

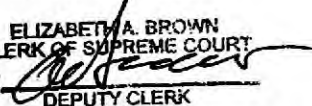
IN THE SUPREME COURT OF THE STATE OF NEVADA

APCO CONSTRUCTION, INC., A
NEVADA CORPORATION,
Appellant,
vs.
ZITTING BROTHERS
CONSTRUCTION, INC.,
Respondent.

No. 75197

FILED

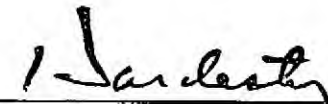
MAR 05 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

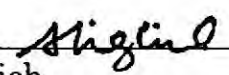
ORDER DENYING EN BANC RECONSIDERATION

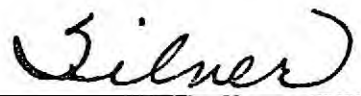
Having considered the petition and the answer on file herein,
we have concluded that en banc reconsideration is not warranted. NRAP
40A. Accordingly, we


ORDER the petition DENIED.

 C.J.
Hardesty

 J.
Parraguirre

 J.
Stiglich

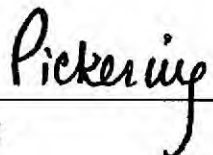
 J.
Silver

 J.
Herndon

CADISH, and PICKERING, JJ., dissenting:

We would grant en banc reconsideration of this matter. Although we can compel en banc reconsideration pursuant to NRAP 40A(f); *see also* IOP Rule 12(c), we elect to dissent to this order because our votes would not change the ultimate outcome of this appeal.


_____, J.
Cadish


_____, J.
Pickering

cc: Hon. Mark R. Denton, District Judge
Fennemore Craig, P.C./Las Vegas
Marquis Aurbach Coffing
Fennemore Craig, P.C./Phoenix
Wilson, Elser, Moskowitz, Edelman & Dicker, LLP/Las Vegas
Eighth District Court Clerk