IN THE SUPREME COURT OF THE STATE OF NEVADA

Supreme Court Case No. 77320
***Consolidated with* 80508**

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HELIX ELECTRIC OF NEVADA, LLC,

Appellant,

v.

APCO CONSTRUCTION, INC., A NEVADA CORPORATION,

Respondent.

JOINT APPENDIX
VOLUME 98

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Docket 77320 Document 2020-38063

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	Trial Exhibit 165 - Letter from D. Parry to A. Edelstein re: Gemstone losing funding for project	JA002652-JA002653	47
	Trial Exhibit 166 - Letter from D. Parry to G. Hall re: withdrawal of funding	JA002654 JA002656	47
	Helix Related Exhibits:		47
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	Trial Exhibit 177 - Helix Pay Application No. 16713-014 to Camco	JA002772-JA002782	49
	Trial Exhibit 178 - Camco's letter to Helix rejecting Pay Application No. 16713-015 with attached copy of Pay Application	JA002783 JA002797	49
	National Wood/Cabinetec Related Exhibits:		
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	General Related Exhibits:		
	Trial Exhibit 218 - Camco/Owner Pay Application No. 11 w/Backup	JA002826-JA003028	50/51/52
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01-18-18	**Transcript – Bench Trial (Day 2)[2]**	JA005284-JA005370	78
	Trial Exhibit 535 – Deposition Transcript of Andrew Rivera (Exhibit 99) ***(Admitted)***	JA005371-JA005623	78/79/80
01-19-18	**Transcript – Bench Trial (Day 3)[3]**	JA005624-JA005785	80
	Trial Exhibit 231 – Helix Electric's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint ***(Admitted)***	JA005786-JA005801	80
	Trial Exhibit 314 - Declaration of Victor Fuchs in support of Helix's Motion for Partial Summary Judgment against Gemstone ***(Admitted)***	JA005802-JA005804	80

[2] Filed January 31, 201879
[3] Filed January 31, 2018

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	Trial Exhibit 321 – Overpayments to Cabinetec ***(Admitted)***	JA005806-	80
	Trial Exhibit 536 – Lien math calculations (handwritten) ***(Admitted)***	JA005807-JA005808	80
	Trial Exhibit 804 – Camco Correspondence ***(Admitted)***	JA005809-JA005816	80
	Trial Exhibit 3176 – APCO Notice of Lien ***(Admitted)***	JA005817-JA005819	81
01-24-18	**Transcript – Bench Trial (Day 5)[4]**	**JA005820-JA005952**	81
03-08-18	**Letter to Judge Denton submitting Helix Electric of Nevada, LLC's (Proposed) Findings of Fact and Conclusions of Law**	**JA005953-JA005985**	**81**
03-08-18	**Letter to Judge Denton submitting APCO Construction, Inc.'s Proposed Findings of Fact and Conclusions of Law**	**JA005986-JA006058**	**8/821**
03-08-18	**APCO Construction Inc.'s Post-Trial Brief**	**JA006059-JA006124**	**82/83**
03-23-18	**APCO Opposition to Helix Electric of Nevada, LLC's Findings of Fact and Conclusions of Law**	**JA006125-JA006172**	**83/84**
03-23-18	**Helix Electric of Nevada, LLC's Responses to APCO Construction's Post-Trial Brief**	**JA006173-JA006193**	**84**
04-25-18	**Findings of Fact and Conclusions of Law and Order as the Claims of Helix Electric and Cabinetec Against APCO**	**JA006194-JA006264**	**84/85**

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05-08-18	**APCO Construction, Inc.'s Motion for Attorneys' Fees and Costs Against Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc**.	**JA006265-JA006284**	**85**
	Exhibit 1 – Findings of Fact and Conclusions of Law as to the Claims of Helix Electric and Cabenetec Against APCO	JA006285-JA006356	85/86
	Exhibit 2 – National Wood Products, Inc.'s Notice of Motion and Motion to Intervene and Memorandum of Points and Authorities in Support Thereof	JA006357-JA006369	86
	Exhibit 3 – Plaintiff in Intervention, National Wood Products, Inc.'s Findings of Fact and Conclusions of Law (Proposed)	JA006370-JA006385	86/87
	Exhibit 4 – Plaintiff in Intervention, National Wood Productions, Inc.'s Findings of Fact and Conclusions of Law Re Camco	JA006386-JA006398	87
	Exhibit 5 – Offer of Judgment to Helix Electric of Nevada, LLC	JA006399-JA006402	87
	Exhibit 6 – Offer of Judgment to Plaintiff in Intervention National Wood Products, Inc.	JA006403-JA006406	87
	Exhibit 7 – Declaration of John Randall Jefferies, Esq. in Support of APCO Construction, Inc.'s Motion for Attorney's Fees and Costs	JA006407-JA006411	87
	Exhibit 7A – Billing Entries	JA006412-JA006442	87/88

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	Exhibit 7B – Time Recap	JA006443-JA006474	88
	Exhibit 8 – Declaration of Cody S. Mounteer, Esq. in Support of Motion for Attorney's Fees and Costs	JA006475-JA006478	88
	Exhibit 9 – APCO Construction, Inc.'s Memorandum of Costs and Disbursements [Against Helix Electric of Nevada, LLC, and Plaintiff in Intervention National Wood Products, LLC]	JA006479-JA006487	88
	Exhibit 10 – Depository Index	JA006488-JA006508	88/89
05-08-18	**Helix Electric of Nevada, LLC's Motion to Retax Costs Re: Defendant APCO Construction's Memorandum of Costs and Disbursements**	**JA006509-JA006521**	**89**
05-31-18	**Notice of Entry of Judgment [As to the Claims of Helix Electric of Nevada, LLC Against Camco Construction, Co., Inc.]**	**JA006522 JA006540**	**89**
06-01-18	**Notice of Entry of Judgment [As to the Claims of Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc.'s Against APCO Construction, Inc.]**	**JA006541 JA006550**	**90**
06-01-18	**Helix Electric of Nevada, LLC's Motion for Attorneys' Fees, Interest and Costs**	**JA006551-JA006563**	**90**
	Exhibit 1 – Findings of Fact and Conclusions of Law and Order as to the Claims of Helix Electric of Nevada, LLC Against Camco Pacific Construction, Inc.	JA006564-JA006574	90

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	Exhibit 2 – Memorandum of Costs and Disbursements (Helix Electric of Nevada, LLC)	JA006575-JA006580	90
	Exhibit 3 – Prime Interest Rate	JA006581-JA006601	90
	Exhibit 4 – Declaration of Eric B. Zimbelman in Support of Helix Electric of Nevada, LLC's Motion for Attorneys' Fees, Interest and Costs	JA006583-JA006588	90
	Exhibit 5 – Summary of Fees	JA006589-JA006614	90
06-15-18	**APCO Construction, Inc.'s Opposition to Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc.'s Motions to Retax Costs**	**JA006615-JA006637**	**90/9**1
	Exhibit 1-A Declaration of Mary Bacon in Support of APCO's Supplement to its Motion for Attorney's Fees	JA006635 JA006638	91
	Exhibit 1-B – Declaration of Cody Mounteer in Support of APCO's Supplement to its Motion for Attorney's Fees	JA006639-JA006916	91/92/93 94/95/96
06-15-18	**Helix Electric of Nevada, LLC's Opposition to APCO Construction's Motion for Attorneys' Fees and Costs**	**JA006917 – JA006942**	**96**
	Exhibit 1 – Notice of Entry of Staying the Case, Except for the Sale of the Property, Pending Resolution of the Petition before the Nevada Supreme Court	JA006943-JA006948	96

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	Exhibit 2 – Notice of Entry of Denying APCO Construction's Motion for Partial Summary Judgment Re: Lien Foreclosure Claims	JA006949-JA006954	96
	Exhibit 3 – Supreme Court filing notification Joint Petition for Writ of Mandamus filed	JA006955-JA006958	96
	Exhibit 4 – Order Denying *En Banc* Reconsideration	JA006959-JA006963	96
	Exhibit 5 – Notice of Entry of Order Granting Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA006964-JA006978	96
	Exhibit 6A – Interstate Plumbing and Air Conditioning, LLC's Response to Special Master Questionnaire	JA006977-JA006980	96
	Exhibit 6B – Nevada Prefab Engineers, Inc.'s Response to Special Master Questionnaire	JA006981-JA006984	96
	Exhibit 6C – Zitting Brothers Construction, Inc.'s Response to Special Master Questionnaire	JA006985-JA006993	96/97
	Exhibit 6D – Noorda Sheet Metal's Notice of Compliance	JA006994 JA007001	97
	Exhibit 6 E – Unitah Investments, LLC's Special Master Questionnaire	JA007002-JA007005	97
	Exhibit 7A – Motion to Appoint Special Master	JA007006-JA007036	97
	Exhibit 7B – Letter from Floyd A. Hale dated August 2, 2016	JA007037-JA007060	97

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	Exhibit 7C – Special Master Report Regarding Remaining Parties to the Litigation, Special Master Recommendation and District Court Order Amended Case Agenda	JA007042-JA007046	97
	Exhibit 8 – Notice of Entry of Order Granting Plaintiff's Motion to Dismiss	JA007047 JA007053	97
	Exhibit 9 – Stipulation and Order for Dismissal with Prejudice	JA007054-JA007056	97
	Exhibit 10 – Stipulation and Order to Dismiss Third-Party Complaint of Interstate Plumbing & Air Conditioning, LLC Against APCO Construction, Inc. with Prejudice	JA007057-JA007059	97
	Exhibit 11 – Notice of Entry of Order Granting in Part and Denying in Part APCO Construction's Omnibus Motion *in Limine*	JA007060-JA007088	97
	Exhibit 12 – Notice of Entry of Order Granting in Part and Denying in Part Helix Electric of Nevada, LLC's Motion in Limine (against APCO Construction)	JA007070-JA007078	97
	Exhibit 13 – Notice of Entry of Order Denying APCO Constructions' Motion for Partial Summary Judgment Re: Lien Foreclosure Claims	JA007079-JA007084	97
	Exhibit 14 – Notice of Entry of Order Denying APCO Construction's Motion for Reconsideration of Order Granting Partial Summary	JA007085-JA007087	97

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	Judgment Precluding Defenses Based on Pay-if-Paid Agreements		
	Exhibit 15 – Notice of Association of Counsel	JA007088-JA007094	97
06-15-18	**Plaintiff in Intervention National Wood Products, Inc.'s Opposition to APCO Construction's Motion for Attorneys' Fees and Costs**	**JA007095-JA007120**	**97/98**
06-15-18	**Declaration of S. Judy Hirahara in support of National Woods's Opposition to APCO Construction's Motion for Attorneys' Fees and Costs**	**JA007121-JA007189**	**98**
06-18-18	**Plaintiff in Intervention National Wood Products, Inc.'s Joinder to Helix Electric of Nevada, LLC's Opposition to APCO Construction's Motion for Attorneys' Fees and Costs**	**JA007190-JA007192**	**99**
06-21-18	**Helix Electric of Nevada, LLC's Notice of Non-Opposition to its Motion for Attorney's Fees, Interest and Costs**	**JA007193-JA007197**	**99**
06-29-18	**APCO Construction, Inc.'s Reply in Support of its Motion for Attorney's Fees and Costs Against Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc.**	**JA007198-JA007220**	**99**
	Exhibit 1 – Invoice Summary by Matter Selection	JA007221-JA007222	99
	Exhibit 2 – Marquis Aurbach Coffing Invoice to APCO dated April 30, 2018	JA007223-JA007224	99

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06-29-18	Helix Electric of Nevada, LLC's Reply Re: Motion to Retax	JA007225-JA007237	100
07-02-18	Notice of Entry of Order Granting Helix Electric of Nevada, LLC's Motion for Attorneys' Fees, Interest and Costs	JA007238-JA007245	100
07-19-18	Plaintiff-in-Intervention National Wood Products, Inc.'s Surreply to APCO Construction's Reply to Plaintiff-in-Intervention National Wood Products, Inc.'s Opposition to Motion for Attorney's Fees and Costs	JA007246-JA007261	100
08-08-18	Court's Decision on Attorneys' Fees and Cost Motions	JA007262-JA007280	100
09-28-18	Notice of Entry of (1) Granting APCO Construction, Inc.'s Motion for Attorneys' Fees and Costs (2) Granting APCO Construction, Inc.'s Memorandum of Costs in Part (3) Granting Helix Electric of Nevada, LLC's Motion to Retax in Part and Denying in Part (4) Granting Plaintiff in Intervention National Wood Products, LLC's Motion to Retax in Part and Denying in Part and (5) Granting National Wood Products, Inc.'s Motion to File a Surreply	JA007281-JA007299	100
01-24-19	Transcript for All Pending Fee Motions on July 19, 2018	JA007300-JA007312	100/101
07-12-19	Order Dismissing Appeal (Case No. 76276)	JA007313-JA007315	101

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08-06-19	**Helix Electric of Nevada LLC's Motion to (I) Re-Open Statistically Closed Case, (II) Dismiss All Unresolved Claims and/or (III) In the Alternative for a Rule 54(B) Certification as to Helix and APCO**	**JA007316-JA007331**	**101**
	Exhibit 1 – Judgment [As to the Claims of Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc.'s Against APCO Construction, Inc.	JA007332-JA007335	101
	Exhibit 2 – ORDER: (1) Granting APCO Construction, Inc. Motion for Attorneys Fees and Costs (2) Granting APCO Construction, Inc.'s Memorandum of Costs in Part (3) Granting Helix Electric of Nevada LLC's Motion to Retax in Part and Denying in Part and all related matters (4) Granting Plaintiff in Intervention National Wood Products LLC's Motion to Retax in Part and Denying in Part -and-(5) Granting National Wood Products, Inc.'s Motion to File a Surreply	JA007336-JA007344	101
	Exhibit 3 - Notice of Appeal	JA007345-JA007394	101/102
	Exhibit 4 – Amended Notice of Appeal	JA007395-JA007400	102
	Exhibit 5A – 5F -Notices of Entry of Order as to the Claims of Cactus Rose Construction, Fast Glass, Inc., Heinaman Contract Glazing, Helix Electric of Nevada, LLC, SWPPP Compliance	JA007401-JA007517	102/103

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	Solutions, Inc., E&E Fire Protection		
	Exhibit 6 – Order Dismissing Appeal in Part (Case No. 76276)	JA007518-JA007519	103
	Exhibit 7 – Order to Show Cause	JA007520-JA007542	103
	Exhibit 8 -Order Dismissing Appeal (Case No. 76276)	JA007524-JA007527	103
	Exhibit 9 – Notice of Entry of Order to Consolidate this Action with Case Nos. A574391, A574792, A57623. A58389, A584730, A58716, A580889 and A589195	JA 007528-JA007541	103
	Exhibit 10 (Part One)	JA007537-JA007542	103
	Exhibit 10A – Docket 09A587168 (Accuracy Glass & Mirror v. APCO)	JA007543-JA007585	103
	Exhibit 10B -Docket 08A571228 (APCO v. Gemstone)	JA007586-JA008129	103/104/105/106/107/108/109
	Exhibit 10C – Notice of Entry of Order to Consolidate this Action with Cases Nos A57. 4391, A574792, A577623, A583289, A584730, A587168, A580889 and A589195	JA008130-JA008138	109
	Exhibit 10D – Notice of Entry of Joint Order Granting, in Part, Various Lien Claimants' Motions for Partial Summary Judgment Against Gemstone Development West	JA008139-JA008141	109
	Exhibit 10 (Part Two)	JA008142-JA008149	109

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	Exhibit 10E – 131 Nev. Advance Opinion 70	JA008150-JA008167	109
	Exhibit 10F – Special Master Report Regarding Remaining Parties to the Litigation and Discovery Status	JA008168-JA008170	109
	Exhibit 10EG – Notice of Entry of Granting Plaintiff's Motion to Dismiss	JA008171-JA008177	109
	Exhibit 10H – Complaint re Foreclosure	JA008178-JA008214	109
	Exhibit 10I – First Amended Complaint re Foreclosure	JA008215-JA008230	109
	Exhibit 10J – APCO Construction's Answer to Accuracy Glass & Mirror Company's First Amended Complaint re Foreclosure	JA008231-JA008265	109/110
	Exhibit 10K –Answer to Accuracy Glass & Mirror Company, Inc.'s Complaint and Camco Pacific Construction, Inc.'s Counterclaim	JA008266-JA008285	110
	Exhibit 10L – Accuracy Glass & Mirror Company, Inc.'s Answer to Camco Pacific Construction Company's Counterclaim	JA008286-JA008290	110
	Exhibit 10M – Helix Electric's Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008291-JA008306	110
	Exhibit 10N – APCO Construction's Answer to Helix Electric's Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008307-JA008322	110
	Exhibit 10O – Answer to Helix Electric's Statement of Facts	JA008323-JA008338	110

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	Constituting Lien and Third-Party Complaint and Camco Pacific Construction Company Inc.'s Counterclaim		
	Exhibit 10P – Notice of Entry of Helix Electric of Nevada, LLC's Motion for Attorney's Fees, Interest and Costs	JA008339 JA008347	110
	Exhibit 10Q – Notice of Entry of Judgment [As to the claims of Helix Electric of Nevada, LLC Against Camco Construction Co., Inc.]	JA008348-JA008367	110
	Exhibit 10R – Notice of Entry of Judgment [As to the Claims of Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc. Against APCO Construction, Inc.]	JA008368-JA008378	110
	Exhibit 10S – Findings of Fact and Conclusions of Law and Order as to the Claims of Helix Electric and Cabenetec Against APCO	JA008379-JA008450	110/111
	Exhibit 10T -WRG Design, Inc.'s Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint	JA008451-JA008486	111
	Exhibit 10U – APCO Construction's Answer to WRG Design Inc.'s amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008468-JA008483	111
	Exhibit 10V -Answer to WRG Design, Inc.'s Statement of Facts Constituting Lien, Third-Party Complaint and Camco Pacific Construction, Inc's Counterclaim	JA008484-JA008504	111

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	Exhibit 10W – Notice of Entry of Stipulation and Order Dismissal	JA008505-JA008512	111
	Exhibit 10X – WRG Design, Inc.'s Answer to Camco Pacific Construction Company, Inc.'s Counterclaim	JA008513 JA008517	111
	Exhibit 10Y – Heinaman Contract Glazing's Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008518-JA008549	111
	Exhibit 10Z – Answer to Heinaman Contract Glazing's Statement of Facts Constituting Lien and Third-Party Complaint, and Camco Pacific Construction's Counterclaim	JA008531-JA008551	111
	Exhibit 10AA – Notice of Entry of Granting Heinaman Glazing's Motion for Attorneys's Fees, Interest and Costs	JA008552-JA008579	111/112
	Exhibit 10BB -Notice of Entry of Judgment [As to the Claims of Heinaman Contract Glazing Against Camco Construction Co., Inc.]	JA008561-JA008582	112
	Exhibit 10CC – Heinaman Contract Glazing's Answer to Camco Pacific Construction Company's Counterclaim	JA008583 JA008588	112
	Exhibit 10DD - Bruin Painting Corporation's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint	JA008589-JA00861	112
	Exhibit 10EE – Answer to Bruin Painting Corporation's Amended Statement of Facts Constituting Notice of Lien and Third-Party	JA008602-JA008621	112

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	Complaint and Camco Pacific Construction, Inc.'s Counterclaim		
	Exhibit 10FF – 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	JA008622-JA008624	112
	Exhibit 10GG – HD Supply Waterworks' Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008625-JA008642	112
	Exhibit 10HH – APCO Construction's Answer to HD Supply Waterworks' Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008643-JA008657	112
	Exhibit 10II – Amended Answer to HD Supply Waterworks' Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008658-JA008664	112
	Exhibit 10JJ -Defendants Answer to HD Supply Waterworks' Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008665-JA008681	112
	Exhibit 10KK – Stipulation and Order to Dismiss E & E Fire Protection, LLC Only Pursuant to the Terms State Below	JA008682-JA008685	112
	Exhibit 10LL – HD Supply Waterworks, LP's Voluntary Dismissal of Platte River Insurance Company Only Without Prejudice	JA008686-JA008693	112

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	Exhibit 10MM – Scott Financial Corporation's Answer to HD Supply Waterworks' Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008694-JA008717	112/113
	Exhibit 10NN-Notice of Appeal	JA008718 JA008723	113
	Exhibit 10OO – Amended Notice of Appeal	JA008724-JA008729	113
	Exhibit 10PP – Notice of Cross Appeal	JA008730-JA008736	113
	Exhibit 10QQ – Motion to Suspend Briefing Pending Outcome of Order to Show Cause in Supreme Court Case No. 76276	JA008737-JA008746	113
	Exhibit 11 – Order to Consolidate this Action with Case Nos. A574391, A574792, A57623. A58389, A584730, A58716, A580889 and A589195	JA008747-JA008755	113
	Exhibit 12 – Stipulation and Order to Dismiss Third-Party Complaint of Interstate Plumbing & Air Conditioning, LLC Against APCO Construction, Inc. with Prejudice	JA00875-JA008758	113
	Exhibit 13 – Stipulation and Order with Prejudice	JA008759-JA008780	113
	Exhibit 14 – Docket/United Subcontractors, Inc. dba Skyline Insulation's Motion to Enforce Settlement Agreement and Enter Judgment	JA008762-JA008788	113
	Exhibit 15 – Notice of Entry of Order Granting Motion for 54(b) Certification and for Stay Pending Appeal	JA008789-JA008798	113

