service Detail		Charges	Total
4/11/17	55032089	REG	WILSON ELSER MOSKOWITZ & EDELMAN 300 S. Fourth Street LAS VEGAS NV 89101 Caller: Lani Maile A571228 Apco v. Gemstone Please deliver Zitting Brothers' discovery requests Signed: 3 ROC SIGNED	Marquis Aurbach Coffing 10001 Park Run Drive LAS VEGAS NV 89145 Ref: 11647.00002 7532	Base Chg : 24.50	24.50
DELIVERY-REGULAR VEHICLE						
				Total		24.50

INVOICE PAYMENT DUE UPON RECEIPT

INVOICE

Invoice Date	Invoice Number
04/27/17	0004021846-260

To: **Jorge Ramirez, Esq.**
Wilson Elser Moskowitz, et al. LLP
300 S. Fourth Street
11th Floor
Las Vegas, NV 89101

Reference #: **1260003908** DKH
Billing Specialist: **Glenn Mason**
Email: **gmason@jamsadr.com**
Telephone: **(949) 224-4654**
Employer ID: **68-0542699**

RE: **APCO Construction vs. Gemstone Development West, Inc.**
FILE NUMBER: **11647.00002**
Representing: **Zitting Brothers Constrution, Inc.**
Neutral(s): **Floyd Hale Esq.**
Hearing Type: **Court Reference**
Rep# 19

Date/ Time	Description	Hours	Rate/Hr.	Total Billed	Parties Billed	Your Share
04/13/17	Floyd Hale Esq. 4/13/2017 - Review discovery information	0.20	495.00	99.00	18	3.10
04/14/17	Floyd Hale Esq. 4/14/2017 - Review discovery information	0.20	495.00	99.00	18	3.09
04/19/17	Floyd Hale Esq. 4/19/2017 - Review discovery notice	0.10	495.00	49.50	18	1.55
04/24/17	Floyd Hale Esq. 4/24/2017 - Review Notice	0.10	495.00	49.50	18	1.55
04/25/17	Floyd Hale Esq. 4/25/2017 - Review additional notices	0.20	495.00	99.00	18	3.09

Fees	12.38
Total	$ 12.38
Outstanding Balance as of 05/04/17	$ 75.85

Invoice total is based on the fee split agreed upon by all parties. If the case cancels or continues, fees are due per our cancellation and continuance policy. Please make checks payable to JAMS, Inc. **Payment is due upon receipt.**

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Los Angeles, CA 90084

Overnight mail:
18881 Von Karman Ave. Suite 350
Irvine, CA 92612

American Legal Services Nevada
PI-PS 1452
P.O. Box 59701
Los Angeles CA 90074-9701

TAX ID# 26-1476985

INVOICE

Invoice No.	Customer No.
37010248	37005
Invoice Date	**Total Due**
4/30/17	24.50

WILSON ELSER MOSKOWITZ & EDELMAN
300 S. FOURTH STREET
11TH FLOOR
LAS VEGAS, NV 89101

BILLING/PAYMENT QUESTIONS
CLIENT CARE (877)350-8698

Customer No.	Invoice No.	Period Ending	Amount Due	Pg
37005	37010248	4/30/17	24.50	1

Date	Ordr No.	Svc	Service Detail		Charges	Total
4/26/17	55033900	REG	WILSON ELSER MOSKOWITZ & EDELMAN 300 S. Fourth Street LAS VEGAS NV 89101 Caller: Lani Maile A571228 Apco v. Gemstone Please deliver Zitting Brothers Construction, Inc.'s Signed: ROC SIGNED/ROR	Marquis Aurbach Coffing 10001 Park Run Drive LAS VEGAS NV 89145 Ref: 11647.00002 7532	Base Chg : 24.50	24.50
DELIVERY-REGULAR VEHICLE						
					Total	24.50

INVOICE PAYMENT DUE UPON RECEIPT

INVOICE

Invoice Date	Invoice Number
05/30/17	0004046416-260

To: **Jorge Ramirez, Esq.**
Wilson Elser Moskowitz, et al. LLP
300 S. Fourth Street
11th Floor
Las Vegas, NV 89101

Reference #: **1260003908** DKH
Billing Specialist: **Glenn Mason**
Email: **gmason@jamsadr.com**
Telephone: **(949) 224-4654**
Employer ID: **68-0542699**

RE: **APCO Construction vs. Gemstone Development West, Inc.**
FILE NUMBER: **11647.00002**
Representing: **Zitting Brothers Constrution, Inc.** Neutral(s): **Floyd Hale Esq.**
Hearing Type: **Court Reference** **Rep# 19**

Date/ Time	Description	Hours	Rate/Hr.	Total Billed	Parties Billed	Your Share
04/26/17	Floyd Hale Esq. 4/26/2017 - Review discovery notice and additional notices	0.30	495.00	148.50	18	4.64
04/27/17	Floyd Hale Esq. 4/27/2017 - Review discovery notice and Motion	0.20	495.00	99.00	18	3.09
04/28/17	Floyd Hale Esq. 4/28/2017 - Review discovery notice and Motion	0.20	495.00	99.00	18	3.09
05/02/17	Floyd Hale Esq. 5/2/2017 - Review discovery notice	0.20	495.00	99.00	18	3.09
05/03/17	Floyd Hale Esq. 5/3/2017 - Prepare for Special Master Hearing	0.20	495.00	99.00	18	3.10
05/04/17	Floyd Hale Esq. 5/4/2017 - Special Master Hearing	0.40	495.00	198.00	18	6.19
05/04/17	Floyd Hale Esq. 5/4/2017 - Draft Order; Drafting Special Master Report	0.40	495.00	198.00	18	6.19
05/08/17	Floyd Hale Esq. 5/8/2017 - Review discovery information	0.10	495.00	49.50	18	1.54

Invoice total is based on the fee split agreed upon by all parties. If the case cancels or continues, fees are due per our cancellation and continuance policy. Please make checks payable to JAMS, Inc. **Payment is due upon receipt.**

