

IN THE SUPREME COURT OF THE STATE OF NEVADA

Case No. 76276

**HELIX ELECTRIC OF NEVADA, LLC; AND NATIONAL WOOD
PRODUCTS, INC., A UTAH CORPORATION,**

Appellant,

v.

APCO CONSTRUCTION, INC, A NEVADA CORPORATION,

Respondent.

Appeal from Judgment
Eighth Judicial District Court, Clark County
The Honorable Mark Denton, District Court Judge
District Court Case No. **08A571228**

**EXHIBITS TO APPELLANT/CROSS-RESPONDENT'S RESPONSE TO
ORDER TO SHOW CAUSE**

VOLUME I

Exhibit A - Pages 1 - 44

ERIC B. ZIMBELMAN, ESQ.

Nevada Bar No. 9407

RICHARD L. PEEL, ESQ.

Nevada Bar No. 4359

PEEL BRIMLEY LLP

3333 E. Serene Avenue, Suite 200

Henderson, NV 89074-6571

Telephone: (702) 990-7272

Facsimile: (702) 990-7273

ezimbelman@peelbrimley.com

rpeel@peelbrimley.com

*Attorneys for Appellant
Helix Electric of Nevada, LLC*

APPENDIX TO APPELLANT/CROSS-RESPONDENT'S RESPONSE TO ORDER TO SHOW CAUSE

INFORMATION RELATING TO CONSOLIDATED ACTION AND CONSTITUENT CASE

Court Docket for Case No. 08A571228, *APCO v. Gemstone, et al.* initiated September 9, 2008 (“Consolidated Action”)¹

Court Docket for Case No. 09A587168, *Accuracy Glass and Mirror Company v. APCO* initiated April 7, 2009 (“Constituent Case”)²

Notice of Entry of Order to Consolidate Case No. 09A5871228 with Case Nos. A574391, A574792, A577623, A583289, A584730, A587168, A580889 and A589195 filed April 21, 2009³

Notice of Entry of Joint Order Granting, in Part, Various Lien Claimants’ Motions for Partial Summary Judgment Against Gemstone Development West filed June 23, 2010⁴

Dismissal Affirmed by the Supreme Court on September 24, 2015 in Supreme Court Case No. 61131 as 131 Nev. Advanced Opinion 70⁵

Special Master Report Regarding Remaining Parties to the Litigation and Discovery Status filed February 27, 2017⁶

Notice of Entry of Order Granting Plaintiff’s Motion to Dismiss filed September 21, 2017⁷

**These documents are also related to the various Lien Claimants in the Constituent Case*

¹ See Exhibit A

² See Exhibit B

³ See Exhibit C

⁴ See Exhibit D

⁵ See Exhibit E

⁶ See Exhibit F

⁷ See Exhibit G, The Order dismissed parties who had not filed Pre-Trial Memorandums (Accuracy Glass and Mirror Company; Noorda Metal; and Tri-City Drywall). The remaining parties, APCO, CAMCO, Helix Electric, Fast Glass, Heinaman, Cactus Rose, SWPPP, National Wood Products, Steel Structures, Unitah, E&E, Buchele, Zitting Brothers, Nevada Prefab, United Subcontractors and Interstate Plumbing were the only remaining parties who participated in the Trial.

EXHIBIT A

Court Docket for Case No. 09A587168

HEC000002

Case Information

09A587168 | Accuracy Glass And Mirror Co Inc, Plaintiff(s) vs. Asphalt Products Corp, Defendant(s)

Case Number	Court	Judicial Officer
09A587168	Department 13	Denton, Mark R.
File Date	Case Type	Case Status
04/07/2009	Business Court	Closed

Party

Plaintiff
Accuracy Glass And Mirror Co Inc

Active Attorneys▼
Lead Attorney
Peel, Richard L.
Retained

Intervenor Plaintiff
Bruin Painting Corp

Active Attorneys▼
Lead Attorney
Peel, Richard L.
Retained

Attorney
Gebhart, Michael
T.
Retained

Attorney
Wayment, Dallin T.
Retained

Intervenor Plaintiff
Heinaman Contract Glazing

Active Attorneys▼
Lead Attorney
Peel, Richard L.
Retained

HEC000003

Attorney
Wayment, Dallin T.
Retained

Attorney
Davidson, Michael
J.
Retained

Third Party Plaintiff
Heinaman Contract Glazing

Active Attorneys▼
Lead Attorney
Peel, Richard L.
Retained

Attorney
Wayment, Dallin T.
Retained

Attorney
Davidson, Michael
J.
Retained

Intervenor Plaintiff
WRG Design, Inc.

Active Attorneys▼
Lead Attorney
Peel, Richard L.
Retained

Attorney
Davidson, Michael
J.
Retained

Attorney
Wayment, Dallin T.
Retained

Third Party Plaintiff
WRG Design, Inc.

Active Attorneys▼

HEC000004

Lead Attorney
Peel, Richard L.
Retained

Attorney
Davidson, Michael
J.
Retained

Attorney
Wayment, Dallin T.
Retained

Intervenor Plaintiff
HD Supply Waterworks LP

Active Attorneys▼
Lead Attorney
Pena, Lauren A.
Retained

Intervenor Plaintiff
Interstate Plumbing and Air Conditioning LLC

Active Attorneys▼
Lead Attorney
Peel, Richard L.
Retained

Intervenor Plaintiff
Cactus Rose Construction Inc

Active Attorneys▼
Lead Attorney
Peel, Richard L.
Retained

Intervenor Defendant
Asphalt Products Corp

Third Party Defendant
Asphalt Products Corp

Intervenor Defendant
APCO Construction

Active Attorneys▼
Lead Attorney
Rutar Mullins,
Gwen
Retained

Attorney
Gochmour, Wade
B.
Retained

Attorney
Planet, Brandi M.
Retained

Attorney
Jefferies, John R.
Retained

Third Party Defendant
APCO Construction

Active Attorneys▼
Lead Attorney
Rutar Mullins,
Gwen
Retained

Attorney
Gochmour, Wade
B.
Retained

Attorney
Planet, Brandi M.
Retained

Attorney
Jefferies, John R.
Retained

Intervenor Defendant
Camco Pacific Construction Company Inc

Third Party Defendant
Camco Pacific Construction Company Inc

Intervenor Defendant
Gemstone Development West Inc

Active Attorneys▼
Lead Attorney
Gilbert, Greg S.
Retained

Attorney
Thueson, Sean D.
Retained

Third Party Defendant
Gemstone Development West Inc

Active Attorneys▼
Lead Attorney
Gilbert, Greg S.
Retained

Attorney
Thueson, Sean D.
Retained

Intervenor Defendant
Jeff Heit Plumbing Co LLC

Active Attorneys▼
Lead Attorney
Gregory, Keith E.
Retained

Intervenor Defendant
Fidelity and Deposit Company of Maryland

Third Party Defendant
Fidelity and Deposit Company of Maryland

Intervenor Defendant
Old Republic Surety

Active Attorneys▼

HEC000007

Lead Attorney
Gregory, Keith E.
Retained

Intervenor Defendant
Platte River Insurance Company

Intervenor Defendant
Scott Financial Corporation

Active Attorneys▼
Lead Attorney
Meier, Glenn F
Retained

Intervenor Defendant
Asphalt Products Corp

Intervenor Defendant
APCO Construction

Active Attorneys▼
Lead Attorney
Jefferies, John R.
Retained

Attorney
Planet, Brandi M.
Retained

Intervenor Defendant
Camco Pacific Construction Company Inc

Intervenor Defendant
Gemstone Development West Inc

Intervenor Defendant
Fidelity and Deposit Company of Maryland

Intervenor Defendant
Scott Financial Corporation

Intervenor Defendant
Camco Pacific Construction Company Inc

Intervenor Defendant
Gemstone Development West Inc

Intervenor Defendant
Fidelity and Deposit Company of Maryland

Intervenor Defendant
Scott Financial Corporation

Intervenor
Insulpro Projects Inc

Active Attorneys▼
Lead Attorney
Dobberstein, Eric
Retained

Intervenor
Cell-Crete Fireproofing of Nevada Inc

Active Attorneys▼
Lead Attorney
McCullough,
Christopher R.
Retained

Attorney
Dean, Aaron R.
Retained

Interpleader
Helix Electric Of Nevada LLC

Active Attorneys▼
Lead Attorney
Peel, Richard L.

HEC000009

Retained

Doing Business As
Helix Electric

Active Attorneys▼
Lead Attorney
Peel, Richard L.
Retained

Defendant
Asphalt Products Corp

Defendant
APCO Construction

Active Attorneys▼
Lead Attorney
Rutar Mullins,
Gwen
Retained

Attorney
Gochnour, Wade
B.
Retained

Defendant
Camco Pacific Constructions Co Inc

Address
19712 MacArthur BLVD
STE 200
Irvine CA 92612

Defendant
Gemstone Development West Inc

Active Attorneys▼
Lead Attorney
Gilbert, Greg S.
Retained

Attorney
Thueson, Sean D.
Retained

HEC000010

Defendant
Fidelity And Deposit Co Of Maryland

Active Attorneys▼
Attorney
Siepmann, Willi H.
Retained

Attorney
Faux, Jordan
Retained

Lead Attorney
Faux, Kurt C.
Retained

Attorney
Morris, Steven L.
Retained

Defendant
Nevada Construction Services

Active Attorneys▼
Lead Attorney
Aurbach, Phillip S.
Retained

Attorney
Vlasic, Charles
Retained

Counter Defendant
Accuracy Glass & Mirror Company Inc

Active Attorneys▼
Lead Attorney
Peel, Richard L.
Retained

Counter Defendant
Dave Peterson Framing Inc

Active Attorneys▼
Lead Attorney
Truman, T. James
Retained

Attorney

HEC000011

Dixon, Stephen M.
Retained

Counter Defendant
Bruin Painting Corp

Counter Defendant
Masonry Group Nevada Inc

Active Attorneys▼
Lead Attorney
Pintar, Becky
Retained

Counter Claimant
Camco Pacific Construction Co Inc

Counter Claimant
Camco Pacific Construction Company Inc

Disposition Events

08/03/2009 Judgment▼

Judicial Officer
Denton, Mark R.

