

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.

APCO CONSTRUCTION, INC., A
NEVADA CORPORATION,

Appellant/Cross-Respondent,

vs.

HELIX ELECTRIC OF NEVADA, LLC,

Respondent/Cross-Appellant.

Case No.: 76276 Electronically Filed
Jan 17 2019 11:38 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

Appeal from the Eighth Judicial District
Court, the Honorable Mark Denton
Presiding

Case No.: 77320

Appeal from the Eighth Judicial District
Court, the Honorable Mark Denton
Presiding

MOTION TO CONSOLIDATE APPEALS

MARQUIS AURBACH COFFING

Micah S. Echols, Esq.

Nevada Bar No. 8437

Cody S. Mounteer, Esq.

Nevada Bar No. 11220

Tom W. Stewart, Esq.

Nevada Bar No. 14280

10001 Park Run Drive

Las Vegas, Nevada 89145

Telephone: (702) 382-0711

Facsimile: (702) 382-5816

mechols@maclaw.com

cmounteer@maclaw.com

tstewart@maclaw.com

SPENCER FANE LLP

John Randall Jefferies, Esq.

Nevada Bar No. 3512

Mary E. Bacon, Esq.

Nevada Bar No. 12686

300 S. Fourth Street, Suite 950

Las Vegas, NV 89101

Telephone: (702) 408-3400

Facsimile: (702) 408-3401

rjeffries@spencerfane.com

mbacon@spencerfane.com

Attorneys for Appellant, APCO Construction, Inc.

MOTION TO CONSOLIDATE APPEALS

Respondent/Cross-Appellant, APCO Construction, Inc., by and through its attorneys of record, Marquis Aurbach Coffing and Spencer Fane, LLP, hereby moves this Court to consolidate Supreme Court Case Nos. 76276 and 77320. Both appeals arise from the same District Court case, involve the same parties, and Case No. 77320 involves an order granting fees and costs incurred in the litigation that spurred Case No. 76276. As such, the issues of both appeals are interrelated.

Based upon NRAP 3(b)(2), this Court should consolidate these two appeals for purposes of judicial economy. Additionally, this Court recently ordered joint briefing in Case No. 77320, allowing APCO to file a combined answering brief on appeal and opening brief on cross-appeal, and Helix to file a combined reply brief on appeal and answering brief on cross-appeal. *See Helix Elec. of Nev., LLC v. APCO Constr., Inc.*, Docket No. 77320 (Order Reinstating Briefing, Jan. 9, 2019). As a result, APCO respectfully requests this Court adopt the briefing schedule for Case No. 77320 for the consolidated case to allow sufficient time for review of the transcripts and completion of briefing.

Therefore, this Court should formally consolidate Supreme Court Case Nos. 77320 and 76276 with the briefing schedule outlined in this Court's recent order reinstating briefing. *See Helix Elec. of Nev., LLC v. APCO Constr., Inc.*, Docket No. 77320 (Order Reinstating Briefing, Jan. 9, 2019). This motion is made in good faith and not for the purpose of delay

Dated this 17th day of January, 2019.

MARQUIS AURBACH COFFING

By: /s/Cody S. Munteer, Esq.

Micah S. Echols, Esq.

Nevada Bar No. 8437

Cody S. Munteer, Esq.

Nevada Bar No. 11220

Tom W. Stewart, Esq.

Nevada Bar No. 14280

10001 Park Run Drive

Las Vegas, Nevada 89145

*Attorneys for Appellant, APCO
Construction, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **MOTION TO CONSOLIDATE APPEALS** was filed electronically with the Nevada Supreme Court on the 17th day of January, 2019. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Peel Brimley LLP

Eric B. Zimbelman (ezimbelman@peelbrimley.com)

Richard L. Peel (rpeel@peelbrimley.com)

Spencer Fane LLP

John Randall Jefferies (rjefferies@spencerfane.com)

Mary E. Bacon (mbacon@spencerfane.com)

John H. Mowbray (jmowbray@spencerfane.com)

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

Stephen E. Haberfeld
8224 Blackburn Ave. #100
Los Angeles, CA 90048

/s/ Michelle Monkarsh

Michelle Monkarsh, an employee of
Marquis Aurbach Coffing