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Los Angeles, CA 90084

Overnight mail:
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Irvine, CA 92612

RE: **APCO Construction vs. Gemstone Development West, Inc.**

FILE NUMBER: **11647.00002**

Hearing Type: **Court Reference** REFERENCE #: **1260003908** **Rep# 19**

Date/ Time	Description	Hours	Rate/Hr.	Total Billed	Parties Billed	Your Share
05/09/17	Floyd Hale Esq. 5/9/2017 - Review correspondence re: scheduling	0.10	495.00	49.50	18	1.55
05/12/17	Floyd Hale Esq. 5/12/2017 - Review discovery information	0.10	495.00	49.50	18	1.55
05/16/17	Floyd Hale Esq. 5/16/2017 - Review discovery notice and discovery information; Review Order and Notices	0.60	495.00	297.00	18	9.28
05/17/17	Floyd Hale Esq. 5/17/2017 - Review discovery information	0.30	495.00	148.50	18	4.64
05/18/17	Floyd Hale Esq. 5/18/2017 - Review additional notices	0.10	495.00	49.50	18	1.54
05/22/17	Floyd Hale Esq. 5/22/2017 - Review discovery notice and additional notices; Review discovery information	0.60	495.00	297.00	18	9.28
05/23/17	Floyd Hale Esq. 5/23/2017 - Review additional notices; Review correspondence re: scheduling	0.30	495.00	148.50	17	4.95
05/26/17	Floyd Hale Esq. 5/26/2017 - Review Order and Notices	0.10	495.00	49.50	17	1.65
05/27/17	Floyd Hale Esq. 5/27/2017 - Review Order	0.10	495.00	49.50	17	1.65
				Fees		67.02
05/08/17	Floyd Hale Esq. E-Filings (2)			7.00	18	0.22

RE: **APCO Construction vs. Gemstone Development West, Inc.**

FILE NUMBER: **11647.00002**

Hearing Type: **Court Reference** REFERENCE #: **1260003908** **Rep# 19**

Date/ Time	Description	Hours	Rate/Hr.	Total Billed	Parties Billed	Your Share
				Expenses/Retainers		0.22
				Total		$ 67.24
				Outstanding Balance as of 06/02/17		$ 143.09

INVOICE

Invoice Date	Invoice Number
06/29/17	0004073004-260

To: **Jorge Ramirez, Esq.**
Wilson Elser Moskowitz, et al. LLP
300 S. Fourth Street
11th Floor
Las Vegas, NV 89101

Reference #: **1260003908** DKH
Billing Specialist: **Glenn Mason**
Email: **gmason@jamsadr.com**
Telephone: **(949) 224-4654**
Employer ID: **68-0542699**

RE: **APCO Construction vs. Gemstone Development West, Inc.**
FILE NUMBER: **11647.00002**
Representing: **Zitting Brothers Constrution, Inc.** Neutral(s): **Floyd Hale Esq.**
Hearing Type: **Court Reference** **Rep# 19**

Date/ Time	Description	Hours	Rate/Hr.	Total Billed	Parties Billed	Your Share
05/31/17	Floyd Hale Esq. 5/31/2017 - Review discovery information	0.20	495.00	99.00	17	3.30
06/05/17	Floyd Hale Esq. 6/5/2017 - Review discovery notice and discovery information	0.30	495.00	148.50	17	4.95
06/06/17	Floyd Hale Esq. 6/6/2017 - Review discovery information	0.10	495.00	49.50	17	1.65
06/07/17	Floyd Hale Esq. 6/7/2017 - Review correspondence re: scheduling and discovery notice	0.20	495.00	99.00	17	3.30
06/09/17	Floyd Hale Esq. 6/9/2017 - Review attorney notice, discovery notice, discovery information	0.70	495.00	346.50	17	11.55
06/20/17	Floyd Hale Esq. 6/20/2017 - Review Stipulation and Order	0.10	495.00	49.50	16	1.77
06/21/17	Floyd Hale Esq. 6/21/2017 - Review Order and Notices and correspondence re: scheduling	0.20	495.00	99.00	16	3.53
06/26/17	Floyd Hale Esq. 6/26/2017 - Review Order and Notices	0.10	495.00	49.50	16	1.76

Invoice total is based on the fee split agreed upon by all parties. If the case cancels or continues, fees are due per our cancellation and continuance policy. Please make checks payable to JAMS, Inc. **Payment is due upon receipt.**

Standard mail:
P.O. Box 845402
Los Angeles, CA 90084

Overnight mail:
18881 Von Karman Ave. Suite 350
Irvine, CA 92612

RE: **APCO Construction vs. Gemstone Development West, Inc.**

FILE NUMBER: **11647.00002**

Hearing Type: **Court Reference** REFERENCE #: **1260003908** **Rep# 19**

Date/ Time	Description	Hours	Rate/Hr.	Total Billed	Parties Billed	Your Share
06/27/17	Floyd Hale Esq. 6/27/2017 - Review Motion and correspondence re: scheduling	0.50	495.00	247.50	16	8.84
06/28/17	Floyd Hale Esq. 6/28/2017 - Review attorney notice	0.10	495.00	49.50	16	1.77

Fees	42.42
Total	$ 42.42
Outstanding Balance as of 07/11/17	$ 138.64

Dennis

82

Envelope Information

Envelope Id
1219460

Submitted Date
7/14/2017 1:22 PM PST

Submitted User Name
annemarie.gourley@wilsonelser.com

Case Information

Location
Department 13

Category
Civil

Case Type
Business Court

Case Initiation Date
9/9/2008

Case #
08A571228

Assigned to Judge
Denton, Mark R.

Need Help?

Party Information

Party Type	Party Name	Lead Attorney
Counter Defendant	Zitting Brothers Construction Inc	
Plaintiff	Apco Construction	
Defendant	Gemstone Development West Inc	
Intervenor Defendant	Gemstone Development West Inc	
Defendant	Scott Financial Corporation	
Intervenor Plaintiff	Arch Aluminum And Glass Co	Jeffrey Albregts
Intervenor	Nevada Prefab Engineers Inc	Martin Little
Intervenor Defendant	Camco Pacific Construction Co Inc	Steven Morris
Counter Claimant	Camco Pacific Construction Co Inc	Steven Morris
Intervenor	Tri-City Drywall Inc	

Need Help?