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	Exhibit 16 – Notice of Appeal	JA008799-JA008810	113
08-16-19	**APCO's Opposition to Helix Electric of Nevada LLC's Motion to (I) Re-Open Statistically Closed Case, (II) Dismiss All Unresolved Claims and/or (III) In the Alternative for a Rule 54(B) Certification as to Helix and APCO**	**JA008811-JA008821**	**114**
	Exhibit 1 – Order to File Amended Docketing Statement	JA008822-JA008824	114
	Exhibit 2 – Order to Show Cause	JA008825-JA008828	114
	Exhibit 3 – Appellant/Cross-Respondent's Response to Order to Show Cause	JA008829-JA008892	114/115/116
	Exhibit 4 – Order Dismissing Appeal	JA008893-JA008896	116
	Exhibit 5 – Chart of Claims	JA008897-JA008924	116
	Exhibit 6 – Answer to Helix Electric's Statement of Facts Constituting Lien and Third-Party Complaint and Camco Pacific Construction Company, Inc.'s Counterclaim	JA008925-JA008947	116/117
	Exhibit 7 – Answer to Cactus Rose's Statement of Facts Constituting Notice of Lien and Complaint and Camco Pacific Construction Company Inc.'s Counterclaim	JA008948-JA008965	117
	Exhibit 8 – Answer to Heinaman Contract Glazing's Statement of Facts Constituting Lien and Third-Party Complaint and Camco	JA008966-JA008986	117/118

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	Pacific Construction's Counterclaim		
	Exhibit 9 – Findings of Fact and Conclusions of Law as to the Claims of Helix Electric of Nevada, LLC Against Camco Pacific Construction, Inc.	JA008987-JA008998	118
	Exhibit 10 – Findings of Fact and Conclusions of Law as to the Claims of Cactus Rose Construction Co., Inc.	JA008998-JA009010	118
	Exhibit 11 – Findings of Fact and Conclusions of Law as to the Claims of Heinaman Contract Glazing	JA009011-JA009024	118
	Exhibit 12 – Notice of Entry of Decision, Order and Judgment on Defendant Scott Financial Corporation's Motion for Summary Judgment as to Priority of Liens	JA009025-JA009038	118
	Exhibit 13 – Findings of Fact and Conclusions of Law as to the Claims of Helix Electric and Cabenetec Against APCO	JA009039-JA009110	118/119
	Exhibit 14 – Order Granting Motion to Deposit Bond Penal Sum with Court, Exoneration of Bond and Dismissal	JA009111-JA009113	119
	Exhibit 15 – Order Approving Distribution of Fidelity and Deposit Company of Maryland's Bond	JA009114-JA009116	119
08-29-19	**Helix Electric of Nevada LLC's Reply to APCO's Opposition to Helix Electric of Nevada LLC's Motion to (I) Re-Open Statistically Closed Case, (II)**	**JA009117-JA009123**	**119**

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01-03-20	**Notice of Entry of Order Granting Helix Electric of Nevada, LLC's Motion for Rule 54(b) Certification**	**JA009124-JA009131**	**119**
01-29-20	**Notice of Appeal**	**JA009132-JA009136**	**119/120**
	Exhibit A – Notice of Entry of Judgment [As to the Claims of Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc.'s Against APCO Construction, Inc.]	JA009137-JA009166	120
	Exhibit [C] – Notice of Entry of Order Granting Helix Electric of Nevada's Rule 54(b) Certification	JA009148-JA009156	120
02-11-20	**Case Appeal Statement**	**JA009157-JA009163**	120
02-11-20	**APCO's Notice of Cross Appeal**	**JA009164-JA010310**	120
	Exhibit 1 – Notice of Entry of Order (1) Granting APCO Construction, Inc.'s Motion for Attorney's Fees and Costs; (2) Granting APCO Construction, Inc.'s Memorandum of Costs in Part (3) Granting Helix Electric of Nevada, LLC's Motion to Retax in Party (4) Granting Plaintiff-in-Intervention National Wood Productions, LLC's Motion to Retax in Part and Denying in Part and (5) Granting National Wood Products, Inc.'s Motion to File a Surreply	JA009168-JA009182	120

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	Exhibit 2 – Notice of Entry of Order Granting Helix Electric of Nevada's Motion for Rule 54(b) Certification	JA009183-JA00991	120

ALPHABETICAL APPENDIX OF EXHIBITS

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08-05-09	**APCO's Answer to Helix's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint**	**JA000016 – JA000030**	**1**
05-08-18	**APCO Construction, Inc.'s Motion for Attorneys' Fees and Costs Against Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc**.	**JA006265-JA006284**	**85**
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	Exhibit 10 - Order Granting in Part and Denying in part Helix Electric of Nevada, LLC's Motions *in Limine* 1-4 (Against APCO Construction)	JA001651-JA001653	28
	Exhibit 11 - order granting Peel Brimley Lien Claimants' Motion in Limine Nos.1-6 (against Camco Pacific Construction, Inc.)	JA001654-JA001657	28
	Exhibit 12 - Order Granting Plaintiff in Intervention, National Wood Products, Inc.'s Motion *in Limine*	JA001658-JA001660	28
	Exhibit 13 - Order Granting Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA001661-JA00167	28/9/29
03-08-18	**Letter to Judge Denton submitting APCO Construction, Inc.'s Proposed Findings of Fact and Conclusions of Law**	**JA005986-JA006058**	**8/821**
03-08-18	**Letter to Judge Denton submitting Helix Electric of Nevada, LLC's (Proposed) Findings of Fact and Conclusions of Law**	**JA005953-JA005985**	**81**
01-04-18	**Motion for Reconsideration of Court's Order Granting Peel Brimley Lien Claimants' Partial Motion for Summary Judgment to Preclude Defenses based on Pay-if-Paid provision on an Order Shortening Time**	**JA001199-JA001217**	**22**
	Exhibit 1 – Subcontract Agreement (Helix Electric of Nevada, LLC)	JA001218-JA001245	22/23/24
	Exhibit 2 – Subcontract Agreement (Zitting Brothers)	JA001246-JA001263	24

Date	Description	Bates Number	Volume(s)
	Exhibit 3 – Subcontract Agreement (CabineTec)	JA001264-JA001281	24/25
	Exhibit 4 – Amended Notice of Lien	JA001282-JA001297	25
	Exhibit 5 - Amended NOL	JA001298-JA001309	25
	Exhibit 6 – Notice of Lien	JA001310-JA001313	25
	Exhibit 7 – Order Approving Sale of Property	JA001314-JA001376	25/26
	Exhibit 8 – Order Releasing Sale Proceeds from Court Controlled Escrow Account	JA001377-JA001380	26
	Exhibit 9 – Order Denying *En Banc* Reconsideration	JA001381-JA001385	26
	Exhibit 10 – Order Granting Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA001386-JA001392	26
	Exhibit 11 – Notice of Entry of Findings of Fact and Conclusions of Law and Judgment	JA001393-JA001430	26
	Exhibit 12 – Order Big D Construction Corp.'s Motion for Attorney's Fees, Costs and Interest Pursuant to Judgment	JA001431-JA001435	26
	Exhibit 13 – Appellant's Opening Brief (Padilla v. Big D)	JA001436-JA001469	26
	Exhibit 14 – Respondent's Answering Brief	JA001470-JA001516	26/27
	Exhibit 15 – Appellant's Reply Brief (Padilla v. Big D)	JA001517-JA001551	27
01-29-20	**Notice of Appeal**	**JA009132-JA009136**	**119/120**
	Exhibit A – Notice of Entry of Judgment [As to the Claims of Helix Electric of Nevada, LLC and Plaintiff in Intervention	JA009137-JA009166	120

Date	Description	Bates Number	Volume(s)
	National Wood Products, Inc.'s Against APCO Construction, Inc.]		
	Exhibit [C] – Notice of Entry of Order Granting Helix Electric of Nevada's Rule 54(b) Certification	JA009148-JA009156	120
05-31-18	**Notice of Entry of Judgment [As to the Claims of Helix Electric of Nevada, LLC Against Camco Construction, Co., Inc.]**	**JA006522 JA006540**	**89**
06-01-18	**Notice of Entry of Judgment [As to the Claims of Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc.'s Against APCO Construction, Inc.]**	**JA006541 JA006550**	**90**
09-28-18	**Notice of Entry of Order (1) Granting APCO Construction, Inc.'s Motion for Attorneys' Fees and Costs (2) Granting APCO Construction, Inc.'s Memorandum of Costs in Part (3) Granting Helix Electric of Nevada, LLC's Motion to Retax in Part and Denying in Part (4) Granting Plaintiff in Intervention National Wood Products, LLC's Motion to Retax in Part and Denying in Part and (5) Granting National Wood Products, Inc.'s Motion to File a Surreply**	**JA007281-JA007299**	**100**
12-29-17	**Notice of Entry of Order Granting in Part and Denying in Part APCO Construction's Omnibus Motion *in Limine***	**JA001178-JA001186**	**22**
07-02-18	**Notice of Entry of Order Granting Helix Electric of Nevada, LLC's Motion for Attorneys' Fees, Interest and Costs**	**JA007238-JA007245**	**100**
01-03-20	**Notice of Entry of Order Granting Helix Electric of Nevada, LLC's Motion for Rule 54(b) Certification**	**JA009124-JA009131**	**119**

Date	Description	Bates Number	Volume(s)
01-03-18	**Notice of Entry of Order Granting Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements**	**JA001187-JA001198**	**22**
12-29-17	**Notice of Entry of Order Granting in Part and Denying in Part Helix Electric of Nevada, LLC's Motion *in Limine* 1-4**	**JA001170-JA001177**	**22**
12-29-17	**Notice of Entry of Order Granting Peel Brimley Lien Claimants' Motion *in Limine* 1-6**	**JA001161-JA001169**	**22**
01-19-18	**Order Denying APCO Construction's Motion for Reconsideration of Order Granting Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements**	**JA005282-JA005283**	**78**
07-12-19	**Order Dismissing Appeal (Case No. 76276)**	**JA007332-JA007334**	**101**
07-02-10	**Order Striking Defendant Gemstone Development West, Inc.'s Answer and Counterclaim and Entering Default**	**JA000042-JA000043**	**1**
08-02-17	**Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements and *Ex Parte* Application for Order Shortening Time**	**JA000328-JA000342**	**6**
	Exhibit 1 – APCO Construction's Answers to Helix Electric of Nevada, LLC's First Request for Interrogatories	JA000343-JA00379	6
	Exhibit 2 – Camco Pacific Construction Company, Inc.'s Responses to Helix Electric of Nevada, LLC's Interrogatories	JA000380-JA000392	6
11-06-17	**Peel Brimley Lien Claimants' Motion in Limine Nos. 1-6**	**JA000419-JA000428**	**7**
	Exhibit 1 – Notice of Entry of Order	JA000429	7

Date	Description	Bates Number	Volume(s)
		JA000435	
	Exhibit 2 – Amended Notices of 30(b)(6) Deposition of Camco Pacific Construction Company, Inc. from Cactus Rose Construction, Inc., Fast Glass, Inc.'s, Heinaman Contract Glazing, Inc. and Helix Electric of Nevada, LLC's	JA000436-JA000472	7/8
	Exhibit 3 – Excerpt from David E. Parry's Deposition Transcript taken June 20, 2017	JA000473 JA00489	8
	Exhibit 4 – Cactus Rose Construction, Inc.'s First Set of Request for Admissions to Camco Pacific Construction	JA00490 JA000500	8
	Exhibit 5 – Fast Glass, Inc.'s First Set of Request for Admissions to Camco Pacific Construction	JA000501-JA000511	8
	Exhibit 6 – Heinaman Contract Glazing, Inc.'s First Set of Request for Admissions to Camco Pacific Construction	JA000512-JA000522	8
	Exhibit 7 – Helix Electric of Nevada, LLC's First Set of Request for Admissions to Camco Pacific Construction	JA000523-JA000533	8
09-28-17	**Peel Brimley Lien Claimants' Reply to Oppositions to Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements**	**JA000413-JA00418**	**7**
01-09-18	**Peel Brimley Lien Claimants' Opposition to APCO Construction's Motion for Reconsideration of Order Granting Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements**	**JA001552-JA001560**	**27**
06-18-18	**Plaintiff in Intervention National Wood Products, Inc.'s Joinder to Helix Electric of Nevada, LLC's Opposition**	**JA007190-JA007192**	**99**

Date	Description	Bates Number	Volume(s)
	to APCO Construction's Motion for Attorneys' Fees and Costs		
06-15-18	**Plaintiff in Intervention National Wood Products, Inc.'s Opposition to APCO Construction's Motion for Attorneys' Fees and Costs**	**JA007095-JA007120**	**97/98**
07-19-18	**Plaintiff-in-Intervention National Wood Products, Inc.'s Surreply to APCO Construction's Reply to Plaintiff-in-Intervention National Wood Products, Inc.'s Opposition to Motion for Attorney's Fees and Costs**	**JA007246-JA007261**	**100**
01-10-18	**Reply in Support of Motion for Reconsideration of Court's Order Granting Peel Brimley Lien Claimants' Partial Motion for Summary Judgment to Preclude Defenses Based on Pay-if-Paid Provisions on an Order Shortening Time**	**JA001561-JA001573**	**27**
01-18-18	**Stipulation and Order Regarding Trial Exhibit Admitted into Evidence**	**JA002199-JA002201**	**36**
	Exhibit 1 – Exhibit List APCO	JA002208-JA002221	36
	Exhibit 2 – Helix Trial Exhibits	JA002222-JA002223	36
	Exhibit 3 – Exhibit List Plaintiff in Intervention National Wood Products, Inc.	JA002224-JA002242	36/37
	APCO TRIAL EXHIBITS:		
	APCO Related Exhibits:		
	Trial Exhibit 7 - Letter from Scott Financial to APCO re: Loan Status	JA002243	37
	Trial Exhibit 8 - APCO Pay Application No. 10 as submitted to Owner	JA002244-JA002282	37/38
	Trial Exhibit 12 and 107 - Email from C. Colligan to Subcontractors re: Subcontractor Concerns	JA002283-JA002284	38

Date	Description	Bates Number	Volume(s)
	Trial Exhibit 17 – Video (Construction Project)	JA002285	N/A
	Trial Exhibit 18 – Video (Construction Project)	JA002286	N/A
	Trial Exhibit 19 – Video (Construction Project)	JA002287	N/A
	Trial Exhibit 20 – Video (Construction Project)	JA002288	N/A
	Trial Exhibit 21 – Video (Construction Project)	JA002289	N/A
	Trial Exhibit 22 – Video (Construction Project)	JA002290	N/A
	Trial Exhibit 29 - Email from J. Robbins to Subcontractors re: Billing Cut-Off for August Billing	JA002285	39
	Trial Exhibit 30 - Camco Pay Application No. 11 NCS-Owner Approved with NCS Draw Request	JA002286-JA002306	39
	Trial Exhibit 32 and 125 - Photo re: Building 8 & 9, Interior (Showing drywall still not completed and no electrical trim or fixture installed)	JA002307-JA002308	39
	Trial Exhibits 33 and 126 - Photo re: Building 8 & 9, Interior (Showing drywall still not completed)	JA002309-JA002310	39
	Exhibit 34 and 128 - Photo re: Building 8 & 9, Interior (Showing drywall still not completed)	JA002311-JA002312-	40
	Trial Exhibit 35 - Photo re: Building 8 & 9, Interior (Showing drywall still not completed and no electrical trim or fixtures installed)	JA002313-JA002314	40
	Exhibit 36 and 130 -Photo re: Building 8 & 9, Interior (Showing drywall still not completed and no electrical trim or fixtures installed)	JA002315-JA002316	40

Date	Description	Bates Number	Volume(s)
	Trial Exhibits 37 and 131 -Photo re: Building 8 & 9, Interior (Showing drywall still not completed and no electrical trim or fixtures installed)	JA002317-JA002318	40
	Trial Exhibits 38 and 132 - Photo re: Building 8 & 9, Interior (Showing drywall still not completed and no electrical trim or fixtures installed)	JA002319-JA002320	41
	Trial Exhibit 39 -Email from K. Costen to Subcontractors informing that Manhattan West Project no longer open	JA002321-JA002322	41
	Trial Exhibit 40- Letter from D. Parry to Subcontractors Re: Funding Withdrawn	JA002323 JA002326	41
	HELIX Related Exhibits:		41
	Trial Exhibit 46 - Helix Pay Application No. 16713-008R1 with Proof of Payment	JA002327-JA002345	41
	Trial Exhibit 47 - Helix Pay Application No. 16713-009R1 with Proof of Payment	JA002346-JA002356	41
	Trial Exhibit 48 - Email from R. Nickerl to B. Johnson Re: Work Suspension Directive	JA002357-JA002358	41
	Trial Exhibit 49 -Helix Pay Application No. 16713-010R2 with Proof of Payment	JA002359-JA002364	41/42
	Trial Exhibit 50 - Unconditional Waiver and Release re: Pay Application No. 8 with Copy of Payment	JA002365-JA002366	42
	Trial Exhibit 51 - Photo re: Building 8 & 9, South (No Exterior fixtures installed. Helix billed out at 90%)	JA002367-JA002368	42
	Trial Exhibit 52 -Photo re: Building 8 & 9, North (No Exterior fixtures installed. Helix billed out at 90%)	JA002369-JA002370	42
	Trial Exhibit 53 -Photo re: Building - 2 & 3, West (No Exterior fixtures installed. Helix billed out at 90%)	JA002371-JA002372	42

Date	Description	Bates Number	Volume(s)
	Trial Exhibit 54 - Photo re: Building - 2 & 3, East (No Exterior fixtures installed. Helix billed out at 90%)	JA002373-JA002374	42
	Trial Exhibit 55 - Photo re: Building 2 & 3, East (No Exterior fixtures installed. Helix billed out at 90%)	JA002375-JA002376	42
	Trial Exhibit 56 - Photo re: Building 8 & 9, North (No Exterior fixtures installed. Helix billed out at 90%)	JA002377-JA002378	42
	Trial Exhibit 57 - Photo re: Building 2 & 3, and 8 & 9, North (No Exterior fixtures installed. Helix billed out at 90%)	JA002379-JA002381	42
	Trial Exhibit 58 - Helix Pay Application No. 16713-011R1 submitted to Owner	JA002382-JA002391	42
	Trial Exhibit 59 - Helix Pay Application No. 16713-011R1 given to Camco with Proof of Payment	JA002392-JA002405	43
	Trial Exhibit 60 - Helix Retention Rolled to Camco	JA002406-JA002415	43
	Trial Exhibit 61 - Unconditional Waiver and Release re: all Invoices through June 30, 2008 with Proof of Payment	JA002413-JA002415	43
	Trial Exhibit 62 - Photo re: Building 8 & 9, South	JA002416-JA002417	43
	Trial Exhibit 63 - Photo re: Building 2 & 3, West	JA002418-JA002419	43
	Trial Exhibit 64 - Photo re: Building 2 & 3, West	JA002420-JA002421	43
	Trial Exhibit 65 - Photo re: Building 2 & 3, South	JA002422-JA002423	43
	Trial Exhibit 66 - Letter of transmittal from Helix to APCO re: Helix Pay Application No. 16713-011R1	JA002424-JA002433	43
	Trial Exhibit 67 - Photo re: Building 8 & 9, West (No exterior fixtures installed. Helix billed out 90%)	JA002435-JA002436	43

Date	Description	Bates Number	Volume(s)
	Trial Exhibit 68 -Photo re: Building 8 & 9, West (No exterior fixtures installed. Helix billed out 90%)	JA002437-JA002438	43
	Trial Exhibit 69 - Photo re: Building 2 & 3, East (No exterior fixtures installed. Helix billed out 90%)	JA002439-JA002440	43
	Trial Exhibit 70 - Photo re: Building 8 & 9, South (No exterior fixtures installed. Helix billed out 90%)	JA002441-JA002442	43
	Trial Exhibit 71 - Photo re: Building 8 & 9, West (No exterior fixtures installed. Helix billed out 90%)	JA002443-JA002444	43
	Trial Exhibit 72 - Photo re: Building 2 & 3, East (No exterior fixtures installed. Helix billed out 90%)	JA002445-JA002446	43
	Trial Exhibit 73 - Photo re: Building 8 & 9, West (No exterior fixtures installed. Helix billed out 90%)	JA002447-JA002448	43
	Trial Exhibit 74 - Photo re: Building 2 & 3, East (No exterior fixtures installed. Helix billed out 90%)	JA002448-JA002449	43
	Trial Exhibit 75 - Unconditional Release re: Pay Application No. 16713-011R1 with Proof of Payment	JA002450-JA002456	43
	Exhibit 77 - Helix Statement of Facts Constituting Notice of Lien and Third-Party Complaint	JA002457-JA002494	43
	Zitting Brothers Related Exhibits:		
	Trial Exhibit 100 - Check No. 14392 payable to Zitting ($27,973.80); Progress Payment No. 7	JA002495-JA002497	44
	Trial Exhibit 101 - Email from R. Nickerl to R. Zitting re: Change Orders	JA002498-JA002500	44
	Trial Exhibit 102 -Email from L. Lynn to J. Griffith, et al. re: Change Order No. 00011 “pending”	JA002501-JA002503	44

