

IN THE SUPREME COURT OF THE STATE OF NEVADA

Supreme Court Case No. 77320

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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**

**MOTION FOR LEAVE TO FILE LATE
TRANSCRIPT REQUEST NOTICE**

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MOTION TO FILE LATE TRANSCRIPT REQUEST NOTICE

Appellant/Cross-Respondent HELIX ELECTRIC OF NEVADA, LLC, hereby moves this Court for an extension up to and including March 8, 2019 to file its Certificate that No Transcript is Being Requested pursuant to NRAP 9.

Appellant/Cross-Respondent filed its Certificate that No Transcript is Being Requested in the original Appeal Case No. 76276 (*see Exhibit A, attached hereto and incorporated herein*). Appellant/Cross-Respondent did not request transcripts because the relevant trial transcripts had already been requested and transcribed. Respondent/Cross-Appellant subsequently filed its Notice of Transcript Request on January 24, 2019 seeking transcripts of a post-trial hearing. (*See Exhibit B attached hereto and incorporated herein*).

In this instance, Helix did not understand that it was required to file a transcript request in this Cross-Appeal and anticipated that Respondent/Cross-Appellant's Motion to Consolidate these two appeals would be granted, having not opposed the same. Helix is not requesting the preparation of additional transcripts for this Cross-Appeal other than those previously ordered and/or transcribed. Helix previously requested and received file-stamped copies of the transcripts and intends to use these as part of the record on appeal. Helix acknowledges that Respondent/Cross-Appellant has requested additional transcript(s) and has no objection to the same.

Dated this 7th day of March, 2019.

PEEL BRIMLEY LLP

/s/ Eric B. Zimbelman

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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 7th day of March, 2019, I caused the above and foregoing document, **MOTION FOR LEAVE TO FILE LATE TRANSCRIPT REQUEST**, 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:

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