1 2 3 4 5 ... 10 items per page 1 - 10 of 148 items

Filings

Filing Code	Client Ref #	Filing Description
Motion to Continue - MCNT	11647.00002 7471	Joint Motion to Continue Hearing on APCO Constru...

Filing Details

Filing Type
EFileAndServe

Filing Code
Motion to Continue - MCNT

Need Help?

Filing Description
Joint Motion to Continue Hearing on APCO Construction's Motion to Dismiss or for Summary Judgment on Lien Claimant's NRS CH 108 Claim for Foreclosure of Mechanics Lien on Order Shortening Time (First Request)

Client Reference Number
11647.00002 7471

2476473

Courtesy Copies
annemarie.gourley@wilsonelser.com

Filing on Behalf of
Zitting Brothers Construction Inc

Filing Status
Submitted

Lead Document

File Name	Download
APCO OST.pdf 2.15 MB	Original File

Service Contacts

Se...	Name	Email

There are no service contacts

Parties with No eService

Need Help?

Name	Address

Fees

Motion to Continue - MCNT

Description	Amount
Filing Fee	$0.00
	Filing Total: $0.00

Total Filing Fee	$0.00
E-File Fee	$3.50
	Envelope Total: $3.50

Need Help?

Party Responsible for Fees	Zilling Brothers Construction...	Transaction Amount	$3.50
Payment Account	WEMED Diners Club	Transaction Id	1731797
Filing Attorney	Jorge Ramirez	Order Id	0012190460-0
Transaction Response	Authorized		

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159

Dennis

Envelope Information

Envelope Id
1274094

Submitted Date
7/26/2017 5:22 PM PST

Submitted User Name
annemarie.gourley@wilsonelser.cor

Case Information

Location
Department 13

Category
Civil

Case Type
Business Court

Case Initiation Date
9/9/2008

Case #
08A571228

Assigned to Judge
Denton, Mark R.

Filings

Filing Type
EFileAndServe

Filing Code
Opposition - OPPS

Filing Description
Zitting Brothers Construction, Inc.'s Opposition to APCO Construction's Motion to Dismiss or For Summary Judgment on Lien Claimant's NRS CH 108 Claim For Foreclosure of Mechanic's Lien

Client Reference Number
11647.00002 7532

Courtesy Copies
annemarie.gourley@wilsonelser....

Filing on Behalf of
Zitting Brothers Construction Inc

Filing Status
Submitting 2476698

Lead Document

File Name	Security	Download
Zitting OPP.pdf		Original File

eService Details

Status	Name	Firm	Served	Date Opened

Name	Address
Accuracy Glass & Mirror Co.	3333 E. Serene Ave., #200 Henderson Nevada 89074

Name	Address
Fidelity & Deposit Co Of Maryland	

Fees

Opposition - OPPS

Description	Amount
Filing Fee	$0.00
	Filing Total: $0.00

Total Filing Fee	$0.00
E-File Fee	$3.50
	Envelope Total: $3.50

Party Responsible for Fees	Zitting Brothers Co...	**Transaction Amount**	$3.50
Payment Account	WEMED Diners Club	**Transaction Id**	1791674
Filing Attorney	Jorge Ramirez	**Order Id**	001274094-0
Transaction Response	Authorized		

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INVOICE

Invoice Date	Invoice Number
07/28/17	0004095608-260

To: **Jorge Ramirez, Esq.**
Wilson Elser Moskowitz, et al. LLP
300 S. Fourth Street
11th Floor
Las Vegas, NV 89101

Reference #: **1260003908** DKH
Billing Specialist: **Glenn Mason**
Email: **gmason@jamsadr.com**
Telephone: **(949) 224-4654**
Employer ID: **68-0542699**

RE: **APCO Construction vs. Gemstone Development West, Inc.**
FILE NUMBER: **11647.00002**
Representing: **Zitting Brothers Constrution, Inc.**
Neutral(s): **Floyd Hale Esq.**
Hearing Type: **Court Reference**
Rep# 19

Date/ Time	Description	Hours	Rate/Hr.	Total Billed	Parties Billed	Your Share
07/03/17	Floyd Hale Esq. 7/3/2017 - Review discovery information	0.10	495.00	49.50	16	1.77
07/05/17	Floyd Hale Esq. 7/5/2017 - Review discovery information	0.10	495.00	49.50	16	1.77
07/07/17	Floyd Hale Esq. 7/7/2017 - Review Stipulation and Order	0.10	495.00	49.50	16	1.77
07/17/17	Floyd Hale Esq. 7/17/2017 - Review discovery notice	0.10	495.00	49.50	16	1.77
07/26/17	Floyd Hale Esq. 7/26/2017 - Review Order	0.20	495.00	99.00	16	3.53
07/27/17	Floyd Hale Esq. 7/27/2017 - Review Opposition	0.20	495.00	99.00	16	3.53

Fees	14.14
Total	$ 14.14

Invoice total is based on the fee split agreed upon by all parties. If the case cancels or continues, fees are due per our cancellation and continuance policy. Please make checks payable to JAMS, Inc. **Payment is due upon receipt.**

Standard mail:
P.O. Box 845402
Los Angeles, CA 90084

Overnight mail:
18881 Von Karman Ave. Suite 350
Irvine, CA 92612

RE: **APCO Construction vs. Gemstone Development West, Inc.**

FILE NUMBER: **11647.00002**

Hearing Type: **Court Reference** REFERENCE #: **1260003908** **Rep# 19**

Date/ Time	Description	Hours	Rate/Hr.	Total Billed	Parties Billed	Your Share
		Outstanding Balance as of 08/08/17				$ 136.18

Envelope Information

Envelope Id
1292144

Submitted Date
7/31/2017 5:33 PM PST

Submitted User Name
lani.maile@wilsonelser.com

Case Information

Location
Department 13

Category
Civil

Case Type
Business Court

Case Initiation Date
9/9/2008

Case #
08A571228

Assigned to Judge
Denton, Mark R.