Date	Description	Bates Number	Volume(s)
	Trial Exhibit 103- Email from R. Zitting to R. Nickerl re: change orders adjusted to $30 per hour	JA002504-JA002505	44
	Trial Exhibit 104 - Email from R. Zitting to R. Nickerl re: change orders adjusted to $30 per hour with copies of change orders	JA002506-JA002526	44
	Trial Exhibit 105 - Ex. C to the Ratification – Zitting Quotes	JA002527-JA002528	44
	Trial Exhibit 106 - Unconditional Lien Release – Zitting ($27,973.80)	JA002529	44
	Trial Exhibit 108 - Photo of Video (Construction Project)	JA002530-JA002531	44
	Trial Exhibit 109 - Photo of Video (Construction Project)	JA002532-JA002533	44
	Trial Exhibit 110 - Photo of Video (Construction Project)	JA002534-JA002535	44
	Trial Exhibit 111 - Photo of Video (Construction Project)	JA002536-JA002537	44
	Trial Exhibit 112 - Photo of Video (Construction Project)	JA002538-JA002539	44
	Trial Exhibit 113 -Photo of Video (Construction Project)	JA002550-JA002541	44
	Trial Exhibit 114 -Photo of Video (Construction Project)	JA002542-JA002543	44
	Trial Exhibit 115 - Progress Payment No. 9 Remitted to Zitting	JA002544-JA002545	44
	Trial Exhibit 116 - Ratification and Amendment of Subcontract Agreement between Buchele and Camco	JA002546-JA002550	44
	Trial Exhibit 117 - C to the Ratification	JA002551-JA002563	44
	Trial Exhibit 118 - Q&A from Gemstone to subcontracts	JA002564-JA002567	44
	Trial Exhibit 119 - Check No. 528388 payable to APCO ($33,847.55) – Progress Payment No. 8.1 and 8.2	JA002568-JA002571	44

Date	Description	Bates Number	Volume(s)
	Trial Exhibit 120 - Tri-City Drywall Pay Application No. 7 to APCO as submitted to Owner. Show percentage complete for Zitting	JA002572-JA002575	44/45
	Trial Exhibit 127 - Photo of Video (Construction Project)	JA002576-JA002577	45/46
	Trial Exhibit 128 - Photo of Video (Construction Project)	JA002578-JA002579	46
	Trial Exhibit 129 - Photo of Video (Construction Project)	JA002580-JA002581	46
	Trial Exhibit 138 - Memo from Scott Financial to Nevada State Contractors Board Re: Explanation of Project Payment Process	JA002582-JA002591	46
	Trial Exhibit 152 -Terms & Conditions modified by APCO, Invoices and Check Payment	JA002592-JA002598	46
	National Wood Products Related Exhibits:		
	Trial Exhibit 160 - Documents provided for settlement	JA002599-JA002612	46
	CAMCO Related Exhibits:		
	Trial Exhibit 163 - Camco Pay Application No. 12 to Gemstone	JA002613-JA002651	46/47
	Trial Exhibit 165 - Letter from D. Parry to A. Edelstein re: Gemstone losing funding for project	JA002652-JA002653	47
	Trial Exhibit 166 - Letter from D. Parry to G. Hall re: withdrawal of funding	JA002654 JA002656	47
	Helix Related Exhibits:		47
	Trial Exhibit 169 - Helix Exhibit to Standard Subcontract Agreement with Camco	JA 002665 JA002676	47/48
	Trial Exhibit 170 - Subcontract Agreement between Helix and Camco (unsigned)	JA002677-JA002713	48

Date	Description	Bates Number	Volume(s)
	Trial Exhibit 171 - Work Order No. 100	JA002714-JA002718	48
	Trial Exhibit 172 - Letter from J. Griffith to Victor Fuchs Re: Gemstone's intention to continue retention of Helix w/copy of Ratification and Amendment of Subcontract Agreement	JA002719-JA002730	48
	Trial Exhibit 173 - Helix Pay Application No. 16713-012 to Camco with proof of payment	JA002731-JA002745	48
	Trial Exhibit 174 - Helix Change Order Request No. 28	JA002746-JA002747	48
	Trial Exhibit 175 - Change Notice No. 41	JA002748-JA002751	48
	Trial Exhibit 176 - Helix Pay Application No. 16713-013 to Camco	JA002752-JA002771	48/49
	Trial Exhibit 177 - Helix Pay Application No. 16713-014 to Camco	JA002772-JA002782	49
	Trial Exhibit 178 - Camco's letter to Helix rejecting Pay Application No. 16713-015 with attached copy of Pay Application	JA002783 JA002797	49
	National Wood/Cabinetec Related Exhibits:		
	Trial Exhibit 184 - Ratification and Amendment of Subcontract Agreement between CabineTec and Camco (fully executed copy)	JA002798-JA002825	49
	General Related Exhibits:		
	Trial Exhibit 218 - Camco/Owner Pay Application No. 11 w/Backup	JA002826-JA003028	50/51/52
	Trial Exhibit 220 - Camco/Owner Pay Application No. 12 w/Backup	JA003029-JA003333	52/53/54/55
	Trial Exhibit 313 - Letter from A. Edelstein to R. Nickerl re: NRS 624 Notice	JA003334-JA003338	55
	Helix Trial Exhibits:		

Date	Description	Bates Number	Volume(s)
	Trial Exhibit 501 - Payment Summary	JA003339 – JA003732	55/56/57/ 58/59/60
	Trial Exhibit 508 – Helix Pay Application	JA003733- JA003813	60/61
	Trial Exhibit 510 - Unsigned Subcontract	JA003814- JA003927	61/62
	Trial Exhibit 512 - Helix's Lien Notice	JA003928- JA004034	62/63
	Trial Exhibit 522 - Camco Billing	JA004035- JA005281	63/64/65/66/67/ 68/69/70 /71/72 /73/74/75/ 76/77
01-17-18	**Transcript Bench Trial (Day 1)**[5]	**JA001668- JA001802**	**29/30**
	Trial Exhibit 1 - Grading Agreement ***(Admitted)***	JA001803- JA001825	30
	Trial Exhibit 2 – APCO/Gemstone General Construction Agreement ***(Admitted)***	JA001826- JA001868	30
	Trial Exhibit 3 - Nevada Construction Services /Gemstone Cost Plus/GMP Contract Disbursement Agreement ***(Admitted)***	JA001869- JA001884	30
	Trial Exhibit 4 - APCO Pay Application No. 9 Submitted to Gemstone ***(Admitted)***	JA001885- JA001974	30/31/32
	Trial Exhibit 5 - Letter from J. Barker to A. Edelstein re: APCO's Notice of Intent to Stop Work ***(Admitted)***	JA001975- JA001978	32
	Trial Exhibit 6 - Letter from J. Barker to A. Edelstein re: APCO's Notice of Intent to Stop Work ***(Admitted)***	JA001979- JA001980	32
	Trial Exhibit 10 - Letter from J. Barker to A. Edelstein Re: Notice of Intent to Stop Work (Second Notice) ***(Admitted)***	JA001981- JA001987	32

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Date	Description	Bates Number	Volume(s)
	Trial Exhibit 13 - Letter from A. Edelstein to Re. Nickerl Re: Termination for Cause (Gemstone) ***(Admitted)***	JA001988-JA002001	32
	Trial Exhibit 14 - Letter from W. Gochnour to Sean Thueson Re: [APCO's] Response to [Gemstone's] Termination for Cause ***(Admitted)***	JA002002-JA002010	33
	Trial Exhibit 15 - Letter from R. Nickerl to A. Edelstein Re: 48-Hour Notices ***(Admitted)***	JA002011-JA002013	33
	Trial Exhibit 16 - Email from J. Horning to A. Berman and J. Olivares re: Joint Checks ***(Admitted)***	JA002014	33
	Trial Exhibit 23 - APCO Subcontractor Notice of Stopping Work and Letter from J. Barker to A. Edelstein Re: Notice of Stopping Work and Notice of Intent to Terminate Contract ***(Admitted)***	JA002015-JA002016	33
	Trial Exhibit 24 - Letter from R. Nickerl to Clark County re: Notification of APCO's withdrawal as General Contractor of Record ***(Admitted)***	JA002017-JA002023	33
	Trial Exhibit 26 - Email from J. Gisondo to Subcontractors re: June checks ***(Admitted)***	JA002024	34
	Trial Exhibit 27 - Letter from A. Edelstein to R. Nickerl re: June Progress Payment ***(Admitted)***	JA002025-JA002080	34
	Trial Exhibit 28 - Letter from J. Barker to A. Edelstein Re: Termination of Agreement for GMP ***(Admitted)***	JA002081	34
	Trial Exhibit 31 - Transmission of APCO's Pay Application No. 11 as Submitted to Owner ***(Admitted)***	JA002082-JA002120	34/35
	Trial Exhibit 45 - Subcontractor Agreement ***(Admitted)***	JA002121-JA002146	35

Date	**Description**	**Bates Number**	**Volume(s)**
	Trial Exhibit 162 - Amended and Restated General Construction Agreement between Gemstone and CAMCO ***(Admitted)***	JA002147-JA002176	35/36
	Trial Exhibit 212 - Letter from Edelstein to R. Nickerl re: NRS 624 Notice ***(Admitted)***	JA002177-JA002181	36
	Trial Exhibit 215 - Email from C. Colligan to Subcontractors re: 48-hour Termination Notice ***(Admitted)***	JA002182-JA002185	36
	Trial Exhibit 216 - Email from C. Colligan re: Meeting with Subcontractors ***(Admitted)***	JA002186-JA002188	36
	Trial Exhibit 506 – Email and Contract Revisions ***(Admitted)***	JA002189 – JA002198	36
01-18-18	**Transcript – Bench Trial (Day 2)**[6]	JA005284-JA005370	78
	Trial Exhibit 535 – Deposition Transcript of Andrew Rivera (Exhibit 99) ***(Admitted)***	JA005371-JA005623	78/79/80
01-19-18	**Transcript – Bench Trial (Day 3)**[7]	JA005624-JA005785	80
	Trial Exhibit 231 – Helix Electric's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint ***(Admitted)***	JA005786-JA005801	80
	Trial Exhibit 314 - Declaration of Victor Fuchs in support of Helix's Motion for Partial Summary Judgment against Gemstone ***(Admitted)***	JA005802-JA005804	80
	Trial Exhibit 320 – June-August Billings—not paid to APCO ***(Admitted)***	JA005805	80
	Trial Exhibit 321 – Overpayments to Cabinetec ***(Admitted)***	JA005806-	80

[6] Filed January 31, 201879
[7] Filed January 31, 2018

Date	**Description**	**Bates Number**	**Volume(s)**
	Trial Exhibit 536 – Lien math calculations (handwritten) ***(Admitted)***	JA005807-JA005808	80
	Trial Exhibit 804 – Camco Correspondence ***(Admitted)***	JA005809-JA005816	80
	Trial Exhibit 3176 – APCO Notice of Lien ***(Admitted)***	JA005817-JA005819	81
01-24-18	**Transcript – Bench Trial (Day 5)**[8]	**JA005820-JA005952**	81
01-24-19	**Transcript for All Pending Fee Motions on July 19, 2018**	**JA007300-JA007312**	**100/101**

[8] Filed January 31, 2018

unnecessary research and analysis regarding the Five (5) Year Rule when APCO had obtained a court order stating that since trial commenced on October 30, 2012, the five year rule was no longer applicable.

III. ARGUMENTS

A. WHEN APCO ASSIGNED THE SUBCONTRACT AGREEMENT TO GEMSTONE, IT WAIVED AND RELINQUISHED ITS PURPORTED RIGHTS TO SEEK ATTORNEYS' FEES PURSUANT TO SECTION 18.5 OF THE SUBCONTRACT AGREEMENT.

In the FFCL, the Court concluded that (i) the subcontract agreements were assigned by APCO to Gemstone; (ii) each party's behavior was consistent with APCO's assignment of the subcontract agreements; (iii) the prime contract between Gemstone and APCO ("Prime Contract") contained a provision for the assignment of APCO's subcontract agreements upon termination of the Prime Contract; (iv) the Prime Contract was incorporated into the subcontract agreements; (v) once APCO left the Project, the subcontract agreements were assigned to Gemstone pursuant to Gemstone's written notice to APCO; and (vi) once Gemstone had those subcontract agreements, it facilitated the assumption of the subcontract agreements. [*See* Exh. 1 to APCO's Motion, FFCL at pp. 68-69, Nos. 116-120.]

As a result of the Court's conclusions, APCO voluntarily assigned the Subcontract Agreement to Gemstone. When APCO assigned the Subcontract Agreement to Gemstone in 2008, APCO waived and relinquished any and all rights set forth in the Subcontract Agreement.

NEVADA LAW

In the Motion, APCO cites to *3685 San Fernando Lenders, LLC v. Compass USA SPE, LLC* (*In re USA Commer. Mortg. Co.*), 802 F Supp. 2d 1147, 1162-1163 (D. Nev. 2011) as authority that once Cabinetec assigned all of its rights, title and interest in the Manhattan West claims to National Wood on or about January 22, 2018, National Wood "stepped in CabineTec's shoes for all purposes of CabineTec's claim against APCO." [*See* APCO's Motion at p.5:3-7.] Here APCO is correct. However, that argument cuts both ways.

Once APCO assigned the Subcontract Agreement to Gemstone, Gemstone "stepped into the shoes" of APCO and Gemstone acquired all APCO's rights under the Subcontract Agreement, including the benefit of the attorneys' fees provision therein. *See Elliot v. Resnick*, 114 Nev. 25, 33 (1998), citing *Estate of Jordan v. Hartford Acc. & Indem.*, 120 Wash.2d 490, 844 P.2d 403, 407 (1993).

The Court in *3685 San Fernando Lenders, LLC* cited to *Enright v. Mintz*, 116 Misc.2d 1084, 457 N.Y.S.2d 180, 181 (N.Y.Civ.Ct. 1982) to support the authority that an assignee acquires all of the rights in a contract from the assignor. In *Enright*, the subtenant/assignee of a lease sought to recover attorney's fees from the prime tenant/assignor after the subtenant/assignee prevailed in a holdover proceeding brought by the prime tenant/assignor. The court first noted that "It is hornbook law that an assignee steps into the shoes of the assignor." *Id.* at 1085. However, the court found that the subtenant/assignee was not entitled to attorneys' fees because the sublease agreement, which was found to be an assignment because there was no reversionary interest in the prime tenant/assignor, was silent as to attorney's fees between the prime tenant/assignor and subtenant/assignee. *Ibid.* However, the court noted that, in a proceeding brought by the landlord against the subtenant/assignee, the subtenant/assignee would be in the same position as the prime tenant/assignor and thus, where the lease granted the prevailing party a right to attorney's fees, the subtenant/assignee would acquire the prime tenant/assignor's statutory right to attorneys' fees. *Id.*at 1085, 1086.

CALIFORNIA LAW

Under California law, an assignment extinguishes the assignor's rights under the assigned contract. In *McCown v. Spencer*, 8 Cal.App.3d 216, 87 Cal.Rptr. 213 (2nd Dist.1970), the intended purchaser of real property, Alvin J. McCown ("McCown"), sued the sellers for breach of an escrow agreement. *Id.* at 222. After a jury verdict was returned in favor of McCown, the trial court concluded that McCown had assigned his rights as the purchaser under the escrow agreement to a third party named to E. J. Milligan ("Milligan"). *Id* at 225. Because the trial court concluded that McCown had assigned his contract to purchase the property, the

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trial court found that he had no right to demand performance under the contract, and granted judgment for the sellers notwithstanding the verdict. *Ibid.*

McCown appealed. The Court of Appeal held that an assignor "may not maintain an action upon a claim after making an absolute assignment of it to another; his right to demand performance is extinguished, the assignee acquiring such right." *Id.* at 225.

Ultimately, the Court of Appeal reversed the trial court since the evidence was in conflict as to whether McCown had actually assigned his rights to Milligan. *Id.* at 226. However, in the instant matter there is no dispute that APCO assigned its rights under the Subcontract Agreement to Gemstone. [*See* FFCL at p. 69, Nos. 116-120[5], Exh. 1 to APCO's Motion.] APCO requested and the Court found this was so. Therefore, APCO has no rights to enforce the attorneys' fees provision under the Subcontract Agreement.

What constitutes an "absolute assignment" was defined in *Botsford v. Haskins & Sells,* 81 Cal.App.3d 780, 784 (1978). In *Botsford,* the court reviewed an agreement where a trustor assigned "all of its right, title and interest" in certain assets to a trustee. The court held that such contractual language, without a listed remainder or reservation, indicates an absolute assignment. *Id.* at 783. The court further held that the assignee acquires the right to demand performance, and the assignor's right is **extinguished**. (Emphasis added.) *Id.* at 784. Therefore, all of the assignor's rights and interests, including causes of actions and rights to sue, were relinquished to the assignee. *Id.* at 783–84.

In the instant matter, the Court concluded that APCO assigned the Subcontract Agreement to Gemstone without a listed remainder or reservation thus resulting in an "absolute assignment." Therefore, APCO's rights under the Subcontract Agreement were **extinguished** in 2008.

[5] / National Wood and Helix have disputed these contentions and respectfully disagree with the Court's conclusions. Any references made regarding the FFCL in this Opposition should not be interpreted as National Wood's agreement with these conclusions. Nonetheless, the Court must evaluate the Motion consistent with the Court's conclusions set forth in the FFCL.

LAW OF OTHER STATES

Courts in numerous other states have found that an assignor gives up all rights to enforce a contract once it has been assigned. "An assignment vests in the assignee the right to enforce the contract, an **assignor retains no rights** to enforce the contract after it has been assigned." (Emphasis added.) *Estate of Basile v. Famest, Inc.*, 718 So.2d 892 (Fla. 4th DCA 1998); *see also Ryder Truck Rental, Inc. v. Transportation Equipment Co., Inc.*, 339 N.W.2d 283 (Neb., 1983) citing 6A C.J.S. Assignments § 96 (1975) (Generally, an assignor retains only those rights which have not passed to the assignee by the assignment. The **assignor loses all right to control or enforce** an assigned right against the obligor (emphasis added)); *Imel v. Travelers Indem. Co.*, 281 N.E.2d 919, 921 (Ind.App. 1972) ("assignment is an **outright transfer of the claim**.") (Emphasis added.); *Allstate Insurance Company v. Medical Lien Management, Inc.*, 348 P.3d 943, 947 (Colorado 2015) citing Corbin on Contracts, § 50.1, at 223 (an assignment "**extinguishes a contract right** in the assignor and recreates that right in the assignee" (emphasis added)).

The rule that the assignor "deprives himself of all interest and control" over the assigned rights applies equally to a judgment for attorney's fees. *See Boarman v. Boarman*, 556 S.E.2d 800, 804 (W.Va 2001) (a party can assign away its contractual right to ***receive*** an award of attorney's fees but cannot, by assignment, delegate the obligation away).

An assignee of a contract "steps into the shoes of the assignor, and has all of the rights of the assignor." *Estate of Jordan v. Hartford Accident & Indem. Co.*, 120 Wash.2d 490, 495, 844 P.2d 403 (1993). This transfer of rights is all-encompassing. In *Estate of Jordan,* persons whose escrow funds had been embezzled were assigned the escrow agent's right of action against the insurer that had contracted with the agent to provide the fidelity bond required by statute. The court held that the insurer was liable to the embezzlement victims as the insured's assignees. *Id.* at 497-502.

APCO's assignment of the Subcontract Agreement also constituted a waiver of all APCO's rights under the Subcontract. *See Nevada Yellow Cab Corp. v. Eighth Judicial Dist. Court ex rel. Cty. of Clark*, 123 Nev. 44, 49, 152 P.3d 737, 740 (2007). A waiver requires the

intentional relinquishment of a known right. The waiver of a right may be inferred when a party engages in conduct so inconsistent with an intent to enforce the right as to induce a reasonable belief that the right has been relinquished. *Id.* at fn. 8, citing *Hudson v. Horseshoe Club Operating Co.*, 112 Nev. 446, 457, 916 P.2d 786, 792 (1996).

APCO has expressly waived all rights under the Subcontract Agreement by assigning its rights under the Subcontract Agreement to Gemstone and by its subsequent conduct after the assignment. Indeed, this Court concluded that "Each party's behavior is consistent with the assignment of the Cabinetec and Helix Subcontracts to Gemstone." [*See* FFCL at p. 69, No. 116, Exh. 1 to APCO's Motion]. APCO's actions in assigning the Subcontract Agreement plainly constitute a voluntary relinquishment of known rights. *See Nevada Yellow Cab Corp, supra.*

Since APCO has assigned, waived and relinquished its rights under the Subcontract Agreement, APCO no longer has any contractual rights to enforce the Subcontract Agreement, including seeking an award of attorneys' fees under Section 18.5 of the Subcontract Agreement.