Judgment Type
Voluntary Dismissal

Monetary Judgment

Debtors: Camco Pacific Construction Company Inc (Intervenor Defendant), Gemstone Development West Inc (Intervenor Defendant), Fidelity & Deposit Co Of Maryland (Intervenor Defendant), Scott Financial Corporation (Intervenor Defendant)

Creditors: Bruin Painting Corp (Intervenor Plaintiff)

Judgment: 08/03/2009 Docketed: 08/05/2009

04/04/2013 Judgment ▼

Judicial Officer
Scann, Susan

Judgment Type
Order of Dismissal With Prejudice

Monetary Judgment

Debtors: E and E Fire Protection LLC (Intervenor Defendant)

Creditors: HD Supply Waterworks LP (Intervenor Plaintiff)

Judgment: 04/04/2013 Docketed: 04/12/2013

Comment: See Lead A571228 for document

Events and Hearings

04/07/2009 Complaint ▼

COMP - COMPLAINT FILED Fee \$151.00

Comment

COMPLAINT FILED Fee \$151.00

04/07/2009 Initial Appearance Fee Disclosure ▼

HEC000013

IAFD - INITIAL APPEARANCE FEE DISCLOSURE

Comment

INITIAL APPEARANCE FEE DISCLOSURE

04/07/2009 Notice ▼

NOTC - NOTICE OF FORECLOSURE

Comment

NOTICE OF FORECLOSURE

04/07/2009 Lis Pendens ▼

LISP - NOTICE OF LIS PENDENS

Comment

NOTICE OF LIS PENDENS

04/14/2009 Appearance ▼

APPR - HELIX ELECTRIC'S STATEMENT OF FACTS
CONSTITUTING

Comment

HELIX ELECTRIC'S STATEMENT OF FACTS CONSTITUTING
NOTICE OF LIEN AND THIRD PARTY COMPLAINT

04/14/2009 Appearance ▼

Comment

HELIXX ELECTRIC'S STATEMENT OF FACTS CONSTITUTING
NOTICE OF LIEN AND THIRD PARTY COMPLAINT

04/14/2009 Initial Appearance Fee Disclosure ▼

IAFD - INITIAL APPEARANCE FEE DISCLOSURE

Comment

INITIAL APPEARANCE FEE DISCLOSURE

04/14/2009 Lis Pendens ▼

LISP - NOTICE OF LIS PENDENS

Comment

NOTICE OF LIS PENDENS

04/21/2009 Motion to Consolidate ▼

Motion to Consolidate

Comment

APCO Construction's Motion to Consolidate with Case Nos.
A574391, A574792, A577623, A579963, A583289, A584730,
and A587168

04/24/2009 Lis Pendens ▼

Lis Pendens

Comment

Notice of Lis Pendens

04/24/2009 Statement ▼

Statement

Comment

HD Supply Waterworks' Statement of Facts Constituting A Notice
of Lien And Third Party Complaint

04/24/2009 Initial Appearance Fee Disclosure ▼

Initial Appearance Fee Disclosure

04/24/2009 Statement ▼

Statement

Comment

Bruin Painting's Statement of Facts Constituting Notice of Lien
and Third Party Complaint

04/24/2009 Initial Appearance Fee Disclosure ▼

Initial Appearance Fee Disclosure

Comment

Initial Appearance Fee Disclosure for Bruin Painting Corporation

04/24/2009 Lis Pendens ▼

Lis Pendens

Comment

Notice of Lis Pendens

04/24/2009 Affidavit of Publication ▼

Affidavit of Service

Comment

Affidavit of Publication

04/27/2009 Initial Appearance Fee Disclosure ▼

Initial Appearance Fee Disclosure

04/27/2009 Notice of Lis Pendens ▼

Notice of Lis Pendens

HEC000015

04/27/2009 Statement of Facts Constituting Lien ▼

Statement of Facts Constituting Lien

Comment

Heinaman Contract Glazing's Statement of Facts Constituting
Notice of Lien and Third-Party Complaint

04/28/2009 Initial Appearance Fee Disclosure ▼

Initial Appearance Fee Disclosure

04/28/2009 Notice of Lis Pendens ▼

Notice of Lis Pendens

04/28/2009 Statement of Facts Constituting Lien ▼

Statement of Facts Constituting Lien

Comment

WRG Design, Inc.'s Statement of Facts Constituting Notice of
Lien and Third-Party Complaint

05/01/2009 Joinder ▼

Joinder

Comment

Scott Financial Corporation' Joinder in APCO Construction's
Motion to Consolidate A574391, A574792, A579963, A583289,
A584730 and A587168

05/20/2009 Reply in Support ▼

Reply in Support

Comment

Apco Construction Reply in Support of it's Motion to Consolidate
With Case Nos A574391, A574792, A577623, A579963,
A583289, A584730, and A587168

06/10/2009 Answer to Complaint ▼

Answer to Complaint

Comment

APCO Construction's Answer to Zitting Brothers Construction
Inc's Complaint

06/18/2009 Re-Notice ▼

Renotice

Comment

Re-Notice of Hearing of Camco Pacific Construction and Fidelity
and Deposit Company of Maryland's Motion to Dismiss the Third
Party Complaint of David Peterson Framing, Inc.

06/23/2009 Certificate of Mailing ▼

Certificate of Mailing

Comment

Certificate of Mailing of Camco Pacific Constructions and Fidelity
and Deposit Company of Marylands Re-Notice of Hearing of
Motion to Dismiss the Third Party Complaint of Dave Peterson
Framing Inc and Notice Thereof

06/24/2009 First Amended Complaint ▼

First Amended Complaint

Comment

First Amended Complaint Re Foreclosure

06/24/2009 Statement of Facts Constituting Lien ▼

Statement of Facts Constituting Lien

Comment

HD Supply Waterworks' Amended Statement of Facts
Constituting a Notice of Lien and Third-Party Complaint

06/24/2009 Amended Notice ▼

Amended Notice

Comment

Helix Electric's Amended Notice of Lis Pendens

06/24/2009 Statement of Facts Constituting Lien ▼

Statement of Facts Constituting Lien

Comment

Helix Electric's Amended Statement of Facts Constituting Notice
of Lien and Third-Party Complaint

06/24/2009 Amended Notice ▼

Amended Notice

Comment

Heinaman's Amended Notice of Lis Pendens

06/24/2009 Statement of Facts Constituting Lien ▼

Statement of Facts Constituting Lien

HEC000017

Comment
Heinaman Contract Glazing's Amended Statement of Facts
Constituting Notice of Lien and Third-Party Complaint

06/24/2009 Amended Notice ▼

Amended Notice

Comment
WRG Design, Inc.'s Amended Notice of Lis Pendens

06/24/2009 Amended Notice ▼

Amended Notice

Comment
Bruin Painting Corporation's Amended Notice of Lis Pendens

06/24/2009 Statement of Facts Constituting Lien ▼

Statement of Facts Constituting Lien

Comment
Bruin Paintings Amended Statement of facts Constituting Notice
of Lien and Third Party Complaint

06/24/2009 Statement of Facts Constituting Lien ▼

Statement of Facts Constituting Lien

Comment
HD Supply Waterworks Amended Statement of Facts
Constituting a Notice of Lien and Third Party Complaint

06/24/2009 Amended Notice ▼

Amended Notice

Comment
HD Supply Waterworks LPs Amended Notice of Lis Pendens

06/24/2009 Notice of Lis Pendens ▼

Notice of Lis Pendens

Comment
Accuracy Glass & Mirror Company Inc's Amended Notice of Lis
Pendens

06/25/2009 Statement of Facts Constituting Lien ▼

Statement of Facts Constituting Lien

Comment
WRG Design, Inc.'s Amended Statement of Facts Constituting
Notice of Lien and Third-Party Complaint

HEC000018

06/29/2009 Order ▼

Order

Comment

Order to Consolidate this action with Case A574391, A574792, A577623, A583289, A584730, A587168, A580889 & A589195

06/30/2009 Answer ▼

Answer

Comment

Gemstone Development West Incs Answer to Statement of Facts Constituting Lien Claim by Creative Home Theatre LLC

06/30/2009 Answer ▼

Answer

Comment

Gemstone Development West Incs Answer to Buchele Incs Statement of Facts Constituting Lien

07/02/2009 Answer ▼

Answer

Comment

Apco Constructions Answer to The Pressure Grout Companys Statement of Facts Constituting Lien and Complaint in Intervention