Filings

Filing Type
EFile

Filing Code
Motion for Partial Summary Judgment - MPSJ

Filing Description
Zitting Brothers Construction, Inc.'s Motion For Partial Summary Judgment Against APCO Construction

Client Reference Number
11647.00002 / 7471

Filing on Behalf of
Zitting Brothers Construction Inc

Filing Status
Submitting

2491008

Lead Document

File Name	Security	Download
Zitting MPSJ Against Apco.pdf		Original File

Fees

Motion for Partial Summary Judgment - MPSJ

Description	Amount
Filing Fee	$200.00

Filing Total: $200.00

Total Filing Fee	$200.00
Payment Service Fee	$6.00
E-File Fee	$3.50

Envelope Total: $209.50

Party Responsible for Fees	Zitting Brothers Co...	**Transaction Amount**	$209.50
Payment Account	WEMED Diners Club	**Transaction Id**	1812225
Filing Attorney	I-Che Lai	**Order Id**	001292144-0
Transaction Response	Authorized		

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Envelope Information

Envelope Id
1292144

Submitted Date
7/31/2017 5:33 PM PST

Submitted User Name
lani.maile@wilsonelser.com

Case Information

Location
Department 13

Category
Civil

Case Type
Business Court

Case Initiation Date
9/9/2008

Case #
08A571228

Assigned to Judge
Denton, Mark R.

Filings

Filing Type
EFile

Filing Code
Motion for Partial Summary Judgment - MPSJ

Filing Description
Zitting Brothers Construction, Inc.'s Motion For Partial Summary Judgment Against APCO Construction

Client Reference Number
11647.00002 / 7471

Filing on Behalf of
Zitting Brothers Construction Inc

Filing Status
Submitting

Lead Document

2491009

File Name	Security	Download
Zitting MPSJ Against Apco.pdf		Original File

Fees

Motion for Partial Summary Judgment - MPSJ

Description	Amount
Filing Fee	$200.00

Filing Total: $200.00

Total Filing Fee	$200.00
Payment Service Fee	$6.00
E-File Fee	$3.50

Envelope Total: $209.50

Party Responsible for Fees	Zitting Brothers Co...	**Transaction Amount**	$209.50
Payment Account	WEMED Diners Club	**Transaction Id**	1812225
Filing Attorney	I-Che Lai	**Order Id**	001292144-0
Transaction Response	Authorized		

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2 Dennis 50

Envelope Information

Envelope Id
1310202

Submitted Date
8/3/2017 4:27 PM PST

Submitted User Name
annemarie.gourley@wilsonelser.cor

Case Information

Location
Department 13

Category
Civil

Case Type
Business Court

Case Initiation Date
9/9/2008

Case #
08A571228

Assigned to Judge
Denton, Mark R.

Filings

Filing Type
EFileAndServe

Filing Code
Joinder to Motion For Partial Summary Judgment - JMPSJ

Filing Description
Zitting Brothers Construction, Inc.'s Joinder to Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-If-Paid Agreements

Client Reference Number
11647.00002 7471

Courtesy Copies
annemarie.gourley@wilsonelser....

Filing on Behalf of
Zitting Brothers Construction Inc

Filing Status
Submitting

2491054

Lead Document

File Name	Security	Download
Zitting Bros JOIN.pdf		Original File

eService Details

Name	Address
Fidelity & Deposit Co Of Maryland	

Name	Address
Gerdau Reinforcing Steel	

Name	Address
Gerdau Reinforcing Steel	

Fees

Joinder to Motion For Partial Summary Judgment - JMPSJ

Description	Amount
Filing Fee	$200.00
	Filing Total: $200.00

Total Filing Fee	$200.00
Payment Service Fee	$6.00
E-File Fee	$3.50
	Envelope Total: $209.50

Party Responsible for Fees	Zitting Brothers Co...	**Transaction Amount**	$209.50
Payment Account	WEMED Diners Club	**Transaction Id**	1832686
Filing Attorney	Jorge Ramirez	**Order Id**	001310202-0
Transaction Response	Authorized		

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61

Dennis

Envelope Information

Envelope Id
1310202

Submitted Date
8/3/2017 4:27 PM PST

Submitted User Name
annemarie.gourley@wilsonelser.cor

Case Information

Location
Department 13

Category
Civil

Case Type
Business Court

Case Initiation Date
9/9/2008

Case #
08A571228

Assigned to Judge
Denton, Mark R.

Filings

Filing Type
EFileAndServe

Filing Code
Joinder to Motion For Partial Summary Judgment - JMPSJ

Filing Description
Zitting Brothers Construction, Inc.'s Joinder to Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-If-Paid Agreements

Client Reference Number
11647.00002 7471

Courtesy Copies
annemarie.gourley@wilsonelser....

Filing on Behalf of
Zitting Brothers Construction Inc

Filing Status
Submitting

Lead Document

2491116

File Name	Security	Download
Zitting Bros JOIN.pdf		Original File

eService Details

Name	Address
Fidelity & Deposit Co Of Maryland	

Name	Address
Gerdau Reinforcing Steel	

Name	Address
Gerdau Reinforcing Steel	

Fees

Joinder to Motion For Partial Summary Judgment - JMPSJ

Description	Amount
Filing Fee	$200.00
	Filing Total: $200.00

Total Filing Fee	$200.00
Payment Service Fee	$6.00
E-File Fee	$3.50
	Envelope Total: $209.50

Party Responsible for Fees	Zitting Brothers Co...	**Transaction Amount**	$209.50
Payment Account	WEMED Diners Club	**Transaction Id**	1832686
Filing Attorney	Jorge Ramirez	**Order Id**	001310202-0
Transaction Response	Authorized		

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Version: 3.16.2.5794

78

2

Envelope Information

Envelope Id
1323018

Submitted Date
8/7/2017 5:55 PM PST

Submitted User Name
nicole.hrustyk@wilsonelser.com

Case Information

DB

Location
Department 13

Category
Civil

Case Type
Business Court

Case Initiation Date
9/9/2008

Case #
08A571228

Assigned to Judge
Denton, Mark R.