1. APCO HAS NO CONTRACTUAL RIGHTS TO SEEK AN AWARD OF ATTORNEYS' FEES SINCE THE SUBCONTRACT AGREEMENT WAS ASSIGNED TO GEMSTONE AND CAMCO IN 2008.

APCO contends that it is entitled to an award of attorneys' fees and costs pursuant to Section 18.5 of the Subcontract Agreement. Section 18.5 of the Subcontract Agreement provides, "In the event either ***party*** employs an attorney to institute a lawsuit or to demand arbitration for any cause arising out of the Subcontract Work, or any of the Contract Documents, the prevailing party shall be entitled to all costs, attorney's fees and other reasonable expenses incurred therein." (Emphasis added.) APCO is wrong since it assigned its right, title and interest in the Subcontract Agreement to Gemstone, without any remainder or reservation, and was no longer a ***party*** to the Subcontract Agreement since 2008. As discussed above, Gemstone stepped into the shoes of APCO with regard to the Subcontract Agreement, which was later assumed by CAMCO.

Gemstone acquired the contractual rights under the Subcontract Agreement once it was assigned to it by APCO.

Under Nevada law, it is well settled that attorney's fees are not recoverable absent a statute, rule or contractual provision to the contrary. *Rowland v. Lepire,* 99 Nev. 308, 662 P.2d 1332 (1983). Pursuant to NRS 18.010(1), "the compensation of an attorney and counselor for his services is governed by agreement, express or implied, which is not restrained by law."

In the present case, the Court concluded that APCO is not and has not been a party to the Subcontract Agreement since 2008 since it assigned the Subcontract Agreement to Gemstone. [*See* FFCL at p. 69, Nos. 116-120[6], Exh. 1 to APCO's Motion.] As a result, all of the contractual rights in the Subcontract Agreement belong to Gemstone and CAMCO, including the attorneys' fees and costs provision, since 2008.

With no contractual rights pursuant to the Subcontract Agreement, which APCO assigned, APCO has no standing to seek an award of attorneys' fees and costs.

2. APCO HAS NO STANDING TO SEEK AN AWARD OF ATTORNEYS' FEES PURSUANT TO THE SUBCONTRACT AGREEMENT SINCE IT HAS NOT BEEN A PARTY TO THE SUBCONTRACT AGREEMENT FOR APPROXIMATELY 10 YEARS.

The Nevada Supreme Court has held that an assignment of rights "eliminates the standing of the assignor to pursue the litigation, and the assignee acquires standing instead." *Manko Holdings Ltd. v. Reno Project Management, LLC*, 385 P.3d 43 (Unpublished Decision, Docket No. 70525, September 27, 2016[7]) citing *Butwinick v. Hepner*, 128 Nev. 718, 721–22, 291 P.3d 119, 121 (2012); *Applied Medical Technologies, Inc. v. Eames*, 44 P.3d 699 (Utah 2002) (granting a defendant judgment creditor's motion to dismiss an appeal, after the defendant purchased at a constable's sale claims asserted against him by the plaintiff judgment debtor).

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[6] / National Wood and Helix have disputed these contentions and respectfully disagree with the Court's conclusions. Any references made regarding the FFCL in this Opposition should not be interpreted as National Wood's agreement with these conclusions. Nonetheless, the Court must evaluate the Motion consistent with the Court's conclusions set forth in the FFCL.

[7] / Pursuant to NRAP 36(c)(3), a party may cite an unpublished disposition of the Nevada Supreme Court issued on or after January 1, 2016.

The inquiry into whether a party is a real party in interest overlaps with the question of standing. *Arguello v. Sunset Station, Inc.*, 127 Nev. 365 (2011) citing *Szilagyi v. Testa*, 99 Nev. 834, 838, 673 P.2d 495, 498 (1983). NRCP 17(a) provides that "[e]very action shall be prosecuted in the name of the real party in interest." A real party in interest "is one who possesses the right to enforce the claim and has a significant interest in the litigation." *Id.* The purpose of the rule, since it was amended in 1971 to conform to the federal rule, "was to make unmistakably clear that 'the modern function of the [real party in interest] rule in its negative aspect is simply to protect the defendant against a subsequent action by the party actually entitled to recover, and to insure generally that the judgment will have its proper effect as res judicata.'" *Easton Bus. Opp. v. Town Executive Suites*, 126 Nev. 119 (2010) citing Fed.R.Civ.P. 17(a) advisory committee's note (1966).

It the present case, APCO is seeking to enforce a right, which it lost, to recover an award of attorneys' fees pursuant to the Subcontract Agreement that it voluntarily assigned over 10 years ago to Gemstone and CAMCO. APCO is not entitled to recover an award of attorneys' fees because it has not been a party to the Subcontract Agreement since 2008. To find otherwise would beget absurd results. For example, had CAMCO prevailed in defending National Wood's contractual claims arising from the Subcontract Agreement at trial, CAMCO would have asserted a right to an award of attorney's fees with respect to the assigned Subcontract Agreement. Exposure to liability to both APCO and CAMCO arising out of the same contractual provision is exactly what NRCP 17(a) is designed to prevent. *See Eastern Bus. Opp. v. Town Executive Suites, supra.*

Accordingly, since APCO is no longer a real party interest in the Subcontract Agreement as a result of its voluntary assignment to Gemstone and CAMCO, it has no standing to seek recovery of attorneys' fees pursuant to Section 18.5 of the Subcontract Agreement.

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B. APCO IS NOT ENTITLED TO SEEK ATTORNEYS' FEES AGAINST NATIONAL WOOD PURSUANT TO NRS 108.237 BECAUSE CABINETEC DID NOT PURSUE FORECLOSURE OF A MECHANIC'S LIEN AGAINST APCO.

APCO's Motion asserts that it is entitled to seek attorneys' fees pursuant to NRS 108.237. NRS 108.237 provides in pertinent part: "3. If the lien claim is not upheld, the court may award costs and reasonable attorneys' fees to the owner or other person defending against the lien claim if the court finds that the notice of lien was pursued by the lien claimant without reasonable basis in law or fact."

First, Cabinetec pursued foreclosure of a mechanic's lien against Gemstone, not APCO. Since APCO did not defend Cabinetec's lien claim, APCO is not entitled to seek attorneys' fees pursuant to this statute against National Wood.

Second, the Court has made no finding that either Cabinetec or National Wood pursued Cabinetec's lien claims "without a reasonable basis in law or fact." Moreover, the facts demonstrate that the lien claims were reasonable.

Accordingly, APCO is not entitled to seek attorneys' fees against National Wood.

C. APCO IS NOT ENTITLED TO ATTORNEYS' FEES PURSUANT TO NRCP 68.

APCO claims that it is entitled to an award of all of the costs and attorney's fees that it incurred in this matter under NRCP 68 since it served the APCO Offer on November 13, 2017, and National Wood failed to accept it by or before November 23, 2017. However, the trial on the consolidated matters commenced on October 30, 2012, pursuant to the Court's November 29, 2012 Order ("November 29, 2012 Court Order"), ***well over 5 years prior to the service of the APCO Offer***. [*See* November 29, 2012 Court Order attached as Exh. C to the Declaration of S. Judy Hirahara ("Hirahara Decl.") filed concurrently herewith.] Therefore, the APCO Offer was not timely served on National Wood.

Even if the Court finds that the APCO Offer was timely, which it clearly is not, APCO's Motion still fails since APCO has failed to present the Court with an analysis of the four *Beattie*

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factors[8] to enable it to consider and weigh the evidence and make findings based on evidence that the attorneys' fees are reasonable and justified.

1. THE APCO OFFER IS INVALID SINCE IT WAS NOT TIMELY SERVED ON NATIONAL WOOD.

NRCP 68 provides in pertinent part that, "[a]t any time more than 10 days before trial, any party may serve an offer in writing to allow judgment to be taken in accordance with its terms and conditions. Nev. R. Civ. P. 68. *See also Palace Station Hotel & Casino, Inc. v. Jones*, 115 Nev. 162, 165, 978 P.2d 323, 325 (1999) (express language of NRCP 68 "expressly provides that the offer of judgment must be made 'more than 10 days before the trial begins,' [and] the trial date is the event from which the ten-day period begins to run.").

Pursuant to the November 29, 2012 Court Order that was prepared by APCO, the trial on the consolidated matters, including National Wood's matter, commenced on October 30, 2012, ***well over 5 years ago***. The November 29, 2012 Court Order specifically provided that the five year rule set forth in Nevada Rule of Civil Procedure 41(e) is no longer applicable. [*See* Exh. 1 to the Hirahara Decl.]

Here, the trial on the consolidated matters commenced on October 30, 2012, and APCO did not serve the APCO Offer until November 13, 2017, over five years later. Accordingly, the APCO Offer is invalid since it was not served more than 10 days ***before*** trial.

2. AN AWARD OF ATTORNEY'S FEES BASED ON AN OFFER OF JUDGMENT MUST BE WARRANTED BY THE *BEATTIE* FACTORS; THE *BEATTIE* FACTORS DO NOT SUPPORT AN AWARD TO APCO.

Even if the Court finds that the APCO Offer was timely, which it was not, APCO's Motion still fails since APCO did not provide an analysis of the four *Beattie* factors to enable the Court to consider and weigh the evidence and make findings based on evidence that the attorneys' fees are

[8] / APCO should have, but did not, present its analysis of the *Beattie* Factors in its Motion. National Wood respectfully requests that the Court bar APCO from presenting its analysis of the *Beattie* Factors in its reply to National Wood's Opposition or, in the alternative, if APCO's Reply contains such analysis, National Wood respectfully requests that the Court not consider it when it rules on the Motion.

reasonable and justified. As set forth below, the *Beattie* factors weigh against an award of attorneys' fees to APCO.

"Claims for attorney fees under . . . NRCP 68 are fact intensive." *Wynn v. Smith*, 16 P.3d 424, 428 (2001). Attorney's fees are not merely granted to successful defendants who previously made offers of judgment before prevailing against the plaintiff. Such awards require careful analysis.

While trial courts have discretion under NRCP 68(f)(2) to award attorney's fees to a party who obtains a judgment more favorable than a settlement offer, "the purpose of these provisions is to encourage settlement, it is not to force plaintiffs unfairly to forego legitimate claims." *Beattie v. Thomas*, 99 Nev. 579, 588 (1983) ("*Beattie*"). Unless the trial court considers the four factors set forth by the Supreme Court of Nevada in *Beattie*, and makes findings "based on evidence that the attorney's fees sought are reasonable and justified, it is abuse of discretion for the court to award the full amount of fees requested" solely due to an offer of judgment. *Id.* at 589.

Specifically, trial courts must "carefully evaluate the following factors:"

> (1) whether the plaintiff's claim was brought in good faith; (2) whether the defendants' offer of judgment was reasonable and in good faith in both its timing and amount; (3) whether the plaintiff's decision to reject the offer and proceed to trial was grossly unreasonable or in bad faith; and (4) whether the fees sought by the offeror are reasonable and justified in amount.

Id. at 588-89.

"After weighing the foregoing factors," the district judge may award attorney's fees only "where warranted." *Id.* at 589.

Of particular importance in this analysis is "whether the offer is an attempt to force a plaintiff to forego legitimate claims." *Frazier v. Drake* 357 P.3d 365, 372 (Nev. App. 2015). Therefore, "[t]he first three factors all relate to the parties' motives in making or rejecting the offer and continuing the litigation." *Id.* In evaluating the first three factors, the trial court is required to focus on the good faith of the parties to promote the purpose of NRCP 68. "[I]f the good faith of

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either party in litigating liability and/or damage issues is not taken into account, offers would have the effect of unfairly forcing litigants to forego legitimate claims." *Id.*

a. NATIONAL WOOD'S CLAIMS WERE BROUGHT IN GOOD FAITH.

Nowhere in the Motion does APCO argue, much less provide evidence, for the contention that National Wood made claims against APCO in bad faith. In fact, National Wood asserted contractual and lien claims against APCO, CAMCO and Gemstone. While the Court ultimately concluded that APCO is not liable to National Wood for the unpaid balance of its work on the Manhattan West Project, which National Wood respectfully disputes, National Wood prevailed on its claims against CAMCO and Gemstone. Since APCO does not argue or offer any evidence National Wood proceeded in bad faith in this action, the first of the *Beattie* factors weighs against any award of attorney's fees.

b. THE APCO OFFER WAS NOT REASONABLE IN AMOUNT OR TIMING.

Nowhere in the Motion does APCO argue, much less provide evidence, for the contention that the APCO Offer in the amount of $35,000.00 to settle the action was reasonable in amount or timing. APCO's offer was not reasonable at the time it was made. National Wood was seeking over $1.1 million dollars; a nominal offer of $35,000.00 is clearly not an offer intended to facilitate settlement. It is merely an offer intended to take advantage of NRCP 68 in the event that APCO eventually prevailed, in complete derogation of the purpose of the Nevada Supreme Court's guidance in *Beattie*. Since APCO does not argue or offer any evidence that the APCO Offer was reasonable in amount or timing, the second of the *Beattie* factors weighs against any award of attorney's fees.

c. NATIONAL WOOD'S DECISION TO REJECT THE OFFER AND PROCEED TO TRIAL WAS REASONABLE AND IN GOOD FAITH.

As set forth above, the nominal amount of the offer made by APCO was totally unreasonable given the fact that National Wood was seeking over $1.1 million dollars against

APCO. National Wood's decision to reject the APCO Offer and proceed to trial was not unreasonable or in bad faith. As set forth herein, National Wood's claims against APCO, CAMCO and Gemstone were factually intertwined. Furthermore, the Court granted partial summary judgment on the Pay-if-Paid issue, which precluded APCO from asserting it as an affirmative defense, a critical issue in this consolidated matter.[9] The Nevada Supreme Court has affirmed a trial court's decision to decline to award attorney's fees to a prevailing defendant that offered $2,500.00 where the Plaintiff's rejection "was in good faith and not grossly unreasonable." *Ozawa v. Vision Airlines, Inc.*, 125 Nev. 556, 562 (2009). Therefore, this third *Beattie* factor weighs against an award of attorneys' fees to APCO.

d. WHERE THE FIRST THREE *BEATTIE* FACTORS DO NOT FAVOR AN ATTORNEY'S FEE AWARD, NO FEES MAY BE AWARDED AS A MATTER OF LAW.

Here, the first three *Beattie* factors do not support an award of attorney's fees; therefore, no attorney's fees should be awarded to APCO. "The reasonableness of the fees requested cannot, by itself, outweigh the other three *Beattie* factors." *Frazier*, *supra,* 357 P.3d at 367. Where the trial court finds that "the three good-faith *Beattie* factors weigh in favor of the party that rejected the offer of judgment, the reasonableness of the fees requested by the offeror . . . cannot . . . support a decision to award attorney fees to the offeror." *Id.* at 373. If the reasonableness of the attorney's fees requested "alone support[s] an award of attorney fees" by the trial court, such an award is "arbitrary and capricious and constitute[s] legal error." *Id.*

3. IF THE COURT FINDS THAT THE APCO OFFER WAS TIMELY SERVED, WHICH IT WAS NOT, NRCP 68 DOES NOT PERMIT APCO TO RECOVER ALL OF ITS FEES, ONLY "POST-OFFER" FEES THAT ARE REASONABLE.

NRCP 68 does not permit APCO to recover all of its attorney's fees for the defense of this action, but only "reasonable attorney's fees, ***if any be allowed***, actually incurred by the offeror

[9] / In light of the Court's granting of the partial summary judgment on the Pay-If-Paid Issue, which should have precluded APCO from asserting it as an affirmative defense, National Wood respectfully believes that the Court's trial decision is materially inconsistent with its ruling.

from the time of the offer." Nev. R. Civ. P. 68 (emphasis added). The Supreme Court of Nevada has confirmed that under NRCP 68, the trial court may not "award counsel fees for legal services performed prior to the date of the offer of judgment." *Nurenberger Hercules-Werke GMBH v. Virostek*, 822 P.2d 1100, 1107 (1991). Where a "trial court base[s] its [attorney's fee] award [under NRCP 68] on legal services rendered over the entire period of litigation," rather than solely the post-offer period, it is "clear error." *Id.*

APCO, however, seeks the sum of $208,259.25 in attorney's fees, which is the total amount of fees that APCO's counsel billed in connection with this matter since October 2015. [See Exhs. 7A and 7B to APCO's Motion, Charts re APCO's Attorneys' Fees.] After APCO's Offer (i.e., November 23, 2017), however, APCO's itemized billing sets forth that its counsel billed $90,993.77 in fees. [*Id.*] While even this lesser amount is not reasonable, as discussed below, there is no basis for APCO to recover more than that amount under NRCP 68.

D. APCO IS NOT ENTITLED TO AN AWARD OF ATTORNEYS' FEES; TO THE EXTENT THE COURT IS INCLINED TO AWARD ATTORNEYS' FEES TO APCO, THE ATTORNEYS' FEES MUST BE SIGNIFICANTLY REDUCED SINCE THEY ARE EXCESSIVE AND THEY ARE UNREASONABLE AND UNJUSTIFIED UNDER THE *BRUNZELL* FACTORS.

As set forth above, APCO is not entitled to an award of attorneys' fees pursuant to Subcontract Agreement (Section A above), NRS 108.237 (Section B above) or NRCP 68 (Section C above) as against National Wood. To the extent the Court decides to award attorneys' fees to APCO, notwithstanding all of the above reasons and arguments against such an award, the requested fees must be significantly reduced since they are excessive and are unreasonable and unjustified under the *Brunzell* Factors.

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1. APCO'S REQUESTED ATTORNEYS' FEES MUST BE SIGNIFICANTLY REDUCED SINCE THEY ARE NOT SUPPORTED BY SUBSTANTIAL EVIDENCE AND ARE EXCESSIVE AND UNREASONABLE.

Whether under NRCP 68 or NRS 18.010(2)(b), an award of attorney's fees "must be supported by substantial evidence." *Logan v. Abe*, 350 P.3d 1139, 1143 (2015). Here, APCO provides nothing more than conclusory assertions and charts referencing billing entries for APCO's attorneys' fees totaling $447,809.28 and $55,603.57 in costs as against National Wood and Helix. As against National Wood alone, APCO seeks the sum of $223,904.89 or for "post-offer" fees, the sum of $113,622.77.

Moreover, the requested attorneys' fees must be significantly reduced on the grounds that they are excessive in that (a) the fees incurred were not related to the defense of the claims of Cabinetec/National Wood but were related to the mutual pursuit of claims against the property and proceeds of the sale of the property; (b) they are not properly allocated to the subcontractors who filed claims against APCO which it defended, (c) they are unreasonable and unjustified when the work performed did not derive any benefits (i.e., APCO filed unsuccessful motions and APCO filed unsuccessful oppositions to motions filed by subcontractors), and (d) they include unnecessary research and analysis regarding the five year rule when APCO previously obtained a court order, which it requested, stating that since the trial in the consolidated matters commenced on October 30, 2012, the five year rule was no longer applicable.

a. APCO IS NOT ENTITLED TO ATTORNEYS' FEES PRIOR TO FEBRUARY 2016 SINCE THEY WERE NOT RELATED TO THE DEFENSE OF THE CLAIMS OF CABINETEC/NATIONAL WOOD BUT WERE RELATED TO MUTUAL PURSUIT OF CLAIMS AGAINST THE PROPERTY AND PROCEEDS OF THE SALE OF THE PROPERTY.

As more fully set forth in the Hirahara Decl., APCO seeks attorneys' fees in the sum of $13,277.50 against Helix and National Wood during the period October 2015 through February 2016. The attorneys' fees incurred were not related to the defense of the claims of Cabinetec/National Wood or Helix but were related to the mutual pursuit of claims against the

property and proceeds of the sale of the property as confirmed by the entries on APCO's chart referencing the billing entries for this period. [*See* Exh. 7A to APCO's Motion; Exhs. A and B to the Hirahara Decl.] Accordingly, the Court must reduce the attorneys' fees by $13,277.50 from the total sum sought by APCO for fees incurred by Marquis Auerbach.

b. APCO IS NOT ENTITLED TO ATTORNEYS' FEES THAT HAVE NOT BEEN PROPERLY ALLOCATED TO THE SUBCONTRACTORS WHO FILED CLAIMS AGAINST APCO WHICH IT DEFENDED.

As more fully set forth in the Hirahara Decl., APCO seeks attorneys' fees that have not been properly allocated to the subcontractors who filed claims against APCO, which it defended. Specifically, there were as many as 18 lien claimants and no less than 12 lien claimants during different periods of the litigation in this consolidated matter. As reflected on APCO's charts referencing the billing entries [*see* Exh. 7A to APCO's Motion], APCO allocated some time to 3 subcontractors, others to 14 subcontractors and the remaining time to only Helix and National Wood when there were still as many as 12 outstanding lien claims by various subcontractors against APCO. APCO's decision to simply charge the majority of the attorneys' fees to only Helix and National Wood is totally unreasonable and unjustified.

As set forth in the Hirahara Decl., the charts generated by APCO's attorneys [*see* Exhs.7A and 7B to the APCO's Motion] have been recreated[10] with National Wood's comments explaining why certain fees should be deducted, reduced or re-allocated to the number of subcontractors who had outstanding claims against APCO during this time period. [*See* Exhs. A and B to the Hirahara Declaration.]

