

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

2 APCO CONSTRUCTION, INC.,
3 NEVADA CORPORATION,

4 Cross Appellant/Respondent,

5 vs.

6 HELIX ELECTRIC OF NEVADA, LLC

7 Cross Respondent/Appellant.

Case No. 77320

District Court Case No. 2008429

Electronically Filed
Aug 27 2019 02:49 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

8 **MOTION FOR LEAVE TO FILE AMENDED DOCKETING**
9 **STATEMENT**

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1 **MOTION FOR LEAVE TO FILE**
2 **AMENDED DOCKETING STATEMENT**

3 Respondent/Cross-Appellant APCO Construction, Inc. (“APCO”), by
4 and through its counsel of record Fennemore Craig, P.C. and Marquis Aurbach
5 Coffing, hereby moves this Court pursuant to NRAP 14 and NRAP 27 for leave
6 to file an amended docketing statement, which is submitted concurrently with
7 this motion.

8 APCO’s docketing statement was filed on March 4, 2019. This initial
9 docketing statement referred to the docketing statement and attached exhibits
10 filed by appellant/cross-respondent Helix Electric of Nevada, LLC (“Helix”) in
11 related appeal, Docket No. 76276. The appeal in Docket No. 76276 has
12 subsequently been dismissed. Despite several opportunities, Helix failed to
13 demonstrate that a final judgment had in fact occurred and that jurisdiction was
14 proper.

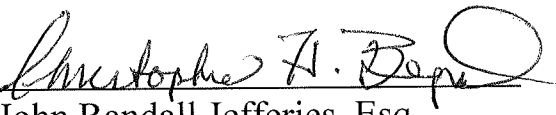
15 Additionally, because of Helix’s deficient responses to the Court’s
16 orders, this Court believes there may be a jurisdictional defect as to this appeal.
17 See, this Court’s Orders in Docket No. 76276 and its August 16, 2019 Order
18 filed in this appeal. APCO seeks to amend its docketing statement to remove
19 the references to filings in the dismissed appeal and to include exhibits

1 previously incorporated by reference to those filings to permit its appeal on
2 fees and costs to proceed, even though the main appeal has been dismissed.
3 With this filing, APCO will address and resolve the question of this Court's
4 jurisdiction for its cross appeal.

5 APCO therefore respectfully requests that this Court grant it leave to file
6 an amended docketing statement.

7 Dated this 27th day of August, 2019.

8 **FENNEMORE CRAIG, P.C.**

9 By: 
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19

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that this document was filed electronically with the
3 Nevada Supreme Court on the 27th day of August, 2019 and was served
4 electronically in accordance with the Master Service List and via the United
5 States Mail, first class, postage prepaid, addressed as follows:

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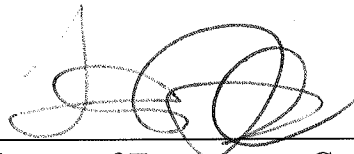
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11 I further certify that I served a copy of this document by mailing a true
12 and correct copy thereof, postage prepaid, addressed to:

13 

14 _____
An employee of Fennemore Craig P.C.