Filings

Filing Type
EFileAndServe

Filing Code
Joinder to Motion For Partial Summary Judgment - JMPSJ

Filing Description
Zitting Brothers Construction, Inc.' Joinder to Peel Brimley Lien Claimants' Opposition to APCO's Motion for Summary Judgment

Client Reference Number
11647.00002

Filing on Behalf of
Zitting Brothers Construction Inc

Filing Status
Submitted

Lead Document

2491154

File Name	Security	Download
APCO Joinder to MSJ.pdf		Original File

eService Details

Status	Name	Firm	Served	Date Opened
Not Sent	Rosie Wesp	Marquis Aurbach Coffing	No	Not Opened
Not Sent	Steven L. Morris	GRANT MORRIS DODDS	No	Not Opened

Joinder to Motion For Partial Summary Judgment - JMPSJ

Description	Amount
Filing Fee	$200.00
	Filing Total: $200.00

Total Filing Fee	$200.00
Payment Service Fee	$6.00
E-File Fee	$3.50
	Envelope Total: $209.50

Party Responsible for Fees	Zitting Brothers Constru...	**Transaction Amount**	$209.50
Payment Account	WEMED Diners Club	**Transaction Id**	1846282
Filing Attorney	I-Che Lai	**Order Id**	001323018-0
Transaction Response	Authorized		

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80

2

Envelope Information

Envelope Id
1323018

Submitted Date
8/7/2017 5:55 PM PST

Submitted User Name
nicole.hrustyk@wilsonelser.com

DB

Case Information

Location
Department 13

Category
Civil

Case Type
Business Court

Case Initiation Date
9/9/2008

Case #
08A571228

Assigned to Judge
Denton, Mark R.

Filings

Filing Type
EFileAndServe

Filing Code
Joinder to Motion For Partial Summary Judgment - JMPSJ

Filing Description
Zitting Brothers Construction, Inc.' Joinder to Peel Brimley Lien Claimants' Opposition to APCO's Motion for Summary Judgment

Client Reference Number
11647.00002

Filing on Behalf of
Zitting Brothers Construction Inc

Filing Status
Submitted

Lead Document

2491166

File Name	Security	Download
APCO Joinder to MSJ.pdf		Original File

eService Details

Status	Name	Firm	Served	Date Opened
Not Sent	Rosie Wesp	Marquis Aurbach Coffing	No	Not Opened
Not Sent	Steven L. Morris	GRANT MORRIS DODDS	No	Not Opened

Joinder to Motion For Partial Summary Judgment - JMPSJ

Description	Amount
Filing Fee	$200.00
	Filing Total: $200.00

Total Filing Fee	$200.00
Payment Service Fee	$6.00
E-File Fee	$3.50
	Envelope Total: $209.50

Party Responsible for Fees	Zitting Brothers Constru...	**Transaction Amount**	$209.50
Payment Account	WEMED Diners Club	**Transaction Id**	1846282
Filing Attorney	I-Che Lai	**Order Id**	001323018-0
Transaction Response	Authorized		

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INVOICE

Invoice Date	Invoice Number
08/30/17	0004121388-260

To: **Jorge Ramirez, Esq.**
Wilson Elser Moskowitz, et al. LLP
300 S. Fourth Street
11th Floor
Las Vegas, NV 89101

Reference #: **1260003908** DKH
Billing Specialist: **Glenn Mason**
Email: **gmason@jamsadr.com**
Telephone: **(949) 224-4654**
Employer ID: **68-0542699**

RE: **APCO Construction vs. Gemstone Development West, Inc.**
FILE NUMBER: **11647.00002**
Representing: **Zitting Brothers Constrution, Inc.**
Neutral(s): **Floyd Hale Esq.**
Hearing Type: **Court Reference**
Rep# 19

Date/ Time	Description	Hours	Rate/Hr.	Total Billed	Parties Billed	Your Share
08/01/17	Floyd Hale Esq. 8/1/2017 - Review Order	0.10	495.00	49.50	16	1.76
08/16/17	Floyd Hale Esq. 8/16/2017 - Review discovery information	0.20	495.00	99.00	16	3.53
08/21/17	Floyd Hale Esq. 8/21/2017 - Review Notice	0.10	495.00	49.50	16	1.76

Fees	7.05
Total	$ 7.05
Outstanding Balance as of 09/08/17	$ 143.23

Invoice total is based on the fee split agreed upon by all parties. If the case cancels or continues, fees are due per our cancellation and continuance policy. Please make checks payable to JAMS, Inc. **Payment is due upon receipt.**

Standard mail:
P.O. Box 845402
Los Angeles, CA 90084

Overnight mail:
18881 Von Karman Ave. Suite 350
Irvine, CA 92612

American Legal Services Nevada
PI-PS 1452
P.O. Box 59701
Los Angeles CA 90074-9701

TAX ID# 26-1476985

INVOICE

Invoice No.	Customer No.
37012016	37005
Invoice Date	Total Due
8/31/17	32.00

WILSON ELSER MOSKOWITZ & EDELMAN
300 S. FOURTH STREET
11TH FLOOR
LAS VEGAS, NV 89101

BILLING/PAYMENT QUESTIONS
CLIENT CARE (877)350-8698

Customer No.	Invoice No.	Period Ending	Amount Due	Pg
37005	37012016	8/31/17	32.00	1

Date	Ordr No.	Svc	Service Detail		Charges	Total
8/30/17	55048135	RSH	Marquis Aurbach Coffing 10001 Park Run Drive LAS VEGAS NV 89145 Caller: Annmarie Gourley A571228 APCO Construction v. Gemstone Devel Pick up signature page of Jack Chen Min Juan on Stip & Signed: PICKED UP/RETURNED	WILSON ELSER MOSKOWITZ & EDELMAN 300 S. FOURTH STREET LAS VEGAS NV 89101 Ref: 11647.00002 7471	Base Chg : 32.00	32.00
DELIVERY-RUSH VEHICLE						
				Total		32.00