07/02/2009 Answer ▼

Answer

Comment

Apco Constructions Answer to The Pressure Grout Companys Statement of Facts Constituting Lien and Complaint in Intervention

07/02/2009 Answer ▼

Answer

Comment

APCO Construction's Answer to Selectbuild Nevada Inc.'s Statement of Facts Constituting Lien

07/02/2009 Answer ▼

Answer

Comment

APCO Construction's Answer to Bushele, Inc.'s Statement of Facts Constituting Lien

HEC000019

07/02/2009 Answer ▼

Answer

Comment

APCO Construction's Answer to Ahern Rental Inc.'s First Amended Statement of Facts Constituting Lien and Complaint in Intervention

07/02/2009 Notice of Entry of Order ▼

Notice of Entry of Order

Comment

Notice of Entry of Order to Consolidate this Action with Case Nos. A574391, A574792, A577623, A583289, A584730, A587168, A580889 and A589195

07/07/2009 Statement of Facts Constituting Lien ▼

Statement of Facts Constituting Lien

Comment

Statement of Facts Constituting Lien and Complaint in Intervention

07/09/2009 Summons ▼

Summons

07/09/2009 Certificate of Service ▼

Certificate of Service

Comment

Certificate of Service of Statement of Facts Constituting Lien Claim and Complaint in Intervention

07/09/2009 Acceptance of Service ▼

Acceptance of Service

07/10/2009 Statement ▼

Statement

Comment

Camco Pacific Construction Company, Inc.'s Statement of Facts and Complaint in Intervention

07/16/2009 Answer ▼

Answer

HEC000020

Comment
Answer of Plaintiff Ready Mix Inc to Supply Network Inc's
Statement of Facts Constituting Lien and Complaint in
Intervention

07/16/2009 Notice of Entry of Stipulation and Order ▼

Notice of Entry of Stipulation and Order

07/17/2009 Statement of Facts Constituting Lien ▼

Statement of Facts Constituting Lien

Comment
Patent Construction Systems A Division of Harsco Corporations
Statement of Facts Constituting Lien and Amended Complaint in
Intervention

07/21/2009 Notice of Entry of Order ▼

Notice of Entry of Order

Comment
Notice of Entry of Order Granting Tri- City Drywall Inc's Request
to Intervene

07/22/2009 Statement of Facts Constituting Lien ▼

Statement of Facts Constituting Lien

Comment
Granite Construction Company's Statement of Facts Constituting
Lien Claim and Complaint in Intervention

07/22/2009 Initial Appearance Fee Disclosure ▼

Initial Appearance Fee Disclosure

07/23/2009 Answer to Complaint ▼

Answer to Complaint

Comment
Gemstone Development West, Inc.'s Answer to Supply Network,
Inc. dba Viking Supplynet's Statement of Facts Constituting Lien
and Complaint in Intervention

07/23/2009 Answer to Complaint ▼

Answer to Complaint

Comment
Gemstone Development West, Inc.'s Answer to Atlas
Construction Supply Inc's Statement of Facts Constituting Lien
and Complaint in Intervention

07/28/2009 Notice of Change of Address ▼

Notice of Change of Address

Comment

Notice of Change of Firm's Address

07/29/2009 Answer to Complaint ▼

Answer to Complaint

Comment

Gamstone Development West, Inc's Answer to Las Vegas Pipeline, LLC's Statement of Facts Constituting Lien and Complaint in Intervention

07/30/2009 Answer ▼

Answer

Comment

ANSWER

07/30/2009 Answer ▼

Answer

Comment

Gemstone Development West, Inc.'s Answer to the Masonry Group of Nevada, Inc.'s Statement of Facts and Constituting Lien Claim and Complaint in Intervention (A571792, A574391, A574792, A577623, A580889, A583289, A584730, A587168, A589195)

07/31/2009 Summons ▼

Summons

Comment

Summons - Apco Construction

08/03/2009 Voluntary Dismissal ▼

Voluntary Dismissal of Fidelity and Deposit Company of Maryland Only from Bruin Painting Corporatio

Comment

Voluntary Dismissal of Fidelity and Deposit Company of Maryland Only from Bruin Painting Corporation's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint Without Prejudice

08/03/2009 Summons ▼

Summons

Comment

HEC000022

Summons (Amended Complaint)

08/03/2009 Summons ▼

Summons

Comment

Summons (Amended Complaint)

08/05/2009 Answer ▼

Answer

Comment

APCO Constructions Answer to Granite Construction Companys
Statement of Facts Constituting Lien Claim and Complaint in
Intervention

08/06/2009 Answer to Complaint ▼

Answer to Complaint

Comment

APCO Construction's Answer to Tri-City Drywall, Inc.'s
Statement of Facts Constituting Lien and Complaint in
Intervention

08/06/2009 Answer ▼

Answer

Comment

APCO Constructions Answer to WRG Design Incs Amended
Statement of Facts Constituting Notice of Lien and Third-Party
Complaint

08/07/2009 Initial Appearance Fee Disclosure ▼

Initial Appearance Fee Disclosure

08/07/2009 Answer ▼

Answer

Comment

Defendants Answer t HD Supply Waterworks Amended
Statement of Facts and Third-Party Complaint

08/13/2009 Summons ▼

Summons

Comment

Summons (Amended Complaint)

08/14/2009 Acceptance of Service ▼

HEC000023

Acceptance of Service

Comment

Acceptance of Service of Zitting Brothers Constratuion, Inc.'s
Complaint Re: Floreclosure

08/18/2009 Initial Appearance Fee Disclosure ▼

Initial Appearance Fee Disclosure

08/18/2009 Answer ▼

Answer

Comment

Club Vista Financial Services, LLC and Tharaldson Motels II,
Inc's Answer to Camco Pacific Construction Company, Inc's
Statement of Facts and Complaint in Intervention and
Counterclaim

08/21/2009 Answer ▼

Answer

Comment

Gemstone Development West, Inc.'s Answer to Fast Glass, Inc.'s
Statement of Facts Constituting Lien

08/24/2009 Notice of Bankruptcy ▼

Notice of Bankruptcy

Comment

Selectbuild Nevada, Inc.'s Notice of Bankruptcy Filing and
Automatic Stay

08/25/2009 Answer ▼

Answer

Comment

Gemstone Development West's Answer to Zitting Brothers
Construction Inc's Complaint Re: Foreclosure

08/25/2009 Answer to Amended Complaint ▼

Answer to Amended Complaint

Comment

Gemstone Development West, Inc.'s Answer to Executive
Plastering, Inc.'s First Amended Complaint

08/26/2009 Answer ▼

Answer

Comment
Defendant, Nevada Construction Services' Answer to Camco
Pacific Construction Company, Inc.'s Statement of Facts and
Complaint in Intervention

08/28/2009 Initial Appearance Fee Disclosure ▼

Initial Appearance Fee Disclosure

09/02/2009 Answer to Counterclaim ▼

Answer to Counterclaim

Comment
Masonry Group Nevada Inc's Answer to Club Vista Financial
Services LLC and Tharaldson Motels II Inc's Counterclaim

09/03/2009 Three Day Notice of Intent to Default ▼

Three Day Notice of Intent to Default

09/08/2009 Motion to Dismiss

09/09/2009 Answer ▼

Answer

Comment
Answer to Las Vegas Pipeline LLCs Statement of Facts
Constituting Lien and Complaint in Intervention and Camco
Pacific Construction Companys Incs Counterclaim

09/10/2009 Answer ▼

Answer

Comment
Answer to Northstar Concrete Inc's Statement of Facts
Constituting Lien and Complaint in Intervention and Camco
Pacific Construction Company Inc's Counterclaim

09/10/2009 Answer ▼

Answer

Comment
Answer to Tri-City Drywall Inc's Statement of Facts Constituting
Lien and Complaint in Intervention and Camco Pacific
Construction Company Inc's Counterclaim

09/10/2009 Answer ▼

Answer

Comment

Answer to Dave Peterson Framing Inc's Statement of Facts
Constituting Lien and Complaint in Intervention and Camco
Pacific Construction Company Inc's Counterclaim

09/10/2009 Initial Appearance Fee Disclosure ▼

Initial Appearance Fee Disclosure

09/10/2009 Initial Appearance Fee Disclosure ▼

Initial Appearance Fee Disclosure

09/11/2009 Answer to Complaint ▼

Answer to Complaint

Comment

Answer to Accuracy Glass & Mirror Company Inc's Complaint
and Camco Pacific Constructiton Inc's Counterclaim

09/11/2009 Answer to Complaint ▼

Answer to Complaint

Comment

Answer to Bruin Painting Corporation's Statement of Facts
Constituting LienThird Party Complaint and Camco Pacific
Construction Inc's Counterclaim

09/11/2009 Answer ▼

Answer

Comment

Answer to WRG Desing Inc's Statement of Facts Constituting
Lien Thrid Party Compalint and Camco Pacific Construction Inc's
Counterclaim

09/11/2009 Answer to Third Party Complaint ▼

Answer to Third Party Complaint

Comment

Answer to Heinman Contracting Glazing 's Statement of Facts
Constituting Lien Third Party Complaint and Camco Pacific
Construciton 's Counterclaim