As reflected on Exhs. A and B, the total sum of attorneys' fees that have been re-allocated as to National Wood and must be reduced from the total attorneys' fees sought against National Wood is $109,628.09[11].

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[10] / National Wood's counsel requested editable formats of Exhs. 7A and 7B from APCO's attorneys so that National Wood could make comments concerning the attorneys' fees listed. Although APCO's attorneys stated that it should be okay, National Wood's counsel never received them so the charts were recreated.

[11] / The reduction of the fees of Marquis Aurbach is $67,117.71 and $42,510.30 of the fees for Spencer Fane.

c. APCO IS NOT ENTITLED TO ATTORNEYS' FEES FOR WORK PERFORMED THAT DID NOT DERIVE ANY BENEFITS

APCO is seeking attorneys' fees for work done on a motion for partial summary judgment, oppositions to motions for partial summary judgments regarding the Pay-If-Paid issue, motions for reconsideration of the partial summary judgment and other motions, which were unsuccessful. APCO should not be entitled to these attorneys' fees when the work performed did not derive any benefit to APCO.

According to the charts referencing the billing entries, the Court should deny the total sum of $71,081.00 for the unsuccessful work performed by APCO's attorneys.

d. APCO IS NOT ENTITLED TO ATTORNEYS' FEES FOR UNNECESSARY RESEARCH AND ANALYSIS OF THE FIVE YEAR RULE WHEN APCO HAD A COURT ORDER ENTERED NOVEMBER 29, 2012 STATING THAT THE FIVE YEAR RULE IS NO LONGER APPLICABLE.

As set forth above, APCO incurred attorneys' fees for research and analysis of the five year rule when the court had previously entered an order on November 29, 2012 confirming that the five year rule was no longer applicable since the trial in this consolidated matter commenced on October 30, 2012. Due to "block billings", it is impossible to determine from the billing information provided by APCO in support of the Motion exactly how much APCO incurred in attorney's fees related to the five year rule. However, the billings reflect that APCO incurred approximately $3,100.00 in attorneys' fees related to the five year rule, which must be denied.

2. APCO'S REQUESTED ATTORNEYS' FEES ARE UNREASONABLE UNDER THE *BRUNZELL* FACTORS.

In considering whether to award reasonable attorney's fees, the trial court must consider the following factors, established by the Nevada Supreme Court in *Brunzell v. Golden Gate Nat'l Bank*, 455 P.2d 31, 33 (1969) (the "*Brunzell* Factors"):

(1) the qualities of the advocate: his ability, his training, education, experience, professional standing and skill;

(2) the character of the work to be done: its difficulty, its intricacy, its importance, time and skill required, the responsibility imposed and the prominence and character of the parties where they affect the importance of the litigation;

(3) the work actually performed by the lawyer: the skill, time and attention given to the work;

(4) the result: whether the attorney was successful and what benefits were derived.

The *Brunzell* factors must be analyzed when applying the fourth *Beattie* factor—whether the fees sought are reasonable and justified in amount—under NRCP 68, or when awarding reasonable attorney's fees under NRS 18.010(2)(b). See *Gunderson v. D.R. Horton, Inc.*, 319 P.3d 606, 615–16 (2014); see also *Brunzell*, 455 p.2d at 33. "[N]o one element should predominate or be given undue weight." *Brunzell v. Golden Gate Nat. Bank*, 455 P.2d 31, 33 (1969). APCO's post-offer fees incurred, and the total amount of fees requested, are both unreasonable under the *Brunzell* factors. In particular, the second and fourth *Brunzell* factors do not warrant the amount of fees that APCO seeks.

a. THE SECOND FACTOR DOES NOT WARRANT THE AMOUNT OF FEES APCO SEEKS SINCE NATIONAL WOOD'S CLAIMS[12] ("CLAIMS") ALLEGED AGAINST APCO WERE STANDARD, NOT PARTICULARLY DIFFICULT AND DID NOT REQUIRE RESEARCH.

APCO argues that the second *Brunzell* factor is satisfied because "Early in this case, this Court deemed this case complex, as it involved 'complex issues, multiple parties, difficult legal questions, or unusual proof problems. . . .'" [APCO's Motion at pp. 13:18-14:1.] This case was deemed complex on November 10, 2009. [APCO'S Motion at p. 13, fn. 76.] In addition, APCO claims that "[e]ven the defense of the claims of Helix and Cabinetec was complex, as both had separate and complex factual histories. . . ." [APCO's Motion at p. 14:5-6.] APCO is wrong.

[12] / National Wood's claims against APCO were (i) Breach Of Contract, (ii) Breach Of Implied Covenant Of Good Faith and Fair Dealing, (iv) Unjust Enrichment/Quantum Meruit, (v) Violation of NRS 624.606-624.630, (vi) Monies Due and Owing, and (vii) Account Stated.

Cabinetec/National Wood and the Peel Brimley lien claimants only became actively adverse to APCO after the Supreme Court rejected the Joint Petitioner's petition for *en banc* reconsideration, and the case was remanded to this Court on or about February 19, 2016. In 2016, the claims of Cabinetec/National Wood against APCO could hardly be considered complex since they were standard, straightforward, and not particularly difficult Claims. Moreover, the factual history underlying the Claims of Cabinetec/National Wood was not at all complex.

In the Motion, APCO seeks attorneys' fees from October 2, 2015 through April 30, 2018. [*See* Exhs. 7A and 7B to APCO's Motion, Charts re APCO's Attorneys' Fees.] None of the attorneys' fees requested were incurred during the period when this case was deemed complex. In 2015, the attorneys' fees incurred were not related to the defense of the claims of Cabinetec/National Wood but were related to the mutual pursuit of claims against the property and proceeds of the sale of the property. APCO's attorneys' fees totaling $447,809.28 as against both Helix and National Wood were incurred during a period of approximately two years. The amount of the fees requested is totally unreasonable since the claims against APCO were standard, straightforward and not particularly difficult. As to National Wood alone, the Court must deduct a total sum of $109,628.09 in attorneys' fees.

b. THE FOURTH FACTOR DOES NOT WARRANT THE AMOUNT OF FEES APCO SEEKS ESPECIALLY WHEN IT FILED UNSUCCESSFUL MOTIONS AND UNSUCCESSFULLY OPPOSED MOTIONS, WHICH DID NOT DERIVE ANY BENEFITS.

The fourth factor under *Brunzell* "whether the attorney was successful and what benefits were derived." APCO seeks to recover approximately $71,081.00 relating to motions it unsuccessfully filed and its unsuccessful defense of motions by National Wood and other subcontractors. For example, APCO seeks recovery for multiple time entries and thousands of dollars relating to its omnibus motions in limine. Due to "block billings", it is impossible to determine exactly how much Spencer Fane and M&A each billed APCO for motions in limine. However, using approximate allocations based on the descriptions contained in the block billing entries, Spencer Fane billed APCO approximately $31,843.50 and M&A billed APCO

approximately $3,107.50 relating to APCO's motions in limine, for total attorney's fees of $34,951.00 with respect to motions in limine.

Despite these efforts, this Court denied most of those motions. In addition, using approximate allocations based on the descriptions contained in the block billing entries, APCO seeks attorneys' fees in the amount of $9,428.00 billed by Spencer Fane and $10,123.75 billed by M&A for total attorneys' fees of $19,551.75 for unsuccessful motion for partial summary judgment regarding lien foreclosure claims. Using approximate allocations based on the descriptions contained in the block billing entries, APCO also seeks attorneys' fees in the amount of $11,160.75 billed by Spencer Fane and $5,417.50 billed by M&A for total attorneys' fees of $16,578.25 for unsuccessful opposition to motions for partial summary judgment regarding Pay-If-Paid filed by Helix and Zitting Brothers, Inc., wherein National Wood filed its joinder to the motions, as well as other subcontractors, and motions for reconsideration of the order granting partial summary judgment regarding Pay-If-Paid. APCO should not be entitled to seek these attorneys' fees since they did not derive any benefit to APCO.

E. APCO IS NOT ENTITLED TO ALL COSTS SOUGHT SINCE THEY ARE NOT REASONABLE AND APCO HAS NOT DEMONSTRATED HOW ITS CLAIMED COSTS WERE NECESSARY TO AND INCURRED IN THE PRESENT ACTION.

The Nevada Supreme Court has held that costs must be reasonable and properly documented to be recoverable. In *Cadle Co. v. Woods & Erickson, LLP,* 345 P.3d 1049, 1054 (Nev. 2015) the Nevada Supreme Court held that requests for costs must include proper, actual documentation of the costs incurred. Citing its decision in *Bobby Berosini, Ltd. v. PETA,* 114 Nev. 1348 (1998), the Nevada Supreme Court explained that a party must "demonstrate how such [claimed costs] were necessary to and incurred in the present action." Id. at 1352-53. Moreover, the Nevada Supreme Court has held that a district court abused its discretion because it granted an award of costs based upon the prevailing party's submission of itemized materials that did not show how the costs "were necessary to and incurred in the present action." *Bobby Berosini, Ltd. v. PETA,* 114 Nev. 1348, 1352, 971 P.2d 383, 386 (1998).

Under *Bobby Berosini, Ltd.,* simply providing a line item list is insufficient. *Ibid.* Rather, requesting parties must detail why each cost was reasonable and necessary for the action. *Ibid.* That is, it is not enough to show the cost was helpful, rather it must show that it was necessary. *Ibid.*

Pursuant to NRS 18.110(3), National Wood filed a Motion to Re-Tax Costs, which motion is pending and set for hearing (by stipulation of the parties) for the same date and time as the present motion for fees and costs. National Wood has identified its specific objections to APCO's cost memorandum and incorporates the same (and any reply brief) herein by reference. National Wood has also joined in Helix's Motion to Re-Tax Costs and incorporates Helix's grounds for objections by reference.

IV. CONCLUSION

Based on the foregoing, National Wood respectfully requests that the Court deny APCO's motion for attorney's fees in its entirety because APCO has no contractual rights under the Subcontract Agreement since APCO assigned it to Gemstone in 2008, and APCO's offer of judgment was not timely served. To the extent the Court is inclined to award any attorneys' fees to APCO against National Wood, the Court should allow no more than $98,631.23.

Moreover, National Wood respectfully requests that the Court grant only those costs identified as reasonable and recoverable in National Wood's Motion to Re-Tax Costs.

DATED this 15th day of June 2018.

/s/ Richard L. Tobler

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Attorneys for Plaintiff-In-Intervention,
NATIONAL WOOD PRODUCTS, INC.,
a Utah corporation

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of the Law Office of Richard L. Tobler, LTD, and that on this 15th day of June, 2018 and pursuant NRCP 5(b), I caused to be serve a true and correct copy of the foregoing **PLAINTIFF NATIONAL WOOD PRODUCTS, INC.'S OPPOSITION TO APCO CONSTRUCTION'S MOTION FOR ATTORNEY'S FEES AND COSTS** in the following manner:

(ELECTRONIC SERVICE) Pursuant to Administrative Order 14-2, the above-referenced document was electronically filed on the date hereof and served through the Notice of Electronic Filing automatically generated by the Court's facilities to those parties listed on the Court's Master Service List.

An employee of Richard L. Tobler LTD

DECL

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DISTRICT COURT

CLARK COUNTY, NEVADA

APCO CONSTRUCTION, a Nevada corporation, Plaintiff, vs. GEMSTONE DEVELOPMENT WEST, INC., a Nevada corporation, et al., Defendants. AND ALL RELATED MATTERS.	LEAD CASE NO.: A571228 DEPT. NO.: XIII *Consolidated with:* *A574391;A574792; A577623; A583289; A587168; A580889; A584730; A589195; A595552; A597089; A592826; A589677; A596924; A584960; A608717; A608718; and A590319*

DECLARATION OF S. JUDY HIRAHARA

I, S. Judy Hirahara, if called as a witness herein, could and would competently testify to the following facts from my own personal knowledge:

///

1. I am one of the attorneys with the law firm of Cadden & Fuller LLP, counsel of record for National Wood Products, Inc. ("National Wood") and associated with Richard L. Tobler of the law offices of Richard L. Tobler, Ltd. National Wood is the plaintiff-in-intervention in the instant case entitled APCO Construction, a Nevada corporation, Plaintiff, vs. Gemstone Development West, Inc., a Nevada corporation; et al., Eighth Judicial District Court Case No. A571228, consolidated with Related Case Nos. A574391, A574792, A577623, A583289, A587168, A580889, A584730, A589195, A595552, A597089, A592826, A589677, A596924, A584960, A608717, A608718, and A590319 (collectively, the "Consolidated Action"). I am familiar with the facts and circumstances of this Action as they relate to this declaration.

2. I submit this declaration in support of National Wood's Opposition to APCO Construction, Inc.'s Motion for Attorney's Fees and Costs Against Helix of Nevada, LLC and Plaintiff In Intervention National Wood Products, Inc. (the "Motion").

3. On or about May 8, 2018, Cadden & Fuller LLP received APCO's Motion. In support of APCO's Motion, the Declaration of John Randall Jefferies (the "Jefferies Declaration") was attached as Exhibit 7 to the Motion. The Jefferies Declaration identified Exhibit 7A to the Motion as an itemized statement of attorney's fees for legal services provided by Marquis & Aurbach to APCO in this Action. The Jefferies Declaration further identified Exhibit 7B to the Motion as an itemized statement of attorney's fees for legal services provided by Spencer Fane LLP to APCO in this Action.

4. On May 14, 2018, I requested my paralegal, Hanh Nguyen, to contact Mary Bacon, one of APCO's attorneys, to request Exhibits 7A and 7B in editable formats so that we could make comments concerning the attorneys' fees incurred by APCO in support of National Wood's Opposition to the Motion. Ms. Bacon stated it should okay but did not send it to us. Despite follows up to Ms. Bacon, we still did not receive them.

///

5. Therefore, at my direction, Ms. Nguyen prepared Excel charts to recreate each of the entries reflected on Exhibits 7A and 7B. I also prepared Excel charts to recreate the time entries. In addition, I assessed, analyzed and reviewed the time and entries to confirm that the entries on Exhibits 7A and 7B are identical to the entries on the Excel charts that this firm created. In addition, I added several columns to reflect, among other things, National Wood's comments concerning each of the entries. (*Attached hereto as Exhibit "A" and incorporated herein by this reference is a color copy of the Excel chart referencing the attorneys' fees for Marquis Auerbach. Attached hereto as Exhibit "B" and incorporated herein by this reference is a is a color copy of the Excel chart referencing the attorneys' fees for Spencer Fane.)*

6. I reviewed and analyzed the Exhibits A and B, and determined that some of the attorneys' fees sought by APCO must be deducted since they were not related to the defense of the claims of Cabinetec/National Wood or Helix but were related to the mutual pursuit of claims against the property and proceeds of the sale of the property as confirmed by the entries on APCO's chart referencing the billing entries for this period. It was determined that the attorneys' fees in the sum of $13,277.50 against Helix and National Wood during the period October 2015 through February 2016, should be deducted.

7. Moreover, APCO seeks attorneys' fees that have not been properly allocated to the subcontractors who filed claims against APCO, which it defended. Specifically, there were as many as 18 lien claimants and no less than 12 lien claimants during different periods of the litigation in this consolidated matter. As reflected on APCO's charts referencing the billing entries, APCO allocated some time to 3 subcontractors, others to 14 subcontractors and the remaining time to only Helix and National Wood when there were still as many as 12 outstanding lien claims by various subcontractors against APCO. APCO's decision to simply charge the majority of the attorneys' fees to only Helix and National Wood is totally unreasonable and

unjustified. As a result, National Wood included comments explaining why certain fees should be deducted, reduced or re-allocated to the number of subcontractors who had outstanding claims against APCO during this time period. As reflected on Exhs. A and B, it was determined that the total sum of attorneys' fees that must be re-allocated as to National Wood and must be reduced from the total attorneys' fees sought against National Wood is $109,628.09

8. On November 29, 2012, this court entered an Order Staying The Case, Except For The Sale Of The Property, Pending Resolution Of The Writ Petition Before The Nevada Supreme Court ("Order"). (*Attached hereto as Exhibit "C" and incorporated herein by this reference is a true and correct copy of the Order.*)

9. As noted in the Order at pg. 2, ¶ 1, "Trial of this consolidated matter commenced on October 30, 2012 upon the trial of the lien amount, lien validity and related claims of Ready Mix, Inc., and therefore, the five-year rule set forth in Nevada Rule of Civil Procedure 41(e) is no longer applicable."

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct, and that this Declaration was executed on June 15, 2018, at Irvine, California.

S. Judy Hirahara

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of the Law Office of Richard L. Tobler, LTD, and that on this 15th day of June, 2018 and pursuant NRCP 5(b), I caused to be serve a true and correct copy of the foregoing **DECLARATION OF S. JUDY HIRAHARA** in the following manner:

(ELECTRONIC SERVICE) Pursuant to Administrative Order 14-2, the above-referenced document was electronically filed on the date hereof and served through the Notice of Electronic Filing automatically generated by the Court's facilities to those parties listed on the Court's Master Service List.

An employee of Richard L. Tobler LTD

EXHIBIT "A"

EXHIBIT "A"

APCO'S ATTORNEYS' FEES (MARQUIS AUERBACH)

No.	Accounting Date	Attorney	Description	Hours	Amount	Allocated Amount to Helix	Allocated Amount to Cabinetec/ National Wood	Revised* Allocation to Cabinetec/ National Wood	NWP Comments
1	10/2/2015	[redacted]							Deduct-not related to defense of claims by NWP
2	10/2/2015								Deduct-not related to defense of claims by NWP
3	10/2/2015								Deduct-not related to defense of claims by NWP
4	10/5/2015								Deduct-not related to defense of claims by NWP
5	10/5/2015								Deduct-not related to defense of claims by NWP
6	10/5/2015								Deduct-not related to defense of claims by NWP
7	10/5/2015								Deduct-not related to defense of claims by NWP
8	10/6/2015								Deduct-not related to defense of claims by NWP
9	10/8/2015								Deduct-not related to defense of claims by NWP
10	10/8/2015								Deduct-not related to defense of claims by NWP
11	10/8/2015								Deduct-not related to defense of claims by NWP
12	10/8/2015								Deduct-not related to defense of claims by NWP
13	10/10/2015								Deduct-not related to defense of claims by NWP
14	10/10/2015								Deduct-not related to defense of claims by NWP
15	10/12/2015								Deduct-not related to defense of claims by NWP
16	10/15/2015								Deduct-not related to defense of claims by NWP
17	10/15/2015								Deduct-not related to defense of claims by NWP
18	10/16/2015								Deduct-not related to defense of claims by NWP
19	10/17/2015								Deduct-not related to defense of claims by NWP
20	10/19/2015								Deduct-not related to defense of claims by NWP
21	10/20/2015								Deduct-not related to defense of claims by NWP
22	10/21/2015								Deduct-not related to defense of claims by NWP
23	10/21/2015								Deduct-not related to defense of claims by NWP
24	11/24/2015								Deduct-not related to defense of claims by NWP
25	11/25/2015								Deduct-not related to defense of claims by NWP
26	11/30/2015								Deduct-not related to defense of claims by NWP

Legend	
	Deduct
	Fees allocated to 14 subcontractors
	Not charged to NWP
	Should not be allocated to NWP or Helix. MSJ of Insulpro. Docket p. 306-307
	Deduct-related to Gemstone
	Charged to NWP
	Re-allocate to specified subs
	APCO served 10 depo notices; should be allocated to 10 subs
	Charged to Helix & NWP - Disputed
	*NWP contends that APCO is not entitled to AF as set forth in the opposition. NWP reallocates in the event the court awards some fees.

