

Case No. 75197

IN THE SUPREME COURT OF STATE OF NEVADA

APCO CONSTRUCTION, INC.,

Appellant,

v.

ZITTING BROTHERS
CONSTRUCTION, INC.,

Respondent.

Electronically Filed
Jul 01 2019 09:39 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Appeal from the Eighth Judicial District Court of the State of Nevada

Case No. 08A571228

The Honorable Mark R. Denton

RESPONDENT'S APPENDIX

JORGE A. RAMIREZ

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Attorneys for the Respondent, Zitting Brothers Construction, Inc.

INDEX TO RESPONDENT'S APPENDIX

Date Filed	Document Description	Bates Numbers
01/30/2017	Order Setting Civil Non-Jury Trial and Calendar Call	RA01-RA02
05/08/2017	Special Master Order	RA03-RA04
09/05/2017	Minutes Regarding Calendar Call	RA05-RA06
10/13/2017	Order Setting Civil Non-Jury Trial and Calendar Call	RA07-RA08

1 OCNJ

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

Alvin D. Denton
CLERK OF THE COURT

4 APCO CONSTRUCTION,)

5 Plaintiff(s),)

6 vs.)

7 GEMSTONE DEVELOPMENT WEST, INC., et)
8 al.,)

9 Defendant(s).)

10 AND ALL RELATED CLAIMS.

CASE NO. A571228

DEPT. NO. XIII

(Consolidated with A574391;
A574792; A577623; A580889;
A583289; A584730; A587168;
A589195; A592826; A596924;
A597089; A606730; A608717;
A608718)

11 **ORDER SETTING CIVIL NON-JURY TRIAL**
12 **AND CALENDAR CALL**

13 IT IS HEREBY ORDERED THAT:

14 A **non-jury trial** of the above-entitled case is set on a four week stack to begin
15 Tuesday, **September 12, 2017 at 9:00 a.m.**, with a calendar call on Tuesday, **September 5,**
16 **2017 at 2:00 p.m.**

17 All parties (attorneys and parties in proper person) **MUST** comply with **ALL**
18 **REQUIREMENTS OF E.D.C.R. 2.67**, except that the date for filing the Pre-Trial
19 Memorandum will be established at the calendar call. As to the Pre-trial Memorandum,
20 counsel should be particularly attentive to their exhibit lists and objections to exhibits, as
21 exhibits not listed or objections not made will not be admitted/allowed over objection based on
22 non-compliance with the Rule's requirements. (Also, it is helpful to the Court when counsel
23 list pertinent pre-trial motions and orders pertaining thereto if it is likely that they will be
24 focused on during trial.)

25 All discovery deadlines, deadlines for filing dispositive motions and motions to amend

CLERK OF THE COURT

JAN 30 2017

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MARK R. DENTON
DISTRICT JUDGE

DEPARTMENT THIRTEEN
LAS VEGAS, NV 89155

RA01

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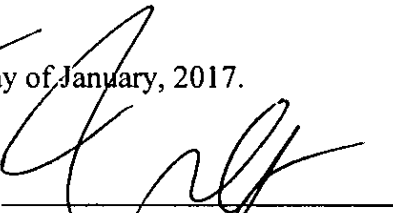
1 the pleadings or add parties are controlled by the previously issued Scheduling Order and/or any
2 amendments or subsequent orders.

3
4 Counsel are also directed to abide by EDCR 2.47 concerning the time for filing and
5 noticing motions *in limine*. Except upon a showing of unforeseen extraordinary circumstances,
6 the Court will not shorten time for the hearing of any such motions.

7
8 **Failure of the designated trial attorney or any party appearing in proper person to**
9 **appear for any scheduled court hearing or conference or to comply with this Order will**
10 **result in any of the following: (1) dismissal of the action and/or claims; (2) striking of**
11 **answer and entry of default judgment; (3) monetary sanctions; (4) vacation of trial date;**
12 **and/or (5) any other appropriate remedy or sanction. EDCR 7.60; 2.68(c).**

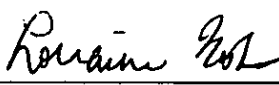
13 Counsel are directed to advise the Court promptly when the case settles or is otherwise
14 resolved prior to trial.

15 DATED this 26th day of January, 2017.

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19 MARK R. DENTON
DISTRICT JUDGE

20 **CERTIFICATE**

21 I hereby certify that on the date filed, this document was served on the parties
22 identified on Wiznet's e-service list.

23
24 
25 LORRAINE TASHIRO
26 Judicial Executive Assistant
27 Dept. No. XIII


CLERK OF THE COURT

SMO
FLOYD A. HALE, ESQ.
Nevada Bar No. 1873
JAMS
3800 Howard Hughes Pkwy, 11th Fl.
Las Vegas, NV 89169
Ph: (702) 457-5267
Fax: (702) 437-5267
Special Master

DISTRICT COURT

CLARK COUNTY, NEVADA

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

SPECIAL MASTER ORDER

This litigation involves claims related to the construction of Manhattan West, a mixed use development project located at 9205 West Russell Road, Clark County, Nevada. This matter is set for trial on September 12, 2017. Pursuant to discussion at the May 4, 2017, Special Master Hearing, the majority of discovery will be completed by the end of May, 2017. Since the matter is not set for trial until September 12, 2017, it was agreed that the discovery cut-off date could be extended to June 30, 2017.