09/18/2009 Reply to Counterclaim ▼

Reply to Counterclaim

Comment

Dave Peterson Framing Incs Reply to Camco Pacific
Constructions

HEC000026

09/18/2009 Default ▼

Default

09/18/2009 Default ▼

Default

09/23/2009 Motion to Dismiss ▼

Motion to Dismiss

Comment

Plaintiff Zitting Brothers Construction Inc's Partial Motion to Dismiss Club Vista Financial Services LLC and Tharaldson Motels II Inc's Counterclaim or in the Alternative Motion for a More Definite Statement

09/23/2009 Amended Summons ▼

Amended Summons

Comment

Amended Summons

09/23/2009 Amended Summons ▼

Amended Summons

09/24/2009 Amended Summons ▼

Amended Summons

Comment

Amended Summons - Civil

09/24/2009 Amended Summons ▼

Amended Summons

09/24/2009 Amended Summons ▼

Amended Summons

09/24/2009 Amended Summons ▼

Amended Summons

Comment

Amended Summons

09/24/2009 Certificate of Mailing ▼

Certificate of Mailing

HEC000027

09/25/2009 Opposition to Motion to Dismiss ▼

Opposition to Motion to Dismiss

Comment

Opposition to Scott Financial Corporation Motion to Dismiss Club
Vista Financial Services LLC and Tharaldson Motels II Inc's
Counterclaim

09/25/2009 Answer ▼

Answer

Comment

Answer to Steel Structures, Inc. Second Amended Statement of
Facts Constituting Lien and Complaint in Intervention

09/25/2009 Answer ▼

Answer

Comment

Answer to Nevada Prefab Engineers, Inc.'s Second Amended
Statement of Facts Constituting Lien and Complaint in
Intervention

09/25/2009 Reply to Counterclaim ▼

Reply to Counterclaim

Comment

Reply to Club Vista Financial Services, LLC and Tharaldson
Motels, II, Inc.'s Counterclaim

09/28/2009 Response ▼

Response

Comment

Response of Club Vista Financial Services, Inc., Tharaldson to
Motion to Designate this Action as Complex Pursuant to NRCP
16.1(F), and Motion to Set a Discovery Conference Pursuant to
NRCP 16

09/29/2009 Reply to Counterclaim ▼

Reply to Counterclaim

Comment

Tri-City Drywall, Inc.'s Reply to Club Vista Financial Services
LCC and Tharaldson Motels II, Inc.'s Counterclaim

09/29/2009 Reply to Counterclaim ▼

Reply to Counterclaim

HEC000028

Comment

Inquipco's Reply to Club Vista Financial Services LCC and
Tharaldson Motel II, Inc.'s Counterclaim

09/29/2009 Reply to Counterclaim ▼

Reply to Counterclaim

Comment

Northstar Concrete, Inc.'s Reply to Club Vista Financial Services
LCC and Tharaldson Motels II, Inc.'s Counterclaim

09/29/2009 Notice of Change of Firm Name ▼

Notice of Change of Firm Name

Comment

Notice of Change of Firm Name and Address

09/30/2009 Opposition to Motion ▼

Opposition to Motion

Comment

Camco Pacific Construction Company, Inc's Opposition to
Nevada Construction Services' Motion for Sanctions Pursuant to
NRCP 11

10/01/2009 Answer to Complaint ▼

Answer to Complaint

Comment

Gemstone Development West Inc's Answer to Complaint for
Damages and to Foreclose Mechanic's Lien

10/01/2009 Answer ▼

Answer

Comment

Gemstone Development West, Inc.'s Answer to Custom Select
Billing, Inc.'s Statement of Facts constitution Lien and Complaint
in Intervention

10/02/2009 Motion to Associate Counsel ▼

Motion to Associate Counsel

Comment

Motion to Associate Counsel Christine R. Taradash

10/02/2009 Motion to Associate Counsel ▼

Motion to Associate Counsel

Comment

HEC000029

Motion to Associate Counsel John T. Moshier

10/05/2009 Motion to Associate Counsel ▼

Motion to Associate Counsel

Comment

Motion to Associate Counsel Martin A. Aronson

10/09/2009 Joinder To Motion ▼

Joinder To Motion

Comment

Bradley J Scott's Joinder to Scott Financial Corporation's Motion
to Dismiss Club Vista Financial Services LLC and Tharaldson
Motels II Inc's Counterclaim

10/09/2009 Initial Appearance Fee Disclosure ▼

Initial Appearance Fee Disclosure

10/09/2009 Notice of Change of Address ▼

Notice of Change of Address

10/09/2009 Notice of Change of Address ▼

Notice of Change of Address

10/12/2009 Joinder ▼

Joinder

Comment

Notice of Joinder to Scott Financial Corporation's Motion to
Dismiss Club Vista Financial Services, L.L.C. and Tharaldson
Motels II, Inc.'s Counterclaim

10/12/2009 Answer to Counterclaim ▼

Answer to Counterclaim

Comment

Masonry Group Nevada Incs Answer to Camco Pacific
Construction Incs Counterclaim

10/12/2009 Summons ▼

Summons

10/12/2009 Answer to Counterclaim ▼

Answer to Counterclaim

HEC000030

Comment
Cell-Crete Fireproofing of Nevada Inc's Answer to Club Vista
Financial Services LLC, Tharaldson Motels II Inc and Gary D
Tharaldson's Counterclaim

10/13/2009 Certificate of Mailing ▼

Certificate of Mailing

Comment
Errata to Certificate of Mailing

10/14/2009 Answer to Counterclaim ▼

Answer to Counterclaim

Comment
Answer to Club Vista Financial Services LLC and tharaldson
Motels II Incs Counterclaim

10/14/2009 Reply in Support ▼

Reply in Support

Comment
Reply in Support of NCS' Motion for Sanctions Pursuant to
NRCP 11

10/14/2009 Joinder To Motion ▼

Joinder To Motion

Comment
Plaintiff/Counter-Defendant Buchele, Inc.'s Joinder to Zitting
Brothers Construction Inc.'s Partial Motion to Dismiss Club Vista
Financial Services, LLC and Tharaldson Motels II, Inc.'s
Counterclaim, or in the Alternative, Motion for a More Definite
Statement

10/15/2009 Motion to Withdraw As Counsel ▼

Motion to Withdraw As Counsel

Comment
Richard A Koch's Motion to Withdraw as Counsel

10/15/2009 Reply to Counterclaim ▼

Reply to Counterclaim

Comment
Plaintiff in Intervention Tri-County Drywall Inc's Reply to Camco
Pacific Company Inc's Counterclaim

10/15/2009 Joinder ▼

Joinder

HEC000031

Comment

Ahern Rental Inc.'s Joinder to Scott Financial Corporation's
Motion to Dismiss Club Vista Financial Services LLC and
Tharaldson Motel II, Inc.'s Counterclaim

10/15/2009 Reply to Counterclaim ▼

Reply to Counterclaim

Comment

Plaintiff in Intervention Northstar Concrete Incs Reply to Camco
Pacific Company Incs Counterclaim

10/15/2009 Reply to Counterclaim ▼

Reply to Counterclaim

Comment

Eza PC dba Oz Architecture of Nevada Inc, Harsco Corporation
and Patent Construction Systems a Division of Harsco
Corporation's Reply to Counterclaim of Club Vista Financial
Services LLC and Tharaldson Motels II Inc

10/16/2009 Notice ▼

Notice

Comment

Noorda Sheet Metal Company's Notice of Joinder in Scott
Financial Corporation's Motion to Dismiss Club Vista Financial
Services, LLC and Tharaldson Motels II, Inc.'s CounterClaim

10/16/2009 Reply to Counterclaim ▼

Reply to Counterclaim

Comment

Counterdefendant Granite Construction Company's Reply to
Club Vista Financial Services, LLC's Counterclaim

10/16/2009 Joinder To Motion ▼

Joinder To Motion

Comment

Dave Peterson Framing Inc's Notice of Joinder in Scott Financial
Corporation's Motion to Dismiss Club Vista Financial Services
LLC and Tharaldson Motels II Inc's Counterclaim

10/16/2009 Joinder To Motion ▼

Joinder To Motion

Comment

E & E Fire Protection LLC's Notice of Joinder in Scott Financial
Corporation's Motion to Dismiss Club Vista Financial Services
LLC and Tharaldson Motels II Inc's Counterclaim

HEC000032

10/16/2009 Joinder To Motion ▼

Joinder To Motion

Comment

Professional Doors and Millworks LLC's Notice of Joinder in
Scott Financial Corporation's Motion to Dismiss Club Vista
Financial Services LLC and Tharaldson Motels II Inc's
Counterclaim

10/16/2009 Joinder ▼

Joinder

Comment

Renaissance Pools & Spas, Inc.'s Joinder to Zitting Brothers
Construction, Inc.'s Partial Motion to Dismiss Club Vista
Financial Services, LLC and Tharaldson Motels II, Inc.'s
Counterclaim, or in the Alternative, Motion for a More Definite
Statement

10/19/2009 Answer to Counterclaim ▼

Answer to Counterclaim

Comment

Republic Crane Service LLC's Answer to Club Vista Financial
Services LLC and Tharaldson Motels II Inc's Counterclaim

10/21/2009 Stipulation for Dismissal ▼

Stipulation for Dismissal

Comment

A571228 Stipulation for Dismissal Without Prejudice of Count
Nine (Acting in Concert/Civil Conspiracy) Against Zitting Brothers
Construction Inc

