

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

HELIX ELECTRIC OF NEVADA, LLC,

Appellant/Cross-Respondent,

vs.

APCO CONSTRUCTION, INC., A  
NEVADA CORPORATION,

Respondent/Cross-Appellant.

Case No.: 76276 Electronically Filed  
Dec 21 2018 10:45 a.m.

**MOTION FOR LEAVE TO FILE**  
**LATE PARTIAL JOINDER TO**  
**DOCKETING STATEMENT**

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**MOTION FOR LEAVE TO FILE LATE PARTIAL JOINDER TO  
DOCKETING STATEMENT**

Respondent/Cross-Appellant APCO Construction, Inc., by and through its counsel of record, Marquis Aurbach Coffing and Spencer Fane LLP, hereby moves the Court pursuant to NRAP 26(b)(1) and NRAP 14(d) for a twenty-four-day extension of time to file its partial joinder to Appellant/Cross-Respondent Helix Electric of Nevada's docketing statement.<sup>1</sup>

This Court may, upon a party's motion, suspend any provision of its own rules. NRAP 2. In addition, this Court may permit an act required under its rules to be done after the time has expired. NRAP 26(b)(1)(A). Finally, this Court "encourage[s] the filing of a joinder if possible in lieu of duplicative docketing statements." *See Nevada Appellate Practice Manual* § 3:90 (2018 ed.).

APCO's docketing statement—or, alternatively, APCO's joinder to Helix's docketing statement—was originally due Monday, November 26, 2018. However,

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<sup>1</sup> Helix appealed first and, in that appeal, filed a docketing statement and an amended docketing statement. *See Helix Elec. of Nev., LLC v. APCO Constr., Inc.*, Docket No. 76276 (Docketing Statement, Aug. 8, 2018); *id.* (Amended Docketing Statement, Nov. 27, 2018). APCO cross-appealed from a final order in the same underlying district court action. *See Helix Elec. of Nev., LLC v. APCO Constr., Inc.*, Docket No. 77320 (Notice of Cross-Appeal, Nov. 5, 2018). APCO's cross-appeal was assigned a different docket number (Docket No. 77320) than Helix's appeal (Docket No. 76276). As a result, APCO originally filed this motion in Docket No. 77320. However, after conversation with the Court's clerk's office, APCO now re-files this motion in Docket No. 76276.

due to a calendaring error, the due date was inadvertently entered as December 5, 2018. APCO originally filed this motion in Docket No. 77320, seeking a seven-day extension and leave to file a partial joinder to Helix's docketing statement, on December 3rd. However, APCO now re-files this motion in Docket No. 76276—the appeal in which Helix's docketing statement was originally filed—following communication with the Court's clerk's office. As a result, APCO now seeks a twenty-four-day extension for leave to file APCO's partial joinder to Helix's docketing statement.

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This motion is submitted in good faith and not for purposes of delay. Further, the proposed partial joinder is submitted in the interest of judicial economy and efficiency. Therefore, APCO requests that this Court grant this motion for a twenty-four-day extension of time and allow APCO's partial joinder to Helix's docketing statement to be filed on December 20th, 2018.

Dated this 20th day of December, 2018.

MARQUIS AURBACH COFFING

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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **MOTION FOR LEAVE TO FILE  
LATE PARTIAL JOINDER TO DOCKETING STATEMENT** was filed electronically with the Nevada Supreme Court on the 20th day of December, 2018. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, addressed to:

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/s/ Michelle Monkarsh  
\_\_\_\_\_  
An employee of Marquis Aurbach Coffing