

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

2 APCO CONSTRUCTION, INC., A
3 NEVADA CORPORATION,

4 Cross Appellant/Respondent.

5 vs.

6 HELIX ELECTRIC OF NEVADA,
7 LLC,

8 Cross Respondent/Appellant.

Case No. 77320

District Court Case No. 08A571228

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

Electronically Filed
Jan 30 2019 09:06 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

9 **MOTION FOR LEAVE TO FILE LATE DOCKETING STATEMENT**

10 **AND LATE REQUEST FOR TRANSCRIPT OF PROCEEDINGS**

11 Cross Appellant/Respondent APCO Construction, Inc. ("APCO"), by
12 and through its counsel of record, Fennemore Craig, Marquis Aurbach
13 Coffing and Spencer Fane LLP, hereby moves the Court pursuant to NRAP
14 26(b)(1) and NRAP 14(d) for an extension up to and including February 1,
15 2019 to file its Docketing Statement and its Request for Transcript of
16 Proceedings.

17 This Court may, upon a party's Motion, suspend any provision of its
18 own rules. NRAP 2. In addition, this Court may permit an act required
19 under its rules to be done after the time has expired. NRAP 2(b)(1)(A).

1 Finally, this Court “encourage[s] the filing of a joinder if possible in lieu of
2 duplicative docketing statements.” See Nevada Appellate Practice Manual §
3 3:90 (2018 ed.).

4 The purpose of this Motion is to make the necessary record in this
5 Cross-Appeal without undue duplication, while the Motion to Consolidate
6 this Cross-Appeal with Docket No. 72276 is being considered. The Motion
7 to Consolidate was filed January 17, 2019.

8 By way of background, Helix Electric of Nevada, LLC (“Helix”)
9 appealed first. In that first Appeal, Helix filed its Docketing Statement.
10 After an Amended Notice of Appeal, Helix filed an Amended Docketing
11 Statement. See *Helix Elec. Of Nev., LLC v APCO Constr., Inc.*, Docket No.
12 76276 (Docketing Statement, Aug. 8, 2018); and (Amended Docketing
13 Statement, Nov. 27, 2018).

14 Helix’s Amended Docketing Statement addressed the issues raised in
15 Helix’s Amended Notice of Appeal, filed October 26, 2018. The Amended
16 Notice of Appeal related to the following post judgment, special orders: (1)
17 Granting APCO Construction, Inc.’s Motion for Attorneys’ Fees and Costs;
18 (2) Granting APCO Construction, Inc.’s Memorandum of Costs, in part; (3)
19 Granting Helix Electric of Nevada LLC’s Motion to Retax Costs, in part;

1 (4) Granting Plaintiff in Intervention, National Wood Products, LLC's
2 Motion to Retax, in part and Denying, in part; and (5) Granting National
3 Wood Products, Inc.' s Motion to File a Surreply. APCO cross appealed
4 from these same post judgment, special orders, as they relate to the award of
5 attorneys' fees and costs. However, APCO's Cross-Appeal was assigned a
6 different docket number. See *Helix Elec. Of Nev., LLC v. APCO Constr.,*
7 *Inc.*, Docket No. 77320 (Notice of Cross-Appeal, Nov. 5, 2018).

8 APCO attempted to file its Partial Joinder to Helix Electric's
9 Docketing Statement and Amended Docketing Statement and its Request for
10 Transcript of Proceedings in this Cross-Appeal. But, at the direction of the
11 Court, the Clerk filed both pleadings in Docket No. 76276, on January 4,
12 2019 and January 24, 2019, respectively. This Court's docketing
13 information indicates that there is no Docketing Statement or Request for
14 Transcript of Proceedings in this Cross-Appeal. Thus, APCO seeks
15 additional time to file these pleadings in the Cross-Appeal.

16 CONCLUSION

17 APCO seeks additional time to file its Docketing Statement and
18 Request for Transcript of Proceedings in this Cross-Appeal so that there is
19 no issue that tasks are incomplete in the Cross-Appeal. A Docketing

1 Statement and a Request for Transcript of proceedings are being filed
2 concurrently with this Motion.

3 Dated this 29th day of January, 2019.

4 **FENNEMORE CRAIG, P.C.**

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