10/21/2009 Opposition to Motion ▼

Opposition to Motion

Comment

Opposition to Renewed Motion to Clarify and to Reconsider April
6, 2009 Ruling Re: Executive Plastering Inc's Application for
Prejudgment Writ of Attachment

10/21/2009 Reply ▼

Reply

Comment

Reply of Counterdefendant John Deere Landscape Inc to
Counterclaim of Club Vista Financial Services LLC Tharaldson
Motels II Inc and Gary D. Tharaldson

HEC000033

10/21/2009 Certificate of Service ▼

Certificate of Service

Comment

Certificate of Service of Reply of Counterdefendant John Deere
Landscape Inc To Counterclaim of Club Vista Financial Services
LLC Tharaldson Motels II Inc and Gary D. Tharaldson

10/21/2009 Reply ▼

Reply

Comment

Reply of Counterdefendant Supply Network Inc, to Counterclaim
of Club Vista Financial Services LLC Tharaldson Motels II Inc
and Gary D Tharaldson

10/21/2009 Certificate of Service ▼

Certificate of Service

Comment

Certificate of Service of Reply of Counterdefendant Supply
Network Inc to Counterclaim of Club Vista Financial Services LLC,
Tharaldson Motels II Inc, and Gary D Tharaldson

10/23/2009 Acceptance of Service ▼

Acceptance of Service

11/02/2009 Order Granting Motion ▼

Order Granting Motion

Comment

Order Granting Motion to Associate Counsel John Moshier

11/02/2009 Order Granting Motion ▼

Order Granting Motion

Comment

Order Granting Motion to Associate Counsel Chrisitne Taradash

11/02/2009 Order Granting Motion ▼

Order Granting Motion

Comment

Order Granting Motion to Associate Counsel Martin A Aronson

11/04/2009 Reply to Counterclaim ▼

Reply to Counterclaim

HEC000034

Comment
Counterdefendant Cabinetec, Inc.'s Reply to Club Vista Financial
Services, L.L.C.'s Counterclaim

11/04/2009 Motion to Withdraw As Counsel ▼

Motion to Withdraw As Counsel

11/04/2009 Answer to Complaint ▼

Answer to Complaint

Comment
Gemstone Development West Incs Answer to Uintah
Investments LLC Complaint

11/04/2009 Answer to Complaint ▼

Answer to Complaint

Comment
Gemstone Development West, Inc.'s Answer to Complaint for
Damages and to Foreclosure Mechanic's Lien

11/04/2009 Answer ▼

Answer

Comment
Gemstone Development West, Inc.'s Answer to Ready Mix, Inc.'s
Statement of Facts Constituting Lien and Complaint for
Foreclosure of Mechanic's Lien

11/05/2009 Answer ▼

Answer

Comment
Scott Financial Corporation's Answer to Hydropressure Cleaning,
Inc.'s Statement of Facts Constituting Lien and Complaint in
Intervention

11/06/2009 Motion to Amend Complaint ▼

Motion to Amend Complaint

Comment
Harsco Corporation's Proposed Second Amended Complaint in
Intervention

11/10/2009 Notice of Motion ▼

Notice of Motion

11/13/2009 Notice of Entry of Order ▼

HEC000035

Notice of Entry of Order

11/17/2009 Notice of Entry of Order ▼

Notice of Entry of Order

11/18/2009 Answer ▼

Answer

Comment

Scott Financial Corporation's Answer to HD Supply Waterworks'
Amended Statement of Facts Constituting a Notice of Lien and
Third Party Complaint

11/23/2009 Errata ▼

Errata

Comment

Errata to Motion to Withdraw as Counsel

11/24/2009 Answer to Complaint ▼

Answer to Complaint

Comment

Gemstone Development West, Inc.'s Answer to PCI Group,
LLC's Complaint

11/25/2009 Order Granting Motion ▼

Order Granting Motion

Comment

Order Granting Motion to Withdraw as Counsel

12/01/2009 Substitution of Attorney ▼

Substitution of Attorney

12/07/2009 Notice of Entry of Order ▼

Notice of Entry of Order

12/07/2009 Errata ▼

Errata

Comment

Errata to Affidavit in support of Motion to Withdraw as Counsel

12/09/2009 Motion to Withdraw As Counsel ▼

Motion to Withdraw As Counsel

HEC000036

12/09/2009 Notice of Hearing ▼

Notice of Hearing

Comment

Notice of Hearing Re Motion to Withdraw as Counsel on an
Order Shortening Time

12/16/2009 Order Granting Motion ▼

Order Granting Motion

Comment

Order Granting Harsco Corporation's Motion to Amend
Complaint in Intervention

12/18/2009 Substitution of Attorney ▼

Substitution of Attorney

12/21/2009 Order Granting Motion ▼

Order Granting Motion

Comment

to Withdraw as Counsel

12/21/2009 Notice of Entry of Order ▼

Notice of Entry of Order

12/23/2009 Motion to Withdraw As Counsel ▼

Motion to Withdraw As Counsel

12/23/2009 Amended Complaint ▼

Amended Complaint

Comment

Harsco Corporations Second Amended Complaint in Intervention

12/28/2009 Notice of Entry of Order ▼

Notice of Entry of Order

12/29/2009 Errata ▼

Errata

Comment

Errata to Motion to Withdraw as Counsel on an Order Shortening
Time

HEC000037

06/24/2011 Case Reassigned to Department 29 ▼

Comment

Case reassigned from Judge Kathleen E. Delaney

03/14/2016 Case Reassigned to Department 15 ▼

Comment

Reassigned From Judge Susan Scann - Dept 29

Financial

Camco Pacific Constructions Co Inc

Total Financial Assessment \$223.00

Total Payments and Credits \$223.00

9/11/2009 Transaction Assessment \$223.00

9/11/2009 Payment (Window) Receipt # 2009-05043-CCCLK Woodbury Morris and Brown LTD (\$223.00)

Fidelity And Deposit Co Of Maryland

Total Financial Assessment \$30.00

Total Payments and Credits \$30.00

9/11/2009 Transaction Assessment \$30.00

9/11/2009 Payment (Window) Receipt # 2009-05044-CCCLK Woodbury Morris and Brown LTD (\$30.00)

Bruin Painting Corp

Total Financial Assessment \$104.00

Total Payments and Credits \$104.00

4/27/2009 Transaction Assessment \$104.00

HEC000038

4/27/2009	Payment (Window)	Receipt # 2009- 16226- FAM	Peel & Brimley LLP	(\$104.00)
Heinaman Contract Glazing				
	Total Financial Assessment			\$104.00
	Total Payments and Credits			\$104.00
4/28/2009	Transaction Assessment			\$104.00
4/28/2009	Payment (Window)	Receipt # 2009- 16631- FAM	Peel & Brimley LLP	(\$104.00)
WRG Design, Inc.				
	Total Financial Assessment			\$104.00
	Total Payments and Credits			\$104.00
4/29/2009	Transaction Assessment			\$104.00
4/29/2009	Payment (Window)	Receipt # 2009- 17084-FAM	Peel, Richard L.	(\$104.00)

Documents

Lis Pendens
 Initial Appearance Fee Disclosure
 Lis Pendens
 Initial Appearance Fee Disclosure
 Notice of Lis Pendens
 Initial Appearance Fee Disclosure
 Notice of Lis Pendens
 Statement
 Affidavit of Service
 Statement
 Initial Appearance Fee Disclosure
 Joinder

HEC000039

Statement of Facts Constituting Lien
Statement of Facts Constituting Lien
Motion to Consolidate
Reply in Support
Answer to Complaint
Renotice
Certificate of Mailing
First Amended Complaint
Statement of Facts Constituting Lien
Order
Statement of Facts Constituting Lien
Statement of Facts Constituting Lien
Amended Notice
Statement of Facts Constituting Lien
Amended Notice
Amended Notice
Statement of Facts Constituting Lien
Answer
Answer
Summons
Answer
Certificate of Service
Acceptance of Service
Statement
Answer
Answer
Answer
Answer
Notice of Entry of Order
Amended Notice
Statement of Facts Constituting Lien
Answer
Amended Notice
Statement of Facts Constituting Lien
Statement of Facts Constituting Lien
Notice of Entry of Stipulation and Order
Statement of Facts Constituting Lien
Initial Appearance Fee Disclosure
Notice of Entry of Order
Notice of Lis Pendens
Notice of Change of Address

Answer
Voluntary Dismissal of Fidelity and Deposit Company of Maryland
Only from Bruin Painting Corporatio
Answer to Complaint
Summons
Summons
Summons
Answer to Complaint
Answer to Complaint
Initial Appearance Fee Disclosure
Answer
Answer
Answer
Answer to Complaint
Summons
Acceptance of Service
Answer
Initial Appearance Fee Disclosure
Answer
Notice of Bankruptcy
Answer
Answer
Answer to Amended Complaint
Answer
Initial Appearance Fee Disclosure
Answer to Counterclaim
Three Day Notice of Intent to Default
Answer
Answer
Answer
Initial Appearance Fee Disclosure
Initial Appearance Fee Disclosure
Answer
Answer
Answer to Complaint
Answer to Complaint
Answer to Third Party Complaint
Reply to Counterclaim
Default
Default
Motion to Dismiss
Amended Summons