APCO'S ATTORNEYS' FEES (MARQUIS AUERBACH)

27	12/4/2015	[redacted]							Deduct-not related to defense of claims by NWP
28	12/8/2015								Deduct-not related to defense of claims by NWP
29	12/8/2015								Deduct-not related to defense of claims by NWP
30	12/9/2015								Deduct-not related to defense of claims by NWP
31	12/15/2015								Deduct-not related to defense of claims by NWP
32	12/15/2015								Deduct-not related to defense of claims by NWP
33	12/16/2015								Deduct-not related to defense of claims by NWP
34	12/16/2015								Deduct-not related to defense of claims by NWP
35	12/22/2015								Deduct-not related to defense of claims by NWP
36	12/22/2015								Deduct-not related to defense of claims by NWP
37	1/5/2016								Deduct-not related to defense of claims by NWP
38	1/21/2016								Deduct-not related to defense of claims by NWP
39	2/19/2016	[redacted]							Deduct-not related to defense of claims by NWP
40	2/22/2016	MSE	Draft detailed email outlining main issues on proceeding with litigation in the District Court.	0.5	$ 150.00	$ 10.71	$ 10.71	$ 10.71	Allocated to 14 subs
41	2/22/2016	MSE	Telephone conference with client and co-counsel regarding strategies going forward in District Court litigation.	0.5	$ 150.00	$ 10.71	$ 10.71	$ 10.71	Allocated to 14 subs
42	2/22/2016	AMH	Telephone conference with [redacted] regarding [redacted]	0.1	$ 30.00	$ 15.00	$ 15.00	$ 15.00	Allocated to 14 subs
43	3/31/2016	CSM	Analysis and strategy regarding handling case and [redacted]	0.5	$ 112.50	$ 56.25	$ 56.25	$ 56.25	Allocated to 14 subs
44	4/1/2016	MSE	Outline main issues to be addressed in District Court remand proceedings, as well as some of the main authorities for these issues.	1	$ 300.00			$ -	
45	4/1/2016	CSM	Analysis and strategy regarding handling district court case moving forward; and research various pleading on the court's electronic filing system to acquire basic understanding of underlying facts and claims.	1.5	$ 337.50	$ 168.75	$ 168.75	$ 24.11	Allocate to 14 subs
46	4/1/2016	CSM	Research and analysis of case law affecting the claims asserted in the instant action based upon the determination by the supreme court.	0.7	$ 157.50	$ 78.75	$ 78.75	$ 11.25	Allocate to 14 subs
47	4/1/2016	AMH	Conference regarding strategy going forward.	0.3	$ 90.00	$ 45.00	$ 45.00	$ 6.43	Allocate to 14 subs
48	4/4/2016	CSM	Assess, analyze, research and review operative pleadings from client, Harsco, AAGC, Steel Structures, NV Prefab, Cabinetec, Ahern, Tri-City, Noorda, and Cell-crete.	3.4	$ 765.00	$ 95.63	$ -	$ -	Not charged to NWP
49	4/5/2016	[redacted]							Deduct-not related to defense of claims by NWP
50	4/5/2016								Deduct-not related to defense of claims by NWP
51	4/5/2016								Deduct-not related to defense of claims by NWP
52	4/5/2016								Deduct-not related to defense of claims by NWP
53	4/5/2016	CSM	Research and analysis regarding potential issues with [redacted] and access, analyze and review documents received from same.	0.5	$ 112.50	$ 56.25	$ 56.25	$ 8.04	Allocate to 14 subs
54	4/5/2016	CSM	Telephone call with client regarding case background and strategy moving forward.	0.3	$ 67.50	$ 33.75	$ 33.75	$ 4.82	Allocate to 14 subs
55	4/5/2016	CSM	Assess, analyze, research and review various pleadings, motions and status check set by the Court to ensure coverage; telephone call to prior attorney to acquire hard file; and research consolidated case.	1.3	$ 292.50	$ 146.25	$ 146.25	$ 20.89	Allocate to 14 subs
56	4/5/2016	CSM	Prepare and execute notice of appearance.	0.2	$ 45.00	$ 22.50	$ 22.50	$ 3.21	Allocate to 14 subs

APCO'S ATTORNEYS' FEES (MARQUIS AUERBACH)

57	4/5/2016	CSM	Analysis and strategy regarding approaching settlment and [redacted] and telephone call to counsel regarding acquiring litigation file.	0.5	$ 112.50	$ 56.25	$ 56.25	$ 8.04	Allocate to 14 subs
58	4/5/2016	AMH	Analyze [redacted] and viability of remaining claims; telephone conference with [redacted] regarding [redacted] Helix, etc.	0.3	$ 90.00	$ 90.00			Not charged to NWP
59	4/6/2016	[redacted]							Deduct-not related to defense of claims by NWP
60	4/7/2016	TF	Assess, analyze and review procedural history specifically history of claims made between parties.	1.6	$ 200.00	$ 100.00	$ 100.00	$ 14.29	Allocate to 14 subs
61	4/7/2016	TF	Update and review matrix regarding universe of claims between parties.	0.6	$ 75.00	$ 37.50	$ 37.50	$ 5.36	Allocate to 14 subs
62	4/7/2016	TF	Assess, analyze and review APCO Construction complaints and counterclaims filed in underlying matter.	0.8	$ 100.00	$ 50.00	$ 50.00	$ 7.14	Allocate to 14 subs
63	4/11/2016	TF	Assess, analyze and review cross-claims made by APCO Construction and update matrix regarding universe of claims.	0.6	$ 75.00	$ 37.50	$ 37.50	$ 5.36	Allocate to 14 subs
64	4/11/2016	CSM	Assess, analyze, research and review operative pleadings from Helix, Heineman, WRG, Buchele, CHT, TMG, and Cactus Rose to determine claims and pleadings against APCO; and preapre supplements to matrix regarding same.	2.2	$ 495.00	$ 82.50			Not charged to NWP
65	4/14/2016	JCJ	Appearance in court on court releasing sale proceeds to lender, post-hearing discussions with co-counsel.	1	$ 300.00	$ 150.00	$ 150.00	$ 21.43	Allocate to 14 subs
66	4/14/2016	CSM	Analysis and strategy regarding outcome of hearing; and telephone call with client regarding same and preparation of documents.	0.2	$ 45.00	$ 22.50	$ 22.50	$ 3.21	Allocate to 14 subs
67	4/14/2016	CSM	Assess, analyze and review order from hearing to release funds.	0.1	$ 22.50	$ 11.25	$ 11.25	$ 1.61	Allocate to 14 subs
68	4/15/2016	CSM	Communicate with client regarding meeting with counsel to acquire additional foundation on case and [redacted]	0.2	$ 45.00	$ 22.50	$ 22.50	$ 3.21	Allocate to 14 subs
69	4/15/2016	CSM	Draft correspondence to counsel regarding meeting regarding pending issues in case.	0.1	$ 22.50	$ 11.25	$ 11.25	$ 1.61	Allocate to 14 subs
70	4/18/2016	JCJ	Review communication from Wade, with staff on an issue raised in email, meet with Joe and Wade, access information from same and status client.	1.5	$ 450.00	$ 225.00	$ 225.00	$ 32.14	Allocate to 14 subs
71	4/18/2016	TF	Assess, analyze and review documents received from clients regarding summary of potential claims.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 subs
72	4/18/2016	CSM	Prepare for and meet with Joe and Wade regarding status of case and outlilng potential subcontractors that may be still viable and prosecuting their claims.	1.5	$ 337.50	$ 168.75	$ 168.75	$ 24.11	Allocate to 14 subs
73	4/18/2016	CSM	Analysis and strategy regarding meeting with counsel, documents we need to acquire, and [redacted]	0.5	$ 112.50	$ 56.25	$ 56.25	$ 8.04	Allocate to 14 subs
74	4/18/2016	CSM	Assess, analyze and review additional documents provided from client regarding various signed contracts and ratification agreement; and assess, analyze and review various	0.7	$ 157.50	$ 78.75	$ 78.75	$ 11.25	Allocate to 14 subs
75	4/18/2016	CSM	Assess, analyze and review matrices provided from client regarding status on various subcontractors.	0.8	$ 180.00	$ 90.00	$ 90.00	$ 12.86	Allocate to 14 subs
76	4/19/2016	CSM	Analysis and strategy regarding needed documents.	0.3	$ 67.50	$ 33.75	$ 33.75	$ 4.82	Allocate to 14 subs
77	4/25/2016	CSM	Assess, analyze and review matrices provided from client against court pleadings in preparation for meeting with client.	0.8	$ 180.00	$ 90.00	$ 90.00	$ 12.86	Allocate to 14 subs
78	4/25/2016	JCJ	Meet with client and strategy on things to do and related.	1.8	$ 540.00	$ 270.00	$ 270.00	$ 38.57	Allocate to 14 subs
79	4/25/2016	JCJ	Evaluate and analyze possible use of special master and communicate with Wade.	0.7	$ 210.00	$ 105.00	$ 105.00	$ 15.00	Allocate to 14 subs
80	4/25/2016	CSM	Conduct meeting with client regarding status of case, and to develop legal strategy.	1.8	$ 405.00	$ 202.50	$ 202.50	$ 28.93	Allocate to 14 subs
81	4/25/2016	CSM	Assess, analyze and review correspondence from counsel regarding pending motions for summary judgment; and analysis and strategy regarding handling same.	0.2	$ 45.00	$ 22.50	$ 22.50		Should not be allocated to NWP or Helix. MSJ of Insulpro. Docket p. 306-307
82	4/25/2016	CSM	Develop legal strategy regarding documents that need to be acquired and reviewed, especially with regarding to status of case, pending motions, and potential defenses due to timing issues with liens.	0.5	$ 112.50	$ 56.25	$ 56.25		Should not be allocated to NWP or Helix. MSJ of Insulpro. Docket p. 306-307
83	4/25/2016	CSM	Assess, analyze and review various documents provided in binders from client to substantiate client's defense with regard to various subcontractors identified by client.	0.8	$ 180.00	$ 90.00	$ 90.00	$ 12.86	Allocate to 14 sub
84	4/26/2016	TF	Assess, analyze and review procedural history regarding consolidation of various litigations.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 sub
85	4/26/2016	JCJ	Communicate with client and with Wade, review with staff on case procedural history and need to connect in dates of each claimant and from which consolidated case, formulate	2.3	$ 690.00	$ 345.00	$ 345.00	$ 49.29	Allocate to 14 sub
86	4/26/2016	MSW	Assess, analyze and review procedural history to locate all orders entered in this matter with specific attention to orders requiring stay of the matter.	2	$ 250.00	$ 125.00	$ 125.00	$ 17.86	Allocate to 14 sub

APCO'S ATTORNEYS' FEES (MARQUIS AUERBACH)

87	4/26/2016	CSM	Continue to review supporting documents provided by client for determination of which contractors to bring various motions against.	0.8	$ 180.00	$ 90.00	$ 90.00	$ 12.86	Allocate to 14 sub
88	4/26/2016	CSM	Analysis and strategy regarding appointing special master and case calendar.	0.3	$ 67.50	$ 33.75	$ 33.75	$ 4.82	Allocate to 14 sub
89	4/26/2016	CSM	Assess, analyze and review correspondence from client and attached documents evidencing subcontractors who are no longer in operation.	0.3	$ 67.50	$ -	$ 67.50	$ 4.82	Allocate to 14 sub
90	4/27/2016	TF	Assess, analyze and review universe of orders regarding consolidation of various litigations, itemize and prepare matrix regarding consolidation dates of the various litigations.	1.3	$ 162.50	$ 81.25	$ 81.25	$ 11.61	Allocate to 14 sub
91	4/27/2016	TF	Assess, analyze and review summary of potential claims provided by client.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 sub
92	4/27/2016	TF	Compile and review procedural history of consolidated cases.	0.9	$ 112.50	$ 56.25	$ 56.25	$ 8.04	Allocate to 14 sub
93	4/28/2016	TF	Continue to assess, analyze and review procedural history of subcontractors with potential claims.	1.3	$ 162.50	$ 81.25	$ 81.25	$ 11.61	Allocate to 14 sub
94	4/28/2016	TF	Compile and review statement of claims made by subcontractors with potential claims.	1.1	$ 137.50	$ 68.75	$ 68.75	$ 9.82	Allocate to 14 sub
95	4/28/2016	TF	Prepare and review matrix regarding timeline of consolidation of cases and association of subcontractors with various litigations.	0.6	$ 100.00	$ 50.00	$ 50.00	$ 7.14	Allocate to 14 sub
96	4/28/2016	[redacted]							Deduct-not related to defense of claims by NWP
97	4/28/2016	CSM	Analysis and strategy regarding order acquired from paralegal with respect the application of the five year rule.	0.4	$ 90.00	$ 45.00	$ 45.00	$ 6.43	Allocate to 14 sub
98	4/29/2016	TF	Continue to assess, analyze and review procedural history of consolidated matters and determine timeline of events.	1.2	$ 150.00	$ 75.00	$ 75.00	$ 10.71	Allocate to 14 sub
99	4/29/2016	TF	Draft and prepare timeline regarding consolidation of cases.	0.5	$ 62.50	$ 31.25	$ 31.25	$ 4.46	Allocate to 14 sub
100	4/29/2016	CSM	Analysis and strategy regarding prior case management order, and various responses to same from viable subcontractors; and direct paralegal to organize and prepare additional documents for review.	0.5	$ 112.50	$ 56.25	$ 56.25	$ 8.04	Allocate to 14 sub
101	5/2/2016	JCJ	Review index from Wade, communicate with staff on same and review various documents in context of evaluating procedural history and motion for special master/case agenda.	1.4	$ 420.00	$ 210.00	$ 210.00	$ 30.00	Allocate to 14 sub
102	5/2/2016	TF	Compile and review universe of case management orders.	0.6	$ 100.00	$ 50.00	$ 50.00	$ 7.14	Allocate to 14 sub
103	5/2/2016	TF	Assess, analyze and review pleadings index received from Wade Gochnour for relevant filings.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 sub
104	5/2/2016	TF	Assess, analyze and review discovery index received from Wade Gochnour for relevant discovery.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 sub
105	5/2/2016	CSM	Assess, analyze and review correspondence from Mr. Gochnour regarding pleading and discovery indexes; and review attached indexes for various documents and status of discovery of case.	0.5	$ 112.50	$ 56.25	$ 56.25	$ 8.04	Allocate to 14 sub
106	5/2/2016	CSM	Analysis and strategy regarding ratification agreements.	0.2	$ 45.00	$ 22.50	$ 22.50	$ 3.21	Allocate to 14 sub
107	5/2/2016	CSM	Assess, analyze and review case management order and second amended case agenda.	0.3	$ 67.50	$ 33.75	$ 33.75	$ 4.82	Allocate to 14 sub
108	5/2/2016	CSM	Draft status update to client regarding discovery and motion to appoint special master.	0.5	$ 112.50	$ 56.25	$ 56.25	$ 8.04	Allocate to 14 sub
109	5/3/2016	MSW	Assess, analyze and review case files and begin to formulate a comprehensive organizational plan in which to effectively manage and work-up this matter.	4.2	$ 200.00	$ 100.00	$ 100.00	$ 14.29	Allocate to 14 sub
110	5/3/2016	JCJ	Continue review of index from Wade, follow up with office of Wade on requested information, communicate with client on same.	0.5	$ 150.00	$ 75.00	$ 75.00	$ 10.71	Allocate to 14 sub
111	5/3/2016	TF	Assess, analyze and review statement of claims made by subcontractors with potential claims.	0.5	$ 62.50	$ 31.25	$ 31.25	$ 4.46	Allocate to 14 sub
112	5/3/2016	CSM	Assess, analyze and review correspondence from client regarding ratification agreements; and assess, analyze and review attached document.	0.1	$ 22.50	$ 11.25	$ 11.25	$ 1.61	Allocate to 14 sub
113	5/4/2016	JCJ	Communicate with Wade and status client.	0.3	$ 90.00	$ 45.00	$ 45.00	$ 6.43	Allocate to 14 sub
114	5/4/2016	NRP	Conduct legal research regarding Nevada standars to appoint a special master over a complex litigation involving various consolidated cases.	1.8	$ 405.00	$ 202.50	$ 202.50	$ 28.93	Allocate to 14 sub
115	5/4/2016	NRP	Begin drafting the motion to appoint special master and to set case agenda.	1.2	$ 270.00	$ 135.00	$ 135.00	$ 19.29	Allocate to 14 sub
116	5/5/2016	NRP	Draft motion to appoint special master and to set new case management order.	3.5	$ 787.50	$ 393.75	$ 393.75	$ 56.25	Allocate to 14 sub
117	5/5/2016	NRP	Review and finalize motion to appoint special master and to set new case management order.	0.6	$ 135.00	$ 67.50	$ 67.50	$ 9.64	Allocate to 14 sub
118	5/5/2016	CSM	Analysis and strategy regarding scope of motion to appoint special master.	0.3	$ 67.50	$ 33.75	$ 33.75	$ 4.82	Allocate to 14 sub
119	5/6/2016	JCJ	Review and finalize motion to appoint special master and status client.	0.5	$ 150.00	$ 75.00	$ 75.00	$ 10.71	Allocate to 14 sub
120	5/6/2016	CSM	Assess, analyze and review detailed correspondence from client regarding motion to appoint special master; and draft response to same.	0.2	$ 45.00	$ 22.50	$ 22.50	$ 3.21	Allocate to 14 sub
121	5/9/2016	JCJ	Communicate with Wade on still needed documents and same response on no lien claims.	0.2	$ 60.00	$ 30.00	$ 30.00	$ 4.29	Allocate to 14 sub
122	5/9/2016	CSM	Assess, analyze and review case management order and analysis and strategy regarding motion for special master.	0.4	$ 90.00	$ 45.00	$ 45.00	$ 6.43	Allocate to 14 sub

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123	5/9/2016	CSM	Assess, analyze and review detailed correspondence from court regarding setting status check with all parties.	0.2	$ 45.00	$ 22.50	$ 22.50	$ 3.21	Allocate to 14 sub
124	5/9/2016	CSM	Analysis and strategy regarding dismissing lien claims due to sale and release of funds.	0.4	$ 90.00	$ 45.00	$ 45.00	$ 6.43	Allocate to 14 sub
125	5/10/2016	JCJ	Follow up with Wade and communicate with client on documents and related.	0.4	$ 120.00	$ 60.00	$ 60.00	$ 8.57	Allocate to 14 sub
126	5/10/2016	[redacted]							Deduct-APCO unsuccessful
127	5/11/2016	CSM	Communicate with Wade Gochnour regarding acquiring documents; and draft response to same.	0.2	$ 45.00	$ 22.50	$ 22.50	$ 3.21	Allocate to 14 sub
128	5/12/2016	JCJ	Review various documents and information from client and formulate what is still needed to be done and information.	0.8	$ 240.00	$ 120.00	$ 120.00	$ 17.14	Allocate to 14 sub
129	5/12/2016	CSM	Assess, analyze and review detailed correspondence from Wade Gochnour regarding various documents; and draft response to same.	0.2	$ 45.00	$ 22.50	$ 22.50	$ 3.21	Allocate to 14 sub
130	5/24/2016	CSM	Draft detailed status correspondence to client regarding oppositions to motion for appointment of special master and revised motion for summary judgment.	0.3	$ 67.50	$ 33.75	$ 33.75	$ 4.82	Allocate to 14 sub
131	5/25/2016	TF	Format and prepare electronic pleading and discovery files received from counsel.	0.8	$ 100.00	$ 50.00	$ 50.00	$ 7.14	Allocate to 14 sub
132	5/25/2016	JCJ	Receipt and review Peel Brimley limited opposition to motion to appoint special master.	0.4	$ 120.00	$ 60.00	$ 60.00		Not charged to NWP
133	5/26/2016	TF	Assess, analyze and review universe of APCO 16.1 disclosures to determine produced documents to date.	1.1	$ 137.50	$ 68.75	$ 68.75	$ 9.82	Allocate to 14 sub
134	5/27/2016	JCJ	Review with staff on what was produced from prior counsel and what is still missing, contact prior counsel on same and status client on same.	0.4	$ 120.00	$ 60.00	$ 60.00	$ 8.57	Allocate to 14 sub
135	5/27/2016	TF	Conference call with Litigation Services regarding universe of documents disclosed by APCO and access to online database.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 sub
136	5/27/2016	CSM	Analysis and strategy regarding APCO 16.1 disclosures through the fourth, for determination of additional required documents.	0.3	$ 67.50	$ 33.75	$ 33.75	$ 4.82	Allocate to 14 sub
137	5/27/2016	CSM	Follow up with Litigation Services regarding documents depository data basis and disclosures filed by various parties.	0.2	$ 45.00	$ 22.50	$ 22.50	$ 3.21	Allocate to 14 sub
138	5/31/2016	TF	Continue to assess, analyze and review universe of APCO Construction disclosures in preparation of meeting with clients.	0.6	$ 75.00	$ 37.50	$ 37.50	$ 5.36	Allocate to 14 sub
139	5/31/2016	TF	Draft and prepare index regarding universe of APCO Construction document disclosures.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 sub
140	5/31/2016	TF	Email exchange with Litigation Services regarding universe of documents in depository and access to searchable database.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79	Allocate to 14 sub
141	5/31/2016	TF	Assess, analyze and review universe of disclosures through Litigation Services IPRO software and determining universe of disclosed documents.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 sub
142	5/31/2016	JCJ	Follow up with Wade on missing 16.1 disclosure documents, draft response to appointment of special master, review and finalize same, draft and finalize case agenda, draft and finalize order on special master, communicate with Peel's office on their claims.	2.7	$ 810.00	$ 405.00	$ 405.00	$ 57.86	Allocate to 14 sub
143	5/31/2016	JCJ	Conference call with client on needed 16.1 documents and related.	0.3	$ 90.00	$ 45.00	$ 45.00	$ 6.43	Allocate to 14 sub
144	5/31/2016	TF	Conference call with Litigation Services regarding depository and documents available via IPRO online database.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79	Allocate to 14 sub
145	5/31/2016	CSM	Analysis and strategy regarding APCO's reply to limited oppositions to motion to appoint special master.	0.3	$ 67.50	$ 33.75	$ 33.75	$ 4.82	Allocate to 14 sub
146	6/1/2016	TF	Assess, analyze and review universe of documents disclosed in APCO Construction's initial disclosures and prepare universe of electronic files for review.	0.8	$ 100.00	$ 50.00	$ 50.00	$ 7.14	Allocate to 14 sub
147	6/1/2016	TF	Assess, analyze and review universe of documents disclosed in APCO Construction's first supplemental disclosures and prepare universe of electronic files for review.	0.7	$ 87.50	$ 43.75	$ 43.75	$ 6.25	Allocate to 14 sub
148	6/1/2016	JCJ	Communicate with prior counsel on documents and related.	0.2	$ 60.00	$ 30.00	$ 30.00	$ 4.29	Allocate to 14 sub
149	6/1/2016	CSM	Analysis and strategy regarding proposed order and authority provided to special master.	0.2	$ 45.00	$ 22.50	$ 22.50	$ 3.21	Allocate to 14 sub
150	6/2/2016	JCJ	Prepare and organize for status hearing; appearance at status hearing and post-hearing meeting with sub counsel on various matters; communicate with client and review various documents from Wade.	2.4	$ 720.00	$ 360.00	$ 360.00	$ 51.43	Allocate to 14 sub
151	6/2/2016	TF	Assess, analyze and review universe of documents disclosed in APCO Construction's second through fourth supplemental disclosures and prepare universe of electronic files for review.	0.6	$ 75.00	$ 37.50	$ 37.50	$ 5.36	Allocate to 14 sub
152	6/2/2016	CSM	Communicate with depository regarding previously deposited documents and inform same anticipated new disclosure.	0.3	$ 67.50	$ 33.75	$ 33.75	$ 4.82	Allocate to 14 sub
153	6/2/2016	CSM	Prepare monthly status report to client.	0.3	$ 67.50	$ 33.75	$ 33.75	$ 4.82	Allocate to 14 sub
154	6/3/2016	BMV	Legal research regarding law of the case doctrine.	0.9	$ 202.50	$ 101.25	$ 101.25	$ 14.46	Allocate to 14 sub
155	6/3/2016	JCJ	Communicate with Peel office on order on SM.	0.2	$ 60.00	$ 60.00	$ -		Not charged to NWP
156	6/6/2016	JCJ	Communicate with Wade on prior bench trial, 5 year rule discussed on the record during same and thus 5 year rule satisfied; communicate with staff on getting trial transcript and no claims against Camco.	0.4	$ 120.00	$ 60.00	$ 60.00	$ 8.57	Allocate to 14 sub