INVOICE PAYMENT DUE UPON RECEIPT

American Legal Services Nevada
PI-PS 1452
P.O. Box 59701
Los Angeles CA 90074-9701

TAX ID# 26-1476985

INVOICE

Invoice No.	Customer No.
37012017	37005
Invoice Date	Total Due
8/31/17	44.75

WILSON ELSER MOSKOWITZ & EDELMAN
300 S. FOURTH STREET
11TH FLOOR
LAS VEGAS, NV 89101

BILLING/PAYMENT QUESTIONS
CLIENT CARE (877)350-8698

Customer No.	Invoice No.	Period Ending	Amount Due	Pg
37005	37012017	8/31/17	44.75	1

Date	Ordr No.	Svc	Service Detail		Charges	Total
8/30/17	55048138	RSH	Grant Morris Dodds PLLC 2520 St. Rose Parkway HENDERSON NV 89074 Caller: Annmarie Gourley A571228 APCO Construction v. Gemstone Devel	WILSON ELSER MOSKOWITZ & EDELMAN 300 S. FOURTH STREET LAS VEGAS NV 89101	Base Chg : 44.75	44.75
DELIVERY-RUSH VEHICLE			Pick up signature page of Steven L. Morris on Stip & Signed: RECEIVED/ROR	Ref: 11647.00002 7471		
					Total	44.75

INVOICE PAYMENT DUE UPON RECEIPT

American Legal Services Nevada
PI-PS 1452
P.O. Box 59701
Los Angeles CA 90074-9701

TAX ID# 26-1476985

INVOICE

Invoice No.	Customer No.
37012018	37005
Invoice Date	**Total Due**
8/31/17	44.75

WILSON ELSER MOSKOWITZ & EDELMAN
300 S. FOURTH STREET
11TH FLOOR
LAS VEGAS, NV 89101

BILLING/PAYMENT QUESTIONS
CLIENT CARE (877)350-8698

Customer No.	Invoice No.	Period Ending	Amount Due	Pg
37005	37012018	8/31/17	44.75	1

Date	Ordr No.	Svc	Service Detail		Charges	Total
8/30/17	55048140	RSH	Peel Brimley LLP 3333 E. Serene Avenue HENDERSON NV 89074 Caller: Annmarie Gourley A571228 APCO Construction v. Gemstone Devel Pick up signature page of Eric B. Zimbelman on Stip & Signed: RECEIVED/ROR	WILSON ELSER MOSKOWITZ & EDELMAN 300 S. FOURTH STREET LAS VEGAS NV 89101 Ref: 11647.00002 7471	Base Chg : 44.75	44.75
DELIVERY-RUSH VEHICLE						
				Total		44.75

INVOICE PAYMENT DUE UPON RECEIPT

42

Envelope Information

Envelope Id
1437001

Submitted Date
8/31/2017 4:25 PM PST

Submitted User Name
nicole.hrustyk@wilsonelser.com

Case Information

Location
Department 13

Category
Civil

Case Type
Business Court

Case Initiation Date
9/9/2008

Case #
08A571228

Assigned to Judge
Denton, Mark R.

Party Information

Party Type	Party Name	Lead Attorney
Counter Defendant	Zitting Brothers Constructi...	
Plaintiff	Apco Construction	
Defendant	Gemstone Development...	2504605
Intervenor Defendant	Gemstone Development...	
Defendant	Scott Financial Corporation	
Intervenor Plaintiff	Arch Aluminum And Glas...	
Intervenor	Nevada Prefab Engineers...	Martin Little
Intervenor Defendant	Camco Pacific Constructi...	Steven Morris
Counter Claimant	Camco Pacific Constructi...	Steven Morris
Intervenor	Tri-City Drywall Inc	

1 2 3 4 5 ... 10 items per page

1 - 10 of 149 items

42

Filings

Filing Code	Client Ref #	Filing Description
Stipulation and Order - SAO	11647.00002	Stiuplation and Order to Conti...

Filing Details

Filing Type
EFileAndServe

Filing Code
Stipulation and Order - SAO

Filing Description
Stiuplation and Order to Continue September 5, 2017 Hearing on Motions for Partial Summary Judgment

Client Reference Number
11647.00002

Filing on Behalf of
Zitting Brothers Construction Inc

Filing Status
Accepted

Accepted Date
9/1/2017 8:23 AM PST

Stamped Documents

This is a collection of the court copies for this filing — Download

Lead Document

File Name	Security	Download
APCO SAO to Continue.pdf *615.82 kB*		Original Fil Court Cop

eService Details

Status	Name	Firm
Sent	Rosie Wesp	Marquis Aurbach Coffing
Sent	Steven L. Morris	GRANT MORRIS DODDS

Fees

Stipulation and Order - SAO

Description	Amount
Filing Fee	$0.00
	Filing Total: $0.00

Total Filing Fee	$0.00
E-File Fee	$3.50
	Envelope Total: $3.50

Party Responsible for Fees	Zitting Brothers...	**Transaction Amount**	$3.50
Payment Account	WEMED Diners...	**Transaction Id**	1978543
Filing Attorney	Jorge Ramirez	**Order Id**	001437001-0
Transaction Response	Payment Compl...		

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DB 50

Envelope Information

Envelope Id
1439926

Submitted Date
9/1/2017 11:23 AM PST

Submitted User Name
nicole.hrustyk@wilsonelser.com

Case Information

Location
Department 13

Category
Civil

Case Type
Business Court

Case Initiation Date
9/9/2008

Case #
08A571228

Assigned to Judge
Denton, Mark R.