///

///

1 IT IS ORDERED that the discovery cut-off date for this litigation is extended to June 30, 2017.

2 DATED this 8th day of May, 2017.

3 By: /s/ Floyd A. Hale
4 FLOYD A. HALE, Esq.
5 Nevada Bar No. 1873
6 3800 Howard Hughes Pkwy, 11th Fl.
7 Las Vegas, NV 89169
8 Special Master
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court**COURT MINUTES****September 05, 2017**

08A571228 Apco Construction, Plaintiff(s)
 vs.
 Gemstone Development West Inc, Defendant(s)

September 05, 2017 2:00 PM Calendar Call

HEARD BY: Denton, Mark R. **COURTROOM:** RJC Courtroom 03D

COURT CLERK: Marwanda Knight

RECORDER: Jennifer Gerold

PARTIES Jack Chen Min Juan and Cody Munteer, Attorney for Pltf
PRESENT: Elizabeth Stephens, Attorney for IPAC, Chapter 7 Trustee
 John Taylor and Rich Tobler, Attorneys for National Wood Products
 I-Che Lai, Attorney for Zitting Brothers
 Eric Zimbelman, Attorney for Helix Electric of Nevada LLC, Heinaman Contract
 Glazing, Buchele Inc, Cactus Rose Construction Inc, Fast Glass Inc
 Benjamin Johnson, Attorney for United Subcontractors Inc d/b/a Skyline
 William Urga and Michael R. Ernst, Attorneys for Gerdau Reinforcing Steel, Steel
 Structures Inc, Nevada Prefab Engineers Inc, and Unitah
 Tracy Truman, Attorney for E & E Fire
 Steve Morris, Camco Pacific Construction Company Inc

JOURNAL ENTRIES

Court noted the settlement conference scheduled September 21, 2017. Mr. Juan requested that the calendar call and trial be continued so the parties can proceed with settlement. Further, Mr. Juan stated that the only parties that should remain are those that have complied with the Special Master's questionnaire and have filed their pre-trial disclosures.

Mr. Johnson noted confusion with the number of parties in the case, knowing what's going on procedurally, and the Motion for Summary Judgment and Joinders being moved to October. Further, Mr Johnson noted his objection to the striking of his client's claims. Colloquy regarding parties left in the case with claims and proceeding with negotiations.

COURT ORDERED deadline for parties who have not complied with the Special Master's questionnaire and have not filed their pretrial disclosures SET **Friday, September 8, 2017 by 5:00 pm** and FURTHER ORDERED hearing SET **Monday, September 11, 2017 at 9:00 am** on Pltf's Oral Motion to Dismiss Pursuant to Rule 7(b).

COURT FURTHER ORDERED the current trial setting VACATED and status check SET **October 5, 2017 at 9:00 am** to discuss resetting the trial.

HEARING ON PLTF'S ORAL MOTION TO DISMISS PURSUANT TO RULE 7(b): 09/11/2017 9:00 AM

STATUS CHECK RE:RESETTING TRIAL: 10/05/2017 9:00 AM

CLERK'S NOTE: The above minute order has been distributed via the E-Service Master List.

Steven D. Grierson

1 OCNJ

DISTRICT COURT
CLARK COUNTY, NEVADA

3 APCO CONSTRUCTION,

4 Plaintiff(s),

5 vs.

6 GEMSTONE DEVELOPMENT WEST, INC., et
7 al.,

8 Defendant(s).

9 AND ALL RELATED CLAIMS.

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) A597089; A606730; A608717;
) A608718)
)

10
11 **ORDER SETTING CIVIL NON-JURY TRIAL**
12 **AND CALENDAR CALL**

13 IT IS HEREBY ORDERED THAT:

14 A non-jury trial of the above-entitled case is set on a three week stack to begin
15 Tuesday, November 28, 2017 at 9:00 a.m., with a calendar call on Monday, November 20,
16 2017 at 2:00 p.m.

17 All parties (attorneys and parties in proper person) **MUST** comply with **ALL**
18 **REQUIREMENTS OF E.D.C.R. 2.67**, except that the date for filing the Pre-Trial
19 Memorandum will be established at the calendar call. As to the Pre-trial Memorandum,
20 counsel should be particularly attentive to their exhibit lists and objections to exhibits, as
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23 list pertinent pre-trial motions and orders pertaining thereto if it is likely that they will be
24 focused on during trial.)
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26 All discovery deadlines, deadlines for filing dispositive motions and motions to amend
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OCT 13 2017

CLERK OF THE COURT

CLERK OF THE COURT

OCT 12 2017

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MARK R. DENTON
DISTRICT JUDGE

DEPARTMENT THIRTEEN
LAS VEGAS, NV 89155

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1 the pleadings or add parties are controlled by the previously issued Scheduling Order and/or any
2 amendments or subsequent orders.

3
4 Counsel are also directed to abide by EDCR 2.47 concerning the time for filing and
5 noticing motions *in limine*. Except upon a showing of unforeseen extraordinary circumstances,
6 the Court will not shorten time for the hearing of any such motions.

7 **Failure of the designated trial attorney or any party appearing in proper person to**
8 **appear for any scheduled court hearing or conference or to comply with this Order will**
9 **result in any of the following: (1) dismissal of the action and/or claims; (2) striking of**
10 **answer and entry of default judgment; (3) monetary sanctions; (4) vacation of trial date;**
11 **and/or (5) any other appropriate remedy or sanction. EDCR 7.60; 2.68(c).**

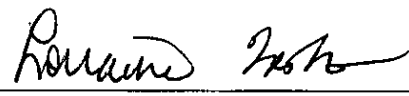
12
13 Counsel are directed to advise the Court promptly when the case settles or is otherwise
14 resolved prior to trial.

15 DATED this 11th day of October, 2017.

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18 
MARK R. DENTON
DISTRICT JUDGE

19 **CERTIFICATE**

20
21 I hereby certify that on or about the date filed, this document was Electronically
22 Served to the Counsel on Record on the Clark County E-File Electronic Service List.

23
24 
25 LORRAINE TASHIRO
26 Judicial Executive Assistant
27 Dept. No. XIII