Amended Summons
Amended Summons
Amended Summons
Amended Summons
Amended Summons
Opposition to Motion to Dismiss
Reply to Counterclaim
Certificate of Mailing
Answer
Answer
Response
Notice of Change of Firm Name
Reply to Counterclaim
Reply to Counterclaim
Reply to Counterclaim
Opposition to Motion
Motion to Associate Counsel
Motion to Associate Counsel
Answer to Complaint
Answer
Motion to Associate Counsel
Initial Appearance Fee Disclosure
Joinder To Motion
Notice of Change of Address
Answer to Counterclaim
Notice of Change of Address
Joinder
Answer to Counterclaim
Summons
Certificate of Mailing
Answer to Counterclaim
Motion to Withdraw As Counsel
Reply to Counterclaim
Reply to Counterclaim
Reply to Counterclaim
Reply to Counterclaim
Notice
Joinder
Joinder To Motion
Joinder To Motion
Joinder To Motion

Answer to Counterclaim
Joinder To Motion
Reply in Support
Opposition to Motion
Stipulation for Dismissal
Reply
Certificate of Service
Reply
Certificate of Service
Acceptance of Service
Joinder
Order Granting Motion
Order Granting Motion
Order Granting Motion
Motion to Withdraw As Counsel
Reply to Counterclaim
Answer to Complaint
Answer
Answer to Complaint
Motion to Amend Complaint
Answer
Notice of Motion
Notice of Entry of Order
Notice of Entry of Order
Answer
Errata
Order Granting Motion
Answer to Complaint
Motion to Withdraw As Counsel
Notice of Hearing
Errata
Notice of Entry of Order
Order Granting Motion
Notice of Entry of Order
Order Granting Motion
Motion to Withdraw As Counsel
Amended Complaint
Substitution of Attorney
Notice of Entry of Order
Substitution of Attorney
Errata

COMP - COMPLAINT FILED Fee \$151.00

IAFD - INITIAL APPEARANCE FEE DISCLOSURE

NOTC - NOTICE OF FORECLOSURE

LISP - NOTICE OF LIS PENDENS

APPR - HELIX ELECTRIC'S STATEMENT OF FACTS
CONSTITUTING

IAFD - INITIAL APPEARANCE FEE DISCLOSURE

LISP - NOTICE OF LIS PENDENS

PEEL BRIMLEY LLP
3333 E. SERENE AVENUE, STE. 200
HENDERSON, NEVADA 89074
(702) 990-7272 ♦ FAX (702) 990-7273

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

2
3 **Supreme Court Case No. 76276**

4
5
6 **HELIX ELECTRIC OF NEVADA, LLC; AND NATIONAL WOOD**
7 **PRODUCTS, INC., A UTAH CORPORATION,**

8 Appellants,

9 v.

10 **APCO CONSTRUCTION, INC, A NEVADA CORPORATION,**

11 Respondent.

12
13
14 Appeal from Judgment
15 Eighth Judicial District Court, Clark County
16 The Honorable Mark Denton, District Court Judge
17 District Court Case No. **08A571228**

18 **APPENDIX OF EXHIBITS TO APPELLANT/CROSS-RESPONDENT'S**
19 **RESPONSE TO ORDER TO SHOW CAUSE**

20 ERIC B. ZIMBELMAN, ESQ.
21 Nevada Bar No. 9407
22 RICHARD L. PEEL, ESQ.
23 Nevada Bar No. 4359
24 **PEEL BRIMLEY LLP**
25 3333 E. Serene Avenue, Suite 200
26 Henderson, NV 89074-6571
27 Telephone: (702) 990-7272
28 Facsimile: (702) 990-7273
 ezimbelman@peelbrimley.com
 rpeel@peelbrimley.com
 Attorneys for Appellant
 Helix Electric of Nevada, LLC

TABLE OF APPENDIX

<u>Exhibit</u>	<u>Document</u>	<u>Bates Range</u>	<u>Volume</u>
INFORMATION RELATING TO CONSOLIDATED ACTION AND HELIX CASE¹		HEC000001	I
A.	District Court Docket for Case No. 09A587168 (Constituent Case)	HEC000002- HEC000044	I
B.	District Court Docket for Case No. 08A571228 (Consolidated Action)	HEC000045- HEC000244	II (Part One)
B	District Court Docket for Case No. 08A571228 (Consolidated Action)	HEC000245- HEC000444	II (Part Two)
B	District Court Docket for Case No. 08A571228 (Consolidated Action)	HEC000445- HEC000588	II (Part Three)
C.	Notice of Entry of Order to Consolidate	HEC000589- HEC000597	III
D.	Notice of Entry of Joint Order Granting, in Part, Various Lien Claimants' Motion for Partial Summary Judgment Against Gemstone Development West filed July 2, 2009	HEC000598- HEC000603	III
E.	Dismissal affirmed by the Nevada Supreme Court on September 24, 2015 as Advanced Opinion 70	HEC000604- HEC000621	III
F.	Special Master Report Regarding Remaining Parties to the Litigation and Discovery Status filed February 27, 2017	HEC000622- HEC000624	III
G.	Notice of Entry of Order Granting Plaintiff's Motion to Dismiss filed September 21, 2017	HEC000625- HEC000631	III

¹ Also referred to as "Constituent Case"

<u>Exhibit</u>	<u>Document</u>	<u>Bates Range</u>	<u>Volume</u>
SUMMARY SHEET OF ACCURACY GLASS		HEC000632- HEC000633	IV
H.	Complaint Re Foreclosure commenced April 7, 2009	HEC000634- HEC000670	IV
I.	First Amended Complaint Re Foreclosure filed June 24, 2009	HEC000671- HEC000686	IV
J.	APCO's Answer to Accuracy's First Amended Complaint Re Foreclosure filed August 5, 2009	HEC000687- HEC000702	IV
K.	CAMCO's Answer and Counterclaim filed September 11, 2009	HEC000703- HEC000722	IV
L.	Accuracy's Answer to CAMCO's Counterclaim	HEC000723- HEC000727	IV
SUMMARY SHEET OF HELIX ELECTRIC		HEC000728- HEC000729	V
M.	Helix Electric's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint	HEC000730- HEC000745	V
N.	APCO Construction's Answer to Helix Electric's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint	HEC000746- HEC000761	V
O.	Answer to Helix Electric's Statement of Facts Constituting Lien and Third-Party Complaint and CAMCO Pacific Construction Company's Counterclaim	HEC000762- HEC000777	V
P.	Notice of Entry of Order Granting Helix's Motion for Fees, Interest and Costs	HEC000778- HEC000786	V
Q.	Notice of Entry of Judgment [as to the Claims of Helix Electric of Nevada, LLC Against CAMCO Construction Co., Inc.]	HEC000787- HEC000806	V
R.	Notice of Entry of Judgment [as to the Claims of Helix and National Wood Products Against APCO]	HEC000807- HEC000817	V
S.	Findings of Fact and Conclusions of Law and Order as to the Claims of	HEC000818- HEC000889	V

<u>Exhibit</u>	<u>Document</u>	<u>Bates Range</u>	<u>Volume</u>
	Helix and Cabenetec Against APCO		
	SUMMARY SHEET OF WRG DESIGN, INC.	HEC000890- HEC000891	VI
T.	WRG Design, Inc.'s Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint	HEC000892- HEC000908	VI
U.	APCO Construction's Answer to WRG's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint	HEC000909- HEC000924	VI
V.	Answer to WRG Design, Inc.'s Statement of Facts Constituting Notice of Lien and Third-Party Complaint and CAMCO Pacific Construction Company, Inc.'s Counterclaim	HEC000925- HEC000945	VI
W.	Notice of Entry of Stipulation and Order of Dismissal	HEC000946- HEC000953	VI
X.	WRG Design, Inc.'s Answer to CAMCO's Counterclaim	HEC000954- HEC000958	VI
	SUMMARY SHEET OF HEINAMAN CONTRACT GLAZING	HEC000959- HEC000960	VII
Y.	Heinaman's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint	HEC000961- HEC000973	VII
Z.	Answer to Heinaman's Statement of Facts Constituting Notice of Lien and Third-Party Complaint and CAMCO Pacific Construction Company, Inc.'s Counterclaim	HEC000974- HEC000994	VII
AA.	Notice of Entry of Order	HEC000995- HEC001003	VII
BB...	Notice of Entry of Judgment	HEC001004- HEC001026	VII
CC...	Heinaman's Answer to Counterclaim	HEC001027- HEC001031	VII
	SUMMARY SHEET OF BRUIN PAINTING CORPORATION	HEC001032- HEC001033	VIII

<u>Exhibit</u>	<u>Document</u>	<u>Bates Range</u>	<u>Volume</u>
DD. .	Bruin Painting's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint	HEC001034- HEC001046	VIII
EE. ..	Answer to Bruin's Statement of Facts Constituting Notice of Lien and Third-Party Complaint and CAMCO Pacific Construction Company, Inc.'s Counterclaim	HEC001047- HEC001066	VIII
FF....	Voluntary Dismissal	HEC001067- HEC001069	VIII
SUMMARY SHEET OF HD SUPPLY WATERWORKS		HEC001070- HEC001071	IX
GG. .	HD Supply Waterworks' Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint	HEC001072- HEC001089	IX
HH. .	APCO's Answer to HD Supply's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint	HEC001090- HEC001104	IX
II.	Amended Answer to HD Supply's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint and CAMCO Pacific Construction Company, Inc.'s Counterclaim	HEC001105- HEC001111	IX
JJ.	Jeff Heit Plumbing and Old Republic's Answer to HD Supply's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint and CAMCO Pacific Construction Company, Inc.'s Counterclaim	HEC001112- HEC001121	IX
KK. .	Stipulation and Order Dismiss E&E Fire Protection, LLC Only Pursuant to the Terms Stated Below	HEC001122- HEC001132	IX
LL. ..	Voluntary Dismissal of Platter River Insurance	HEC001133- HEC001140	IX
MM.	Scott Financial's Answer to HD	HEC001141-	IX