Filings

Filing Type
EFileAndServe

Filing Code
Notice of Entry of Stipulation and Order - NTSO

Filing Description
Notice of Entry of Stipulation and Order to Continue September 5, 2017 Hearing on Motions for Partial Summary Judgment

Client Reference Number
11647.00002

Filing on Behalf of
Zitting Brothers Construction Inc

Filing Status
Submitted

2504612

Lead Document

File Name	Security	Download
APCO NTSO re hearing date.pdf		Original File

eService Details

Status	Name	Firm	Served	Date Opened
Not Sent	Rosie Wesp	Marquis Aurbach Coffing	No	Not Opened
Not Sent	Steven L. Morris	GRANT MORRIS DODDS	No	Not Opened

STO

Notice of Entry of Stipulation and Order - NTSO

Description	Amount
Filing Fee	$0.00
	Filing Total: $0.00

Total Filing Fee	$0.00
E-File Fee	$3.50
	Envelope Total: $3.50

Party Responsible for Fees	Zitting Brothers Constru...	**Transaction Amount**	$3.50
Payment Account	WEMED Diners Club	**Transaction Id**	1980345
Filing Attorney	Jorge Ramirez	**Order Id**	001439926-0
Transaction Response	Authorized		

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Login	Court	Date	Client Code	Pages	Audio	Cost	
wemed7499 Richard Dreitzer (3054037)	NVDC	09/22/2017	10907.00674 0001	2	0	$0.20	413.10
Subtotal:		93	pages		$9.30		
		0	audio files ($2.40 ea)		$0.00		
					$9.30		
09/24/2017							
wemed7499 Richard Dreitzer (3054037)	NVDC	09/24/2017	17117.00001 0001	77	0	$7.70	420.80
Subtotal:		77	pages		$7.70		
		0	audio files ($2.40 ea)		$0.00		
					$7.70		
09/25/2017							
davidkahn David Kahn (4935649)	NVDC	09/25/2017	12306.00097 7563	3	0	$0.30	
jsburris J. Burris (3730388)	NVDC	09/25/2017	99998.99999 7560	8	0	$0.80	
we22897530 Sheri Thome (3567526)	NVBK	09/25/2017	99998.07563 7563 7530	140	0	$14.00	
we22897530 Sheri Thome (3567526)	NVDC	09/25/2017	99998.07563 7563	48	0	$4.80	440.70
Subtotal:		199	pages		$19.90		
		0	audio files ($2.40 ea)		$0.00		
					$19.90		
09/26/2017							
wemed5413 Vernon Nelson (4532219)	00PCL	09/26/2017	99998.09929 2878	2	0	$0.20	
wemed5413 Vernon Nelson (4532219)	NVBK	09/26/2017	99998.09929 2878	60	0	$6.00	
wemed7499 Richard Dreitzer (3054037)	00PCL	09/26/2017	09827.00464 0001	2	0	$0.20	447.30
wemed7499 Richard Dreitzer (3054037)	NVDC	09/26/2017	09827.00464 0001	2	0	$0.20	
Subtotal:		66	pages		$6.60		
		0	audio files ($2.40 ea)		$0.00		
					$6.60		
09/27/2017							
davidkahn David Kahn (4935649)	NVDC	09/27/2017	01593.01246 7590	21	0	$2.10	
wemed5413 Vernon Nelson (4532219)	NVBK	09/27/2017	11647.00002 7471	2	0	$0.20	449.60
Subtotal:		23	pages		$2.30		
		0	audio files ($2.40 ea)		$0.00		
					$2.30		
09/28/2017							
tadbempl Michael Lowry (4382849)	NVDC	09/28/2017	19212.00001 7465	4	0	$0.40	
we22897530 Sheri Thome (3567526)	NVDC	09/28/2017	99998.07563 7563	29	0	$2.90	
wemed7499 Richard Dreitzer (3054037)	00PCL	09/28/2017	09827.00464 0001	4	0	$0.40	
Grand Total:		4560	pages		$456.00		
		0	audio files ($2.40 ea)		$0.00		
					$456.00		

INVOICE

Invoice Date	Invoice Number
09/28/17	0004146260-260

To: **Jorge Ramirez, Esq.**
Wilson Elser Moskowitz, et al. LLP
300 S. Fourth Street
11th Floor
Las Vegas, NV 89101

Reference #: **1260003908** DKH
Billing Specialist: **Glenn Mason**
Email: **gmason@jamsadr.com**
Telephone: **(949) 224-4654**
Employer ID: **68-0542699**

RE: **APCO Construction vs. Gemstone Development West, Inc.**
FILE NUMBER: **11647.00002**
Representing: **Zitting Brothers Constrution, Inc.**
Neutral(s): **Floyd Hale Esq.**
Hearing Type: **Court Reference**
Rep# 19

Date/ Time	Description	Hours	Rate/Hr	Total Billed	Parties Billed	Your Share
09/22/17	Floyd Hale Esq. 9/22/2017 - Review Orders, Notices and Stipulation	0.20	495.00	99.00	15	3.81

Fees	3.81
Total	$ 3.81
Outstanding Balance as of 10/02/17	$ 147.04

Invoice total is based on the fee split agreed upon by all parties. If the case cancels or continues, fees are due per our cancellation and continuance policy. Please make checks payable to JAMS, Inc. **Payment is due upon receipt.**

Standard mail:
P.O. Box 845402
Los Angeles, CA 90084

Overnight mail:
18881 Von Karman Ave. Suite 350
Irvine, CA 92612

36

Envelope Information

Envelope Id
1567372

Submitted Date
9/29/2017 3:13 PM PST

Submitted User Name
lani.maile@wilsonelser.com

Case Information

Location
Department 13

Category
Civil

Case Type
Business Court

Case Initiation Date
9/9/2008

Case #
08A571228

Assigned to Judge
Denton, Mark R.