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157	6/6/2016	TF	Conference call with Department Thirteen's court reporters regarding transcript request for October 30, 2012 bench trial.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79	Allocate to 14 sub
158	6/6/2016	TF	Email exchange with Wade Gochnour regarding universe of documents disclosed in APCO's 16.1 disclosures.	0.1	$ 12.50	$ 6.25	$ 6.25	$ 0.89	Allocate to 14 sub
159	6/6/2016	TF	Assess, analyze and review January 2010 case management order regarding document production protocols.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 sub
160	6/6/2016	TF	Format and prepare universe of documents to be produced by APCO Construction's fifth supplemental disclosure of imaged documents.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 sub
161	6/6/2016	TF	Draft and prepare APCO Construction's fifth supplemental disclosure of imaged documents.	0.5	$ 62.50	$ 31.25	$ 31.25	$ 4.46	Allocate to 14 sub
162	6/6/2016	TF	Conference call with Litigation Services regarding depository protocols.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79	Allocate to 14 sub
163	6/6/2016	TF	Assess, analyze and review consolidated litigations regarding claims against Camco.	0.7	$ 87.50	$ 43.75	$ 43.75	$ 6.25	Allocate to 14 sub
164	6/6/2016	NRP	Conduct legal research regarding [redacted]	1.5	$ 337.50	$ 168.75	$ 168.75	$ 24.11	Allocate to 14 sub
165	6/6/2016	CSM	Prepare and finalize client's supplemental disclosure.	0.4	$ 90.00	$ 45.00	$ 45.00	$ 6.43	Allocate to 14 sub
166	6/7/2016	JCJ	Review proposed revisions to SAO on SM from Peel, draft counter revisions and communicate with same on same.	0.5	$ 150.00	$ 150.00	$ -		Not charged to NWP
167	6/7/2016	JCJ	Draft letter to all counsel regarding 5 year rule satisfied.	0.3	$ 90.00	$ 45.00	$ 45.00	$ 6.43	Allocate to 14 sub
168	6/7/2016	CSM	Analysis and strategy regarding language in order to appoint special master.	0.2	$ 45.00	$ 22.50	$ 22.50	$ 3.21	Allocate to 14 sub
169	6/8/2016	JCJ	Communicate with Peel office on Order on SM, review proposed revisions and draft proposed letter to Judge on same.	0.8	$ 240.00	$ 240.00	$ -		Not charged to NWP
170	6/8/2016	JCJ	Communicate with Wade regarding letter on 5 year rule.	0.1	$ 30.00	$ 15.00	$ 15.00	$ 2.14	Allocate to 14 sub
171	6/8/2016	CSM	Analysis and strategy regarding five year rule.	0.2	$ 45.00	$ 22.50	$ 22.50	$ 3.21	Allocate to 14 sub
172	6/9/2016	JCJ	Appearanc in court on hearing re SM, draft NOE, communicate with office of SM and status client.	2.3	$ 690.00	$ 345.00	$ 345.00	$ 49.29	Allocate to 14 sub
173	6/9/2016	TF	Assess, analyze and review matrices received from client regarding subcontractor entity details.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 sub
174	6/9/2016	CSM	Analysis and strategy regareding hearing outcome on appointment of special master and discussions with opposing counsel.	0.3	$ 67.50	$ 33.75	$ 33.75	$ 4.82	Allocate to 14 sub
175	6/10/2016	JCJ	Review with staff on document situation, what is still needed and communicate with Lit services on what they are missing and compare client chart with binder documents.	0.6	$ 180.00	$ 90.00	$ 90.00	$ 12.86	Allocate to 14 sub
176	6/13/2016	JCJ	Communicate with office of SM on SM hearing.	0.2	$ 60.00	$ 30.00	$ 30.00	$ 4.29	Allocate to 14 sub
177	6/13/2016	TF	Email exchange with department 13 clerk regarding transcript for October 30, 2012.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79	Allocate to 14 sub
178	6/13/2016	CSM	Analysis and strategy regarding documents received from client and Bates stamping and producing newly received documents.	0.4	$ 90.00	$ 45.00	$ 45.00	$ 6.43	Allocate to 14 sub
179	6/13/2016	CSM	Analysis and strategy regarding order to appoint special master and setting up initial special master hearing.	0.2	$ 45.00	$ 22.50	$ 22.50	$ 3.21	Allocate to 14 sub
180	6/17/2016	CSM	Analysis and strategy regarding certain claims asserted by remaining contractors, and research contract issues in sister states to support Nevada law and client's arguments.	0.9	$ 202.50	$ 101.25	$ 101.25	$ 14.46	Allocate to 14 sub
181	6/20/2016	CSM	Analysis and strategy regarding order on hearing and strategy for submiting issues to special master for consideration.	0.4	$ 90.00	$ 45.00	$ 45.00	$ 6.43	Allocate to 14 sub
182	6/22/2016	CSM	Follow up and analysis regarding client's additions to disclosure of documents.	0.3	$ 67.50	$ 33.75	$ 33.75	$ 4.82	Allocate to 14 sub
183	6/22/2016	CSM	Follow up and analysis regarding hearing transcript and five year rule issues.	0.3	$ 67.50	$ 33.75	$ 33.75	$ 4.82	Allocate to 14 sub
184	6/23/2016	JCJ	Review Peel request to push out July 11 initial SM meeting and communicate with SM on same.	0.3	$ 90.00	$ 45.00	$ 45.00	$ 6.43	Allocate to 14 sub
185	6/23/2016	JCJ	Revise and finalize order denying motion for summary judgments and draft letter to all counsel regarding same.	0.3	$ 90.00	$ 45.00	$ 45.00		Insulpro MSJ - should not be charged to NWP
186	6/23/2016	TF	Email exchange with department 13 court reporter regarding pending transcript requests.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79	Allocate to 14 sub
187	6/23/2016	CSM	Assess, analyze and review correspondence from special master following motion for summary judgment hearings.	0.2	$ 45.00	$ 22.50	$ 22.50	$ 3.21	Allocate to 14 sub
188	6/23/2016	CSM	Analysis and strategy regarding proposed order and correspondence to all counsel.	0.2	$ 45.00	$ 22.50	$ 22.50	$ 3.21	Allocate to 14 sub
189	6/25/2016	JCJ	Communicate with Peel's office and special master regarding initial hearing.	0.2	$ 60.00	$ 60.00	$ -		Not charged to NWP
190	6/28/2016	CSM	Prepare follow up correspondence to all counsel regarding submitting proposed order to court.	0.3	$ 67.50	$ 33.75	$ 33.75	$ 4.82	Allocate to 14 sub
191	6/28/2016	CSM	Communicate with various counsel and assistant to special master regarding upcoming special master hearing.	0.2	$ 45.00	$ 22.50	$ 22.50	$ 3.21	Allocate to 14 sub
192	6/29/2016	CSM	Execute order on competing motions for summary judgment and submit to court.	0.2	$ 45.00	$ 22.50	$ 22.50		Insulpro MSJ - should not be charged to NWP
193	6/29/2016	CSM	Assess, analyze and review correspondence from special master regarding upcoming special master hearing.	0.2	$ 45.00	$ 22.50	$ 22.50	$ 3.21	Allocate to 14 sub
194	6/29/2016	TF	Email exchange with Angie Calvillo regarding October 30, 2012 transcript.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79	Allocate to 14 sub
195	7/6/2016	CSM	Draft status update to client regarding upcoming dates and special master hearing.	0.4	$ 90.00	$ 45.00	$ 45.00	$ 6.43	Allocate to 14 sub

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196	7/6/2016	JCJ	Review various pleadings, orders and correspondences in context of things to do given current denial of all motions and upcoming special master hearing.	0.7	$ 210.00	$ 105.00	$ 105.00	$ 15.00	Allocate to 14 sub
197	7/8/2016	JCJ	Review prior documents and progress of prior trial transcript n context of proof of 5 year rule satisfied.	0.5	$ 150.00	$ 75.00	$ 75.00	$ 10.71	Allocate to 14 sub
198	7/14/2016	TF	Assess, analyze and review court records regarding minutes for October 30, 2012 hearing.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 sub
199	7/14/2016	CSM	Analysis and strategy hearing transcript for hearing conducted on October 30, 2012 for upcoming special master hearing.	0.3	$ 67.50	$ 33.75	$ 33.75	$ 4.82	Allocate to 14 sub
200	7/22/2016	CSM	Follow up with office of special master regarding special master hearing and scope of same.	0.2	$ 45.00	$ 22.50	$ 22.50	$ 3.21	Allocate to 14 sub
201	7/26/2016	CSM	Assess, analyze and review issues related to discovery schedule, 5 year rule; strategize regarding discovery schedule to propose to special master; and review matrix of parties who have recently re-appearing in action post appeal versus parties that may	1.1	$ 247.50	$ 123.75	$ 123.75	$ 17.66	Allocate to 14 sub
202	8/1/2016	TF	Prepare and review documents in preparation for Special Master hearing.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79	Allocate to 14 sub
203	8/1/2016	CSM	Assess, analyze and review transcript from Oct. 2012 hearing in preperation of handling five year rule issues at special master hearing.	0.4	$ 90.00	$ 45.00	$ 45.00	$ 6.43	Allocate to 14 sub
204	8/1/2016	CSM	Assess, analyze and review various documents and prepare documents and arguments for special master hearing.	1.5	$ 337.50	$ 168.75	$ 168.75	$ 24.11	Allocate to 14 sub
205	8/1/2016	CSM	Attend special master hearing with Floyd Hale and other legal counsel regarding discovery and pending motions and issues between the parties.	1.5	$ 337.50	$ 168.75	$ 168.75	$ 24.11	Allocate to 14 sub
206	8/2/2016	CSM	Draft detailed correspondence to client with proposed discovery schedule and special master recommendations.	0.4	$ 90.00	$ 45.00	$ 45.00	$ 6.43	Allocate to 14 sub
207	8/3/2016	CSM	Draft monthly status report to client.	0.2	$ 45.00	$ 22.50	$ 22.50	$ 3.21	Allocate to 14 sub
208	8/3/2016	CSM	Assess, analyze and review correspondence from special master Hale to all counsel regarding discovery schedule.	0.2	$ 45.00	$ 22.50	$ 22.50	$ 3.21	Allocate to 14 sub
209	8/3/2016	CSM	Follow up with special master regarding parties who appeared and special master hearing.	0.2	$ 45.00	$ 22.50	$ 22.50	$ 3.21	Allocate to 14 sub
210	8/4/2016	CSM	Draft initial mediator's questionnaire, and provide it to opposing counsel for review.	1.4	$ 315.00	$ 157.50	$ 157.50	$ 22.50	Allocate to 14 sub
211	8/5/2016	CSM	Communicate with opposing counsel regarding mediator's questionnaire; reviewed suggested changes; telephone call with client regarding same; and provide revised draft of questionnaire to opposing counsel.	1.4	$ 315.00	$ 157.50	$ 157.50	$ 22.50	Allocate to 14 sub
212	8/5/2016	CSM	Assess, analyze and review correspondence from counsel for Helix regarding arbitration.	0.2	$ 45.00	$ 45.00	$ -		Not charged to NWP
213	8/9/2016	CSM	Assess, analyze and review correspondence from opposing counsel on revised language of mediator's questionnaire; review language in questions; and draft response to same.	0.5	$ 112.50	$ 56.25	$ 56.25	$ 8.04	Allocate to 14 sub
214	8/10/2016	CSM	Assess, analyze and review various documents from client with regard to subcontractors who appeared at special master hearing and begin preparing client's supplemental disclosure as ordered by the special master.	2	$ 450.00	$ 225.00	$ 225.00	$ 32.14	Allocate to 14 sub
215	8/11/2016	CSM	Follow up with opposing counsel regarding revised language for mediator's questionnaire.	0.3	$ 67.50	$ 33.75	$ 33.75	$ 4.82	Allocate to 14 sub
216	8/16/2016	[redacted]							Deduct-not related to defense of claims by NWP
217	8/17/2016	CSM	Communicate with opposing counsel regarding special master questionnaire.	0.2	$ 45.00	$ 22.50	$ 22.50	$ 3.21	Allocate to 14 sub
218	8/19/2016	CSM	Communicate with client regarding mediator questionnaire; and follow up with opposing counsel regarding same.	0.4	$ 90.00	$ 45.00	$ 45.00	$ 6.43	Allocate to 14 sub
219	8/19/2016	CSM	Review prior disclosed documents for context of additional documents required to be disclosed and for client supplemental disclosure pursuant to special master order.	0.7	$ 157.50	$ 78.75	$ 78.75	$ 11.25	Allocate to 14 sub
220	8/24/2016	CSM	Follow up with opposing counsel regarding submission of special master questionnaire.	0.3	$ 67.50	$ 33.75	$ 33.75	$ 4.82	Allocate to 14 sub
221	8/26/2016	CSM	Follow up with opposing counsel regarding submitting special master questionnaire; and conduct telephone call with client regarding same.	0.4	$ 90.00	$ 45.00	$ 45.00	$ 6.43	Allocate to 14 sub
222	8/29/2016	TF	Assess, analyze and review universe of documents provided by client to be produced in APCO's sixth supplemental disclosure.	0.8	$ 100.00	$ 50.00	$ 50.00	$ 7.14	Allocate to 14 sub
223	8/29/2016	TF	Draft and prepare APCO's sixth supplemental disclosures.	0.6	$ 75.00	$ 37.50	$ 37.50	$ 5.36	Allocate to 14 sub
224	8/29/2016	TF	Assess, analyze and review universe of documents produced by previous counsel.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 sub
225	8/29/2016	CSM	Assess, analyze and review APCO's prior disclosures and supplements thereto and continue to prepare client's fifth supplemental disclosure pursuant to special master's order.	1.2	$ 270.00	$ 135.00	$ 135.00	$ 19.29	Allocate to 14 sub
226	8/30/2016	TF	Continue to prepare and review universe of documents to be produced in sixth supplemental production of documents.	1.6	$ 200.00	$ 100.00	$ 100.00	$ 14.29	Allocate to 14 sub
227	8/30/2016	TF	Continue to draft APCO Construction's sixth supplemental disclosure of imaged documents.	0.6	$ 75.00	$ 37.50	$ 37.50	$ 5.36	Allocate to 14 sub
228	8/30/2016	TF	Conference call with Litigation Services regarding universe of imaged searceable documents.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 sub

229	8/30/2016	CSM	Correspond with client regarding supplemental disclosure of documents, and research and provide client with statutory law possible arguments of subcontractors who are out of business to potentially keep claims alive in case; and follow up with special master.	0.8	$ 180.00	$ 90.00	$ 90.00	$ 12.86	Allocate to 14 sub
230	8/31/2016	JCJ	Review with staff on progress and status of all documents against all adverse parties and client reasons for limiting to only those client believes at issue.	0.3	$ 90.00	$ 45.00	$ 45.00	$ 6.43	Allocate to 14 sub
231	8/31/2016	TF	Continue to assess, analyze and review universe of subcontractor files to be disclosed in sixth supplemental disclosure.	1.7	$ 212.50	$ 106.25	$ 106.25	$ 15.18	Allocate to 14 sub
232	8/31/2016	TF	Continue to draft and prepare APCO Construction's sixth supplemental disclosure of imaged documents.	0.9	$ 112.50	$ 56.25	$ 56.25	$ 8.04	Allocate to 14 sub
233	8/31/2016	TF	Update sixth supplemental disclosure with previously disclosed witnesses.	0.5	$ 62.50	$ 31.25	$ 31.25	$ 4.46	Allocate to 14 sub
234	8/31/2016	TF	Prepare and review universe of documents to be provided to Litigation Services.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 sub
235	8/31/2016	TF	Email exchange with Litigation Services regarding universe of documents produced in APCO Construction's sixth supplemental disclosure of witnesses and imaged documents.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79	Allocate to 14 sub
236	8/31/2016	CSM	Draft monthly status report to client.	0.3	$ 67.50	$ 33.75	$ 33.75	$ 4.82	Allocate to 14 sub
237	8/31/2016	CSM	Assess, analyze and review supplemental disclosure of witnessses and documents pursuant to case management order from Helix Electrical; and draft additions to matrix regarding same.	0.3	$ 67.50	$ 67.50	$ -		Not charged to NWP
238	8/31/2016	CSM	Assess, analyze and review supplemental disclosure of witnessses and documents pursuant to case management order from CAMCO; and draft additions to matrix regarding same.	0.6	$ 135.00	$ 67.50	$ 67.50	$ 9.64	Allocate to 14 sub
239	8/31/2016	CSM	Formulate and draft additions to litigation matrix and discovery matrix with regard to documents required to defend against various claims; and direct paralegal to identify APCO documents that supports its defense against various subcontractors.	0.5	$ 112.50	$ 56.25	$ 56.25	$ 8.04	Allocate to 14 sub
240	8/31/2016	CSM	Finalize and execute APCO's sixth supplemental disclosure of witnesses and documents.	0.2	$ 45.00	$ 22.50	$ 22.50	$ 3.21	Allocate to 14 sub
241	9/1/2016	JCJ	Review differences in client documents versus subcontractors at issue, PMKs for client listed by others and review with staff on how to resolve.	0.3	$ 90.00	$ 45.00	$ 45.00	$ 6.43	Allocate to 14 sub
242	9/1/2016	TF	Assess, analyze and review case management order regarding discovery protocols.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 sub
243	9/1/2016	TF	Email exchange with Litigation Services regarding documents produced in APCO Construction's sixth supplemental disclosure.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79	Allocate to 14 sub
244	9/1/2016	TF	Assess, analyze and review universe of disclosures made by various parties pursuant to Special Master order.	0.6	$ 75.00	$ 37.50	$ 37.50	$ 5.36	Allocate to 14 sub
245	9/1/2016	TF	Draft and prepare matrix regarding Special Master questionnaire and universe of documents produced by all parties to date.	0.6	$ 75.00	$ 37.50	$ 37.50	$ 5.36	Allocate to 14 sub
246	9/1/2016	TF	Assess, analyze and review documents received from Lisa Lynn to be produced in upcoming disclosures.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 sub
247	9/1/2016	CSM	Communicate with depository regarding client's disclosures.	0.2	$ 45.00	$ 22.50	$ 22.50	$ 3.21	Allocate to 14 sub
248	9/1/2016	CSM	Begin preparing and comparing documents received from various responding subcontractors versus client's documents for entire universe, and draft additions to litigation matrix regarding same.	1.2	$ 270.00	$ 135.00	$ 135.00	$ 19.29	Allocate to 14 sub
249	9/1/2016	CSM	Assess, analyze and review case management order, and follow up with depository regarding parties who have failed to comply with CMO.	0.2	$ 45.00	$ 22.50	$ 22.50	$ 3.21	Allocate to 14 sub
250	9/1/2016	CSM	Communicate with client regarding person most knowledgeable.	0.2	$ 45.00	$ 22.50	$ 22.50	$ 3.21	Allocate to 14 sub
251	9/1/2016	CSM	Assess, analyze and review correspondence from Special Master regarding questionnaire to all parties.	0.1	$ 22.50	$ 11.25	$ 11.25	$ 1.61	Allocate to 14 sub
252	9/1/2016	CSM	Review documents and claims for relief against APCO asserted by various parties (Accuracy, Cactus Rose, Cardno, Fast Glass, Heinaman, and Helix) responding to supplemental disclosures and develop legal strategy regarding defending against same.	2.2	$ 495.00	$ 82.50			Not charged to NWP
253	9/2/2016	TF	Assess, analyze and review universe of disclosures made by all parties.	0.6	$ 75.00	$ 37.50	$ 37.50	$ 5.36	Allocate to 14 sub
254	9/2/2016	TF	Conference call with Litigation Services regarding deposited documents by all parties.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79	Allocate to 14 sub
255	9/9/2016	TF	Assess, analyze and review universe of documents disclosed by various parties in 16.1 disclosures pursuant to Special Master's order.	0.6	$ 75.00	$ 37.50	$ 37.50	$ 5.36	Allocate to 14 sub
256	9/9/2016	TF	Update and format matrix regarding Special Master's questionnaire and universe of disclosed documents.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 sub
257	9/12/2016	CSM	Analysis and strategy of documents and items to complete, prepare strategy outline and instruct paralegal with regard to various items and documents in depository.	0.4	$ 90.00	$ 45.00	$ 45.00	$ 6.43	Allocate to 14 sub
258	9/16/2016	CSM	Review client's disclosed documents and continue to identify pertinent documents on litigation matrix for subcontractor who provided supplemental disclosures.	0.6	$ 135.00	$ 67.50	$ 67.50	$ 9.64	Allocate to 14 sub
259	9/20/2016	CSM	Communicate with counsel for Cabinetec regarding various lien issues and documents.	0.4	$ 90.00		$ 90.00	$ 90.00	NWP
260	9/22/2016	TF	Compile and review documents to support response to Special Master's questionnaire.	0.6	$ 75.00	$ 37.50	$ 37.50	$ 5.36	Allocate to 14 sub