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

<u>Exhibit</u>	<u>Document</u>	<u>Bates Range</u>	<u>Volume</u>
	Supply's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint	HEC001164	
SUMMARY SHEET OF APPEAL(S)		HEC001165	X
NN. .	Helix Electric's Notice of Appeal	HEC001166- HEC001171	X
OO. .	Helix's Amended Notice of Appeal	HEC001172- HEC001177	X
PP....	APCO's Notice of Cross-Appeal	HEC001178- HEC001184	X
QQ. .	Helix's Motion to Suspend Briefing Pending Outcome of Order to Show Cause in Supreme Court Case No. 76276	HEC001185- HEC001194	X

IN THE SUPREME COURT OF THE STATE OF NEVADA

Supreme Court Case No. 76276

Electronically Filed
Apr 22 2019 03:48 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

HELIX ELECTRIC OF NEVADA, LLC

Appellant/Cross-Respondent

v.

APCO CONSTRUCTION, INC, A NEVADA CORPORATION,

Respondent/Cross-Appellant.

Appeal from Judgment
Eighth Judicial District Court, Clark County
The Honorable Mark Denton, District Court Judge
District Court Case No. **08A571228**

**APPELLANT/CROSS-RESPONDENT'S RESPONSE TO
ORDER TO SHOW CAUSE**

ERIC B. ZIMBELMAN, ESQ.
Nevada Bar No. 9407
RICHARD L. PEEL, ESQ.
Nevada Bar No. 4359
PEEL BRIMLEY LLP
3333 E. Serene Avenue, Suite 200
Henderson, NV 89074-6571
Telephone: (702) 990-7272
Facsimile: (702) 990-7273
ezimbelman@peelbrimley.com
rpeel@peelbrimley.com
Attorneys for Appellant
Helix Electric of Nevada, LLC

INTRODUCTION

As the Court's Order to Show Cause ("OSC") notes, "the underlying district court case is extraordinarily complex, involving dozens of parties and multiple consolidated cases." Despite this fact, the claims subject to this appeal arise out of only one of the constituent cases of this complex consolidated action - District Court Case No. A09587168 (hereinafter referred to as the "Constituent Case" or the "Helix Case"). Further, a constituent case can be immediately appealable as a final judgment even where the other constituent case or cases within the consolidated case remain pending. *Matter of Estate of Sarge*, 134 Nev. Adv. Op. 105, 432 P.3d 718, 720 (2018). While the Consolidated Action is indeed complex, the resolution of the various claims in the Constituent Case is relatively straightforward. As shown in the following discussion, all of the claims asserted by or against the parties in the Helix Case have been finally resolved by judgment or operation of law.

By way of "Appendix A" to this Response,¹ Appellant/Cross-Respondent Helix Electric of Nevada, LLC ("Helix") endeavors to clarify which parties and claims arose from the Constituent Case and why they have all been finally adjudicated such that this appeal may proceed.²

///

///

///

¹ Pursuant to the OSC, Appendix A contains a "list of, and copies of, each of the latest-filed complaints, counterclaims, cross-claims, third-party complaints, and complaints in intervention filed in the underlying district court case (A587168), even if those documents were filed after consolidation, and even if they relate to parties other than the parties to this appeal."

² To the extent that the Court nonetheless concludes that some loose end renders this appeal unripe and subject to dismissal, Helix also respectfully submits that the related appeal in Case No. 77320 should likewise be dismissed. See Discussion *infra*.

THE PARTIES AND CLAIMS OF THE HELIX CASE

This action arose out of a failed construction project (the Manhattan West Project – hereinafter “Project”) that closed, incomplete, in 2008. Numerous contractors, subcontractors and suppliers recorded mechanic’s liens against the Project and filed multiple actions to foreclose their liens and (in the case of the subcontractors) recover in contract from the general contractors. On July 2, 2009, a Notice of Entry was filed with respect to the District Court’s Order, dated June 29, 2009³, consolidating the various related actions including the Constituent Case (Case No. A09587168).

1. The Constituent Case.

Claims filed in the relevant Constituent Case (or in response thereto), as amended, involve the following parties:

- Accuracy Glass & Mirror Company, Inc. (Original Plaintiff);
- Helix Electric of Nevada, LLC (Plaintiff in Intervention);
- WRG Design, Inc., f.k.a WRG, Inc. (Plaintiff in Intervention);
- Heinaman Contract Glazing (Plaintiff in Intervention);
- Bruin Painting Corp. (Plaintiff in Intervention);
- HD Supply Waterworks, LP (Plaintiff in Intervention);
- APCO Construction (Defendant, General Contractor)⁴;
- Gemstone Development, Inc. (Defendant, Project Owner);
- Scott Financial Corporation (Defendant, Lender)⁵;

³ See **Exhibit D.**

⁴ APCO asserted affirmative claims, including lien claims in its own constituent case. APCO asserted no counterclaims relating to the Constituent Case.

⁵ As more fully discussed below, Scott Financial Corporation was a defendant only with respect to the lien claimants’ claims of priority and was added by way of amended complaints or statements of fact.

- CAMCO Pacific Construction Co., Inc. (Defendant, General Contractor, Counterclaimant) and its contractor's bond surety, Fidelity and Deposit Company of Maryland⁶; and
- Various Does (unknown persons), Roes (unknown entities), Boes (unknown bonding companies, and Loes (unknown lenders).⁷

As set out in Appendix A (with exhibits), the Constituent Case was commenced on April 7, 2009⁸ when Accuracy Glass & Mirror Company, Inc. ("Accuracy") filed a "Complaint Re Foreclosure" asserting claims against APCO, CAMCO, the Project developer, Gemstone Development West, Inc., CAMCO's contractor's bond surety, Fidelity and Deposit Company of Maryland, and various Does, Roes, Boes and Loes. Accuracy's Complaint asserted, among other things, claims for breach of contract, breach of implied covenant of good faith and fair dealing, unjust enrichment and, most importantly, foreclosure of Accuracy's mechanic's lien against the Project as well as a claim of priority as against the Loe Lenders. The other lien claimants, including Helix, filed Statements of Fact containing substantially identical claims.⁹

///

///

///

⁶ CAMCO asserted various counterclaims against those subcontractors who claimed against CAMCO. However, at the time of trial, CAMCO offered no evidence and asserted to right to any affirmative relief.

⁷ Except for Scott Financial Corporation, added by way of amended pleadings, no actual persons, entities, bonding companies or lenders were substituted for the Does, Roes, Boes or Loes.

⁸ See **Exhibit H**.

⁹ NRS 108.239(3) allows (but does not require) other persons holding liens on the same work of improvement to join an existing foreclosure action "by filing a statement of facts in the lien claimant's action."

Accuracy amended its Complaint on June 24, 2009¹⁰, which it filed with a caption for the Consolidated Action, even though Notice of Entry of the Consolidation Order was not filed until July 2, 2009.¹¹ Similar amended pleadings were filed by the other relevant lien claimants.¹²

As discussed more fully below, the parties and claims in the Constituent Case were reduced over time by a series of events and orders, including an Order shortly before trial dismissing all parties that did not file pre-trial disclosures as required by NRCP 7(b).

2. The Writ Petition.

The Consolidated Action first came to this Court by way of a Writ Petition filed by APCO and multiple subcontractors seeking review of the District Court's summary judgment that the Project lender, Scott Financial Company, had priority over the mechanics lien claimants.¹³ This Court affirmed the District Court and the proceeds of the sale of the Project property were eventually disbursed to the lender.

3. The Claims and Parties Are Reduced Pursuant to NRCP 7(b).

In the months and years following this Court's decision affirming the lenders' priority, many of the lien claimants withdrew from the consolidated proceeding, formally or by inaction, while a smaller number continued to press their claims against APCO and the other general contractor, Camco Pacific Construction Company, Inc. ("CAMCO"). As trial neared, counsel for APCO, CAMCO, Helix and others moved the District Court, pursuant to NRCP 7(b), to dismiss, with prejudice, all parties who had not filed their Pre-Trial Disclosures.¹⁴ After notice and a further hearing on September 11, 2017, the District Court expressly dismissed

¹⁰ See Exhibit I.

¹¹ See Exhibit D.

¹² See Exhibits M, T, Y, DD and GG.

¹³ See Exhibit E.