Filings

Filing Type
EFileAndServe

Filing Code
Reply In Support - RIS

Filing Description
Zitting Brothers Construction, Inc.'s Reply In Support of Motion for Partial Summary Judgment Against APCO Construction

Client Reference Number
11647.0000277471

Filing on Behalf of
Zitting Brothers Construction Inc

Filing Status
Submitted

V#2516254

Lead Document

File Name	Security	Download
Zitting Reply ISO MPSJ against APCO.pdf		Original File

eService Details

Status	Name	Firm	Served	Date Op
Not Sent	Rosie Wesp	Marquis Aurbach Coffing	No	Not Oper
Not Sent	Steven L. Morris	GRANT MORRIS DODDS	No	Not Oper

Name	Address
Accuracy Glass & Mirror Co.	3333 E. Serene Ave., #200 Henderson Nevada 89074
Name	**Address**
Fidelity & Deposit Co Of Maryland	
Name	**Address**
Gerdau Reinforcing Steel	
Name	**Address**
Gerdau Reinforcing Steel	

Fees

Reply in Support - RIS

Description	Amount
Filing Fee	$0.00
	Filing Total: $0.00

Total Filing Fee	$0.00
E-File Fee	$3.50
	Envelope Total: $3.50

Party Responsible for Fees	Zitting Brothers Co...	**Transaction Amount**	$3.50
Payment Account	WEMED Diners Club	**Transaction Id**	2125348
Filing Attorney	I-Che Lai	**Order Id**	001567372-0
Transaction Response	Authorized		

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Version: 3.16.2.5794

INVOICE

Invoice Date	Invoice Number
10/30/17	0004176176-260

To: **Jorge Ramirez, Esq.**
Wilson Elser Moskowitz, et al. LLP
300 S. Fourth Street
11th Floor
Las Vegas, NV 89101

Reference #: **1260003908** DKH
Billing Specialist: **Glenn Mason**
Email: **gmason@jamsadr.com**
Telephone: **(949) 224-4654**
Employer ID: **68-0542699**

RE: **APCO Construction vs. Gemstone Development West, Inc.**
FILE NUMBER: **11647.00002**
Representing: **Zitting Brothers Constrution, Inc.**
Neutral(s): **Floyd Hale Esq.**
Hearing Type: **Court Reference**
Rep# 19

Date/ Time	Description	Hours	Rate/Hr.	Total Billed	Your Share
10/02/17	Floyd Hale Esq. 10/2/2017 - Review attorney notice	0.10	495.00	49.50	2.07
10/20/17	Floyd Hale Esq. 10/20/2017 - Review discovery notice	0.20	495.00	99.00	4.12
10/25/17	Floyd Hale Esq. 10/25/2017 - Review discovery notice	0.20	495.00	99.00	4.13
10/27/17	Floyd Hale Esq. 10/27/2017 - Review discovery notice	0.20	495.00	99.00	4.13

Fees	14.45
Total	$ 14.45
Outstanding Balance as of 11/02/17	$ 51.83

Invoice total is based on the fee split agreed upon by all parties. If the case cancels or continues, fees are due per our cancellation and continuance policy. Please make checks payable to JAMS, Inc. **Payment is due upon receipt.**

Standard mail:
P.O. Box 845402
Los Angeles, CA 90084

Overnight mail:
18881 Von Karman Ave. Suite 350
Irvine, CA 92612

Dennis

41

Envelope Information

Envelope Id
1728144

Submitted Date
11/6/2017 5:16 PM PST

Submitted User Name
annemarie.gourley@wilsonelser.cor

Case Information

Location
Department 13

Category
Civil

Case Type
Business Court

Case Initiation Date
9/9/2008

Case #
08A571228

Assigned to Judge
Denton, Mark R.

Filings

Filing Type
EFileAndServe

Filing Code
Motion In Limine - MLIM

Filing Description
Zitting Brothers Construction, Inc.'s Motion In Limine To Limit The Defenses of APCO Construction To The Enforceability of Pay-If-Paid Provision

Client Reference Number
11647.00002 7471

Courtesy Copies
annemarie.gourley@wilsonelser....

Filing on Behalf of
Zitting Brothers Construction Inc

Filing Status
Submitting

Lead Document

File Name
Zitting MLIM.pdf

2525354

Security

Download
Original File

eService Details

Status	Name	Firm	Served	Date Op
Not Sent	Rosie Wesp	Marquis Aurbach Coffing	No	Not Oper

Dennis

74

Envelope Information

Envelope Id
1768469

Submitted Date
11/15/2017 4:50 PM PST

Submitted User Name
annemarie.gourley@wilsonelser.cor

Case Information

Location
Department 13

Category
Civil

Case Type
Business Court

Case Initiation Date
9/9/2008

Case #
08A571228

Assigned to Judge
Denton, Mark R.

Filings

Filing Type
EFileAndServe

Filing Code
Joinder - JOIN (CIV)

Filing Description
Zitting Brothers Construction, Inc.'s Joinder To Other Lien Claimants' Opposition To APCO Construction's Omnibus Motion in Limine

Client Reference Number
11647.00002 7471

Filing on Behalf of
Zitting Brothers Construction Inc

Filing Status
Submitted

Lead Document

File Name	Security	Download
Zitting 360.pdf		Original File

eService Details

2525387

Status	Name	Firm	Served	Date Op
Not Sent	Rosie Wesp	Marquis Aurbach Coffing	No	Not Oper
Not Sent	Steven L. Morris	GRANT MORRIS DODDS	No	Not Oper

Name	Address
RLMW Investments LLC	
Name	**Address**
United Subcontractors Inc	
Name	**Address**
Accuracy Glass & Mirror Co.	3333 E. Serene Ave., #200 Henderson Nevada 89074
Name	**Address**
Fidelity & Deposit Co Of Maryland	
Name	**Address**
Gerdau Reinforcing Steel	
Name	**Address**
Gerdau Reinforcing Steel	

Fees

Joinder - JOIN (CIV)

Description	Amount
Filing Fee	$0.00
	Filing Total: $0.00

Joinder - JOIN (CIV)

Description	Amount
Filing Fee	$0.00
	Filing Total: $0.00

Total Filing Fee	$0.00
E-File Fee	$3.50
	Envelope Total: $3.50

Party Responsible for Fees	Zitting Brothers Co...	**Transaction Amount**	$3.50
Payment Account	WEMED Diners Club	**Transaction Id**	2352370
Filing Attorney	Jorge Ramirez	**Order Id**	001768469-0
Transaction Response	Authorized		

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