¹⁴ See Exhibit G.

certain parties and affirmed the identities of the remaining parties.¹⁵ Of the remaining parties, only the following had claims arising from the Constituent Case:

- Helix Electric of Nevada, LLC (Plaintiff in Intervention);
- Heinaman Contract Glazing (Plaintiff in Intervention);
- APCO Construction (Defendant, General Contractor); and
- CAMCO Pacific Construction Co., Inc. (Defendant, General Contractor, Counterclaimant).¹⁶

Each of those parties proceeded to trial, which resulted in multiple separate judgments resolving the tried claims. Specifically, with respect to the Constituent Case, claims were presented by and resulted in judgments respecting:

- Helix, against APCO (claims dismissed, subject of this appeal)¹⁷;
- Helix, against CAMCO;¹⁸ and
- Heineman Contract Glazing (against CAMCO);¹⁹

///

¹⁵ See *Id.* Many other parties and claims had by then already been dismissed or resolved. Others, not part of the Constituent Case were resolved through other orders or, as in the case of National Wood Products, Inc., went to trial. However, because finality for purposes of appellate jurisdiction involves only an analysis of the Constituent Case, see *Estate of Sarge, supra*, these other parties and claims are ignored here for brevity and clarity.

¹⁶ Previous iterations of the Appendix A submitted with Helix's Docketing Statement (as amended) incorrectly included analyses of the claims and/or judgments of (i) Buchele, Inc. (filed in Constituent Case No. A583289), (ii) Fast Glass, Inc. (filed in Constituent Case No. A584730), (iii) SWPPP Compliance Solutions (filed in the Consolidated Action after consolidation), and (iv) Cactus Rose Construction Co., Inc. (filed in Consolidated Action after consolidation). Those parties and analyses have been removed from the Appendix A hereto for brevity and clarity.

¹⁷ See Exhibit G.

¹⁸ See Exhibit Q.

¹⁹ See Exhibit BB.

DISCUSSION

As stated by this Court in *Lee v. GNLV Corp.*, 116 Nev. 424, 426–27, 996 P.2d 416, 417 (2000):

Pursuant to NRAP 3A(b)(1), an appeal may be taken from a “final judgment in an action or proceeding.” “Judgment,” as the term is used in the Nevada Rules of Civil Procedure, includes “any order from which an appeal lies.” NRCP 54(a) (emphasis added). Accordingly, this court has customarily adopted the view that the finality of a district court's order depends not so much on its label as an “order” or a “judgment,” but on what the “order” or “judgment” substantively accomplishes.

Here, as noted above, only the claims of the Helix Case are relevant to the analysis of case finality. See *Estate of Sarge*, 432 P.3d at 720. After September 2017, with respect to the Helix Case, only those parties and claims involving Helix, APCO, CAMCO, and Heinaman Contract Glazing remained in the action (i.e., were not dismissed pursuant to NRCP 7(b)) and went to trial. As a result of trial, multiple judgments were entered, including the judgment dismissing Helix’s claims against APCO (and subsequently awarding fees and costs to APCO). Because these parties proceeded to trial, resulting in judgments, nothing remains for adjudication and this Constituent Case is ripe for appeal.

The OSC questions the fact that “certain parties were not inclined to pursue their claims [which] does not operate as a formal dismissal of those claims.” The Court appears to be referencing the abandoned counterclaims of CAMCO against Helix and Heinaman Contract Glazing, as well as the abandoned claims of Heinaman Contract Glazing against APCO. While the various judgments do not expressly address these claims, it is clear that (i) each of these parties appeared together for trial, (ii) were afforded a full opportunity to offer evidence in support of and seek judgment on the claims alleged in their pleadings and (iii) were provided notice of

the judgments as entered.²⁰ Under these circumstances, it is difficult to understand how any of these abandoned claims could ever (i) again be brought to trial in this action or (ii) be the subject of a future action.

This Court has recognized that the doctrine of claim preclusion “embraces all grounds of recovery that were asserted in a suit, as well as those that could have been asserted, and thus has a broader reach” than the issue preclusion doctrine. *Five Star Capital Corp. v. Ruby*, 124 Nev. 1048, 1052, 194 P.3d 709, 711 (2008), citing *University of Nevada v. Tarkanian*, 110 Nev. 581, 599, 879 P.2d 1180, 1191 (1994). The “modern view is that claim preclusion embraces all grounds of recovery that were asserted in a suit, as well as those that could have been asserted, and thus has a broader reach than issue preclusion.” *Five Star*, 124 Nev. at 1052-1053 citing *Executive Management v. Ticor Title Insurance Co.*, 114 Nev. 823, 835, 963 P.2d 465 (1998).

Claim preclusion applies if (1) the parties or their privies are the same, (2) the final judgment is valid, and (3) the subsequent action is based on the same claims or any part of them that were or could have been brought in the first case. *Five Star*, 124 Nev. at 1054-1055. These three factors, in varying language, are used by the majority of state and federal courts. *Id.* This test maintains the well-established principle that claim preclusion applies to all grounds of recovery that were or could have been brought in the first case. *Id.*

Here, whether “brought,” not brought, or abandoned or not pursued at trial, the claims of which the Court has expressed concern may never be brought again. Further, trial (finally, after nearly 10 years) having occurred, will not again occur except on remand from this Court (as this Appeal seeks).²¹ Accordingly, the

²⁰ See e.g., **Exhibit Z** (Heinaman Judgment)

²¹ It is also worth noting that the District Court now lists the Constituent Case as “Closed.” See **Exhibit B**.

abandoned claims are fully resolved as a matter of law and Helix respectfully submits that the Helix Case is final and this Court has jurisdiction to hear the appeal.

Should the Court nonetheless conclude that those claims were not abandoned or that the lack of express dismissal of the same renders this appeal unripe and subject to dismissal, Helix also respectfully submits that the related appeal in Case No. 77320, which relates to the complementary appeals of the District Court's award of attorney's fees and costs to Respondent/Cross-Appellant APCO Construction ("APCO") must necessarily suffer from the same defect and be likewise dismissed.

As more fully discussed in Helix's pending Motion to Suspend Briefing filed in Case No. 77320,²² these two appeals are inextricably intertwined.²³ Case No. 76726 appeals of the dismissal of Helix's claims against Respondent APCO Construction ("APCO") while Case No. 77320 was created by the Court when Helix filed an Amended Notice of Appeal seeking review of this case (No. 76726) and the Court's subsequent award of attorney's fees and costs to APCO, for which APCO filed a Cross-Appeal. Although the Court created separate appeal cases, the underlying judgment dismissing Helix's claims forms the foundational basis of both appeals. Stated differently, if this court determines that the Helix Case is not final and the appeal is unripe and subject to dismissal, that same defect would apply to Case No. 77320.

///

///

///

²² See **Exhibit QQ**.

²³ A motion to consolidate these appeals is also pending.

CONCLUSION

For the foregoing reasons, Helix respectfully submits that the Constituent Case is final and that this Court has jurisdiction to hear the appeal (and the appeal in Case No. 77320). However, should this Court conclude otherwise, the Court should apply the same conclusions to both appeals.

Respectfully submitted this 22nd day of April, 2019.

PEEL BRIMLEY LLP

/s/ Eric B. Zimbelman

ERIC B. ZIMBELMAN, ESQ. (9407)

RICHARD L. PEEL, ESQ. (4359)

3333 E. Serene Avenue, Suite 200

Henderson, NV 89 A571228074-6571

Attorneys for Appellant/Cross-Respondent

CERTIFICATE OF SERVICE

Pursuant to Nev. R. App. P. 25(b) and NEFCR 9(f), I certify that I am an employee of **PEEL BRIMLEY, LLP**, and that on this 2nd day of April, 2019, I caused the above and foregoing document, **APPELLANT/CROSS-RESPONDENT'S RESPONSE TO ORDER TO SHOW CAUSE**, to be served 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; and/or
- ☒ pursuant to NEFCR 9, upon all registered parties via the Nevada Supreme Court's electronic filing system;
- ☐ pursuant to EDCR 7.26, to be sent **via facsimile**;
- ☐ to be hand-delivered; and/or
- ☐ other _____

to the attorney(s) and/or party(ies) listed below at the address and/or facsimile number indicated below:

John H. Mowbray, Esq. (NV Bar No. 1140)
John Randall Jeffries, Esq. (NV Bar No. 3512)
Mary E. Bacon, Esq. (NV Bar No. 12686)
400 S. Fourth Street, Suite 500
Las Vegas, NV 89101
Telephone: (702) 408-3411
Facsimile: (702) 408-3401
JMowbray@spnecrfane.com
RJJeffries@spnecrfane.com
MBacon@spnecrfane.com

-and-

Jack Chen Min Juan, Esq. (NV Bar No. 6367)
Micah Echols, Esq. (NV Bar No. 8437)
Cody S. Munteer, Esq. (NV Bar No. 11220)
10001 Park Run Drive
Las Vegas, NV 89145
Telephone: (702) 207-6089
JJuan@maclaw.com
MEchols@maclaw.com
CMunteer@maclaw.com

Attorneys for Respondent
APCO Construction, Inc.

Richard L. Tobler, Esq. (NV Bar No. 004070)
LAW OFFICES OF RICHARD L. TOBLER, LTD.
3654 N. Rancho Drive, Suite 102
Las Vegas, NV 89130-3179
Telephone: (702) 256-6000
rltld@hotmail.com

-and-

Thomas H. Cadden, Esq. (CA Bar No. 122299)
John B. Taylor, Esq. (CA Bar No. 126400)
S. Judy Hirahara, Esq. (CA Bar No. 177332)
CADEN & FULLER LLPP
114 Pacifica, Suite 450
Irvine, CA 92618
Telephone: (949) 788-0827
jtaylor@caddenfuller.com
jhirahara@caddenfuller.com

Attorneys for Appellant
National Wood Products, Inc.


An employee of PEEL BRIMLEY, LLP