APCO'S ATTORNEYS' FEES (MARQUIS AUERBACH)

261	9/22/2016	TF	Assess, analyze and review responses to Special Master's questionnaire and update master matrix regarding subcontractors' claims.	0.6	$ 75.00	$ 37.50	$ 37.50	$ 5.36	Allocate to 14 sub
262	9/22/2016	CSM	Prepare and finalize special master questionnaire for client.	0.8	$ 180.00	$ 90.00	$ 90.00	$ 12.86	Allocate to 14 sub
263	9/23/2016	JCJ	Confirm questionnaire responses, formulate things to do regarding challenging those with deficient responses.	0.3	$ 90.00	$ 45.00	$ 45.00	$ 6.43	Allocate to 14 sub
264	9/23/2016	TF	Prepare and review universe of documents in preparation for upcoming Special Master hearing.	0.6	$ 75.00	$ 37.50	$ 37.50	$ 5.36	Allocate to 14 sub
265	9/23/2016	CSM	Assess, analyze and review Special Master questionnaires from Cabinet, Fast Glass, Heinman, Helix, Interstate Plumbing, National Wood, Nevada, RW PPP, and Zitting; and begin to develop legal strategy for determination of claims remaining.	2.3	$ 517.50	$ 258.75	$ 86.25	$ 37.50	Total amount should have divided by 9 parties. SF divided the total amount by 6. Correct amount to Helix & NWP is $57.50 each.
266	9/23/2016	CSM	Begin researching pleadings, documents and drafting additions to litigation matrix regarding subcontractors who responded to special master questionnaire who assert to have claims against APCO, and begin preparing defense binders for each.	3.5	$ 787.50	$ 393.75	$ 393.75	$ 56.25	Allocate to 14 sub
267	9/26/2016	TF	Assess, analyze and review universe of responses to Special Master questionnaires.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 sub
268	9/26/2016	NMS	Assess, analyze and review response to Special Master requests; update master index referencing the Special Master requests.	0.1	$ 22.50	$ 11.25	$ 11.25	$ 1.61	Allocate to 14 sub
269	9/26/2016	NMS	Access, analyze and review operative claims against APCO and update matrix.	0.5	$ 112.50	$ 56.25	$ 56.25	$ 8.04	Allocate to 14 sub
270	9/26/2016	TF	Update and review matrix regarding responses to Special Master questionnaire.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 sub
271	9/26/2016	TF	Meeting to discuss responses to Special Master's questionnaire and claims made by various subcontractors.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 sub
272	9/26/2016	CSM	Assess, analyze and review late filed special master questionnaires, research various documents and pleading issues; and research various documents for determination of defense.	2	$ 450.00	$ 225.00	$ 225.00	$ 32.14	Allocate to 14 sub
273	9/27/2016	NMS	Research and detail on matrix operative claims against APCO.	2.1	$ 472.50	$ 236.25	$ 236.25	$ 33.75	Allocate to 14 sub
274	9/28/2016	JCJ	Review various information and charts on contractors; formulate with staff strategy and objections to same, actions to take at Special Master hearing and review various questionnaire response in context of same.	1	$ 300.00	$ 150.00	$ 150.00	$ 21.43	Allocate to 14 sub
275	9/28/2016	CSM	Draft correspondence to Special Master objecting to various responses to the Special Master questionnaire for parties that did not properly allocate claims.	0.7	$ 157.50	$ 78.75	$ 78.75	$ 11.25	Allocate to 14 sub
276	9/28/2016	TF	Meeting to discuss preparation for upcoming Special Master hearing and responses to questionnaires.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 sub
277	9/28/2016	TF	Assess, analyze and review universe of responses to Special Master questionnaires and update matrix regarding value of claims made by various subcontractors.	0.9	$ 112.50	$ 56.25	$ 56.25	$ 8.04	Allocate to 14 sub
278	9/28/2016	TF	Prepare and review universe of documents in preparation for upcoming Special Master hearing.	0.8	$ 100.00	$ 50.00	$ 50.00	$ 7.14	Allocate to 14 sub
279	9/28/2016	TF	Assess, analyze and review universe of disclosed documents by APCO for documents related to Helix Electric claims.	0.5	$ 62.50	$ 62.50			Not charged to NWP
280	9/28/2016	CSM	Research documents for various subcontractor for determine of universeof documents served by same; and develop legal strategy for potential question written discovery and depositions.	1.6	$ 360.00	$ 180.00	$ 180.00	$ 25.71	Allocate to 14 sub
281	9/28/2016	TF	Assess, analyze and review procedural history and compile various complaints made by subcontractors with claims against APCO.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 sub
282	9/29/2016	TF	Prepare and review universe of documents in preparation for upcoming Special Master hearing.	0.8	$ 100.00	$ 50.00	$ 50.00	$ 7.14	Allocate to 14 sub
283	9/29/2016	TF	Update and review litigation matrix regarding legal representation of various subcontractors and status of ratification agreements.	0.6	$ 75.00	$ 37.50	$ 37.50	$ 5.36	Allocate to 14 sub
284	9/29/2016	CSM	Assess, analyze and review correspondence from Peel's office in response to APCO's objection.	0.2	$ 45.00	$ 45.00			Not charged to NWP
285	9/29/2016	CSM	Prepare for and attend Special Master hearing; conduct strategy meeting with counsel for CAMCO regarding defending various claims.	1.8	$ 405.00	$ 202.50	$ 202.50	$ 28.93	Allocate to 14 sub
286	9/29/2016	JCJ	Communicate with counsel for Camco regarding commons issues and joint strategy on commons issues against subs.	0.5	$ 150.00	$ 75.00	$ 75.00	$ 10.71	Allocate to 14 sub
287	9/30/2016	TF	Assess, analyze and review universe of disclosed documents regarding Cabinetec.	0.4	$ 50.00		$ 50.00	$ 50.00	NWP
288	9/30/2016	TF	Meeting to discuss special master hearing and universe of documents to be compiled in preparation for upcoming hearing.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 sub
289	9/30/2016	CSM	Draft correspondence to client regarding Special Master hearing, case status, and provide same with litigation matrix identifying parties asserting claims in the action.	0.3	$ 67.50	$ 33.75	$ 33.75	$ 4.82	Allocate to 14 sub
290	9/30/2016	CSM	Assess, analyze and review Intervener, National Wood Products supplemental disclosure pursuant to NRCP 16.1.	0.4	$ 90.00		$ 90.00	$ 90.00	NWP
291	9/30/2016	CSM	Research and identify limited production of documents from Cabinetec based upon comments of Special Master regarding disclosures.	0.3	$ 67.50		$ 67.50	$ 67.50	NWP
292	9/30/2016	CSM	Review correspondence from Cabinetec/National Wood Products regarding Special Master's approval of late filing of disclosures and Special Master questionnaire.	0.2	$ 45.00		$ 45.00	$ 45.00	NWP

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293	10/3/2016	TF	Run searches in Litigation Services depository for relevant documents in preparation for upcoming evidentiary hearings.	1.1	$ 137.50	$ 68.75	$ 68.75	$ 9.82	Allocate to 14 sub
294	10/3/2016	CSM	Assess, analyze and review correspondence from Special Master regarding National Wood.	0.1	$ 22.50	$ -	$ 22.50	$ 22.50	NWP
295	10/4/2016	TF	Continue to update and review litigation matrix regarding responses to Special Master questionnaire responses.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 sub
296	10/4/2016	TF	Assess, analyze and review database of documents for various subcontractor ratification agreements.	0.6	$ 75.00	$ 37.50	$ 37.50	$ 5.36	Allocate to 14 sub
297	10/4/2016	TF	Prepare and review universe of documents in preparation for upcoming evidentiary hearings.	0.6	$ 75.00	$ 37.50	$ 37.50	$ 5.36	Allocate to 14 sub
298	10/4/2016	CSM	Develop legal strategy regarding grouping various subcontracts pursuant to response to Special Master questionnaire and business status, begin preparing interrogatories to the various groups of subcontractors.	2.6	$ 585.00	$ 292.50	$ 292.50	$ 41.79	Allocate to 14 sub
299	10/5/2016	NMS	Assess, analyze and review files to updated operative complaints against APCO.	0.3	$ 67.50	$ 33.75	$ 33.75	$ 4.82	Allocate to 14 sub
300	10/5/2016	NMS	Begin drafting interrogatories to all subs.	1.5	$ 337.50	$ 168.75	$ 168.75	$ 24.11	Allocate to 14 sub
301	10/5/2016	TF	Continue to update and review matrix regarding universe of claims against APCO.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 sub
302	10/5/2016	TF	Access, analyze and review litigation matrix regarding universe of claims against APCO.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 sub
303	10/5/2016	NMS	Draft requests for production.	0.8	$ 180.00	$ 90.00	$ 90.00	$ 12.86	Allocate to 14 sub
304	10/5/2016	CSM	Develop legal strategy and review various documents for contractor litigation binders, draft correspondence to client regardung ratification agreements for Buchele, Cardno/WRG, Helix, Interstate Plumbing and Air Conditioning, National Wood Products, Noorda.	2.4	$ 540.00	$ 77.14	$ 77.14	$ 77.14	
305	10/5/2016	TF	Continue to update and review matrix regarding universe of claims by various subcontractors.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 sub
306	10/6/2016	TF	Meeting to discuss status of litigation and universe of claims against APCO.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79	Allocate to 14 sub
307	10/10/2016	CSM	Assess, analyze and review Special Master's report regarding remaining parties and recommendation amending case agenda.	0.3	$ 67.50	$ 33.75	$ 33.75	$ 4.82	Allocate to 14 sub
308	10/10/2016	CSM	Assess, analyze, review and draft additions to general interrogatories and requests for production of documents to all parties.	1.4	$ 315.00	$ 157.50	$ 157.50	$ 22.50	Allocate to 14 sub
309	10/11/2016	NMS	Continue to draft supplements for interrogatories and requests for production to all subs.	2.2	$ 495.00	$ 247.50	$ 247.50	$ 35.36	Allocate to 14 sub
310	10/17/2016	CSM	Assess, analyze and review correspondence and documents from client regarding National Wood Products; direct paralegal to add to litigation matrix and binder.	0.4	$ 90.00		$ 90.00	$ 90.00	NWP
311	10/17/2016	CSM	Telephone call with counsel (Peel) for various contractors regarding discovery issues and documents.	0.2	$ 45.00	$ 45.00			Not charged to NWP
312	10/18/2016	CSM	Communicate with client and analysis of ratification agreement issues.	0.4	$ 90.00	$ 45.00	$ 45.00	$ 6.43	Allocate to 14 sub
313	10/18/2016	CSM	Draft additions to interrogatories to all parties who have claims against APCO.	0.8	$ 180.00	$ 90.00	$ 90.00	$ 12.86	Allocate to 14 sub
314	10/18/2016	CSM	Draft additions to requests for production to all parties who have claims against APCO.	0.5	$ 112.50	$ 56.25	$ 56.25	$ 8.04	Allocate to 14 sub
315	10/21/2016								Deduct-APCO unsuccessful
316	10/21/2016	NMS	Draft additions to client's interrogatories to all subs.	1.6	$ 360.00	$ 180.00	$ 180.00	$ 25.71	Allocate to 14 sub
317	10/21/2016	TF	Update and review litigation matrix regarding universe of claims.	0.5	$ 62.50	$ 31.25	$ 31.25	$ 4.46	Allocate to 14 sub
318	10/21/2016	CSM	Assess, analyze and review documents from National Wood and direct paralegal to prepare for litigation binder.	0.3	$ 67.50		$ 67.50	$ 67.50	NWP
319	10/21/2016	CSM	Research issues regarding subcontractors who have wound down their companies and are no longer in business.	0.4	$ 90.00		$ 90.00	$ 90.00	NWP
320	10/24/2016								Deduct-APCO unsuccessful
321	10/25/2016								Deduct-APCO unsuccessful
322	10/26/2016								Deduct-APCO unsuccessful
323	10/25/2016								Deduct-APCO unsuccessful
324	10/26/2017								Deduct-APCO unsuccessful
325	10/27/2016								Deduct-APCO unsuccessful
326	10/27/2016	CSM	Review various Camco documents for arguments to support client's position that Camco had full control of site.	0.6	$ 135.00	$ 67.50	$ 67.50	$ 9.64	Allocate to 14 sub
327	11/1/2016	CSM	Analysis and strategy regarding interrogatories to subcontractors who are out of business, draft supplements to same; and conduct research regarding same.	1	$ 225.00		$ 112.50	$ 16.07	Allocate to 14 sub
328	11/2/2016								Deduct-APCO unsuccessful
329	11/3/2016								Deduct-APCO unsuccessful

APCO'S ATTORNEYS' FEES (MARQUIS AUERBACH)

330	11/7/2016	TF	Draft and prepare seventh supplemental disclosure of imaged documents.	0.5	$ 62.50	$ 31.25	$ 31.25	$ 4.46	Allocate to 14 sub
331	11/10/2016	CSM	Draft monthly status report to client.	0.3	$ 67.50	$ 33.75	$ 33.75	$ 4.82	Allocate to 14 sub
332	11/10/2016	TF	Assess, analyze and review universe of documents loaded into ipro database for various subcontractor documents in preparation for upcoming evidentiary hearings.	1.1	$ 137.50	$ 68.75	$ 68.75	$ 9.82	Allocate to 14 sub
333	11/15/2016	NMS	Update litigation matrix to reflect discovery responses.	0.2	$ 45.00	$ 22.50	$ 22.50	$ 3.21	Allocate to 14 sub
334	11/15/2016	TF	Update and prepare litigation matrix regarding Special Master questionnaire responses.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 sub
335	11/17/2016	CSM	Begin outline of proof with regard to defenses to claims asserted by various subcontractors.	1.5	$ 337.50	$ 168.75	$ 168.75	$ 24.11	Allocate to 14 sub
336	11/22/2016	CSM	Continue to prepare written discovery (requests for production and interrogatories) to subcontractors who asserted claims against APCO.	1.8	$ 405.00	$ 202.50	$ 202.50	$ 28.93	Allocate to 14 sub
337	11/29/2016	TF	Assess, analyze and review universe of disclosed documents for ratification agreements for various subcontractors.	0.7	$ 87.50	$ 43.75	$ 43.75	$ 6.25	Allocate to 14 sub
338	11/29/2016	TF	Update and review litigation matrix regarding ratification agreements.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 sub
339	11/29/2016	CSM	Draft monthly status report to client.	0.2	$ 45.00	$ 22.50	$ 22.50	$ 3.21	Allocate to 14 sub
340	12/1/2016	TF	Assess, analyze and review universe of documents produced by various subcontractors and compile relevant documents in preparation for upcoming evidentiary hearings.	1.3	$ 162.50	$ 81.25	$ 81.25	$ 11.61	Allocate to 14 sub
341	12/1/2016	TF	Prepare and review documents in preparation for upcoming hearing.	0.6	$ 75.00	$ 37.50	$ 37.50	$ 5.36	Allocate to 14 sub
342	12/6/2016	TF	Access, analyze and review litigation matrix received from client regarding ratification agreements with various subcontractors.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 sub
343	12/6/2016	TF	Conference call with Litigation Services regarding access to online database of disclosed documents.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 sub
344	12/8/2016	TF	Assess, analyze and review universe of disclosed documents and prepare various subcontractor documents for upcoming evidentiary hearings.	0.7	$ 87.50	$ 43.75	$ 43.75	$ 6.25	Allocate to 14 sub
345	12/7/2016	TF	Assess, analyze and review universe of disclosed documents for subcontractor filed liens.	0.8	$ 100.00	$ 50.00	$ 50.00	$ 7.14	Allocate to 14 sub
346	12/7/2016	TF	Update and review litigation matrix regarding filed lien amounts and ratification agreements.	0.6	$ 75.00	$ 37.50	$ 37.50	$ 5.36	Allocate to 14 sub
347	12/13/2016	CSM	Assess, analyze and review documents produced from National Wood, Interstate Plumbing, and Helix, with regard to asserted claims by some inoperative third-party complaints; direct paralegal to research and prepare additional documents for filing.	1.5	$ 337.50	$ 112.50	$ 112.50	$ 112.50	Allocated to 3 subs
348	12/13/2016	CSM	Draft updates to litigation matrix regarding Accuracy, United Sub, Unitah, Nicolo, National Wood, Interstate Plumbing, and Helix.	0.5	$ 112.50	$ 16.07	$ 16.07	$ 16.07	Allocated to 7 subs
349	12/14/2016	CSM	Review answer and draft supplement to same and affirmative defenses.	0.7	$ 157.50	$ 78.75	$ 78.75	$ 11.25	Allocate to 14 sub
350	12/14/2016	TF	Access, analyze and review litigation matrix and update regarding ratification agreements and universe of disclosed documents.	0.8	$ 100.00	$ 50.00	$ 50.00	$ 7.14	Allocate to 14 sub
351	12/14/2016	TF	Draft and prepare seventh supplemental disclosure of witnesses and imaged documents.	0.6	$ 75.00	$ 37.50	$ 37.50	$ 5.36	Allocate to 14 sub
352	12/14/2016	TF	Conference call with Litigation Services regarding electronic depository of produced documents.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79	Allocate to 14 sub
353	12/15/2016	TF	Continue to prepare and review universe of documents in preparation of discovery responses.	0.6	$ 75.00	$ 37.50	$ 37.50	$ 5.36	Allocate to 14 sub
354	12/15/2016	TF	Format and prepare litigation matrix in preparation of status report.	0.5	$ 62.50	$ 31.25	$ 31.25	$ 4.46	Allocate to 14 sub
355	12/16/2016	TF	Update and review litigation matrix regarding universe of relevant documents for various subcontractors.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 sub
356	12/16/2016	TF	Draft and prepare matrix regarding upcoming evidentiary hearings.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 sub
357	12/16/2016	CSM	Draft status correspondence to client.	0.3	$ 67.50	$ 33.75	$ 33.75	$ 4.82	Allocate to 14 sub
358	12/16/2016	CSM	Draft supplements to all written discovery (request for production and interrogatories) to all subcontractors who have asserted claims.	0.8	$ 180.00	$ 90.00	$ 90.00	$ 12.86	Allocate to 14 sub
359	12/20/2016	TF	Assess, analyze and review universe of disclosed documents regarding ratification agreements between various subcontractors.	1.6	$ 200.00	$ 100.00	$ 100.00	$ 14.29	Allocate to 14 sub
360	12/21/2016	TF	Format and prepare alta map provided by client for review and discovery disclosures and responses.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 sub
361	12/21/2016	TF	Assess, analyze and review universe of liens filed by various parties.	0.7	$ 87.50	$ 43.75	$ 43.75	$ 6.25	Allocate to 14 sub
362	12/22/2016	TF	Continue to assess, analyze and review universe of disclosed documents for relevant information in preparation of evidentiary hearings.	1.6	$ 200.00	$ 100.00	$ 100.00	$ 14.29	Allocate to 14 sub
363	12/27/2016	TF	Format and prepare aerial maps to be used at upcoming hearings.	0.7	$ 87.50	$ 43.75	$ 43.75	$ 6.25	Allocate to 14 sub
364	12/27/2016	CSM	Assess, analyze and review various operative complaints filed by subcontractors who have claims against APCO for determination of arguments for motion work and issues with transferring the project over to Camco.	1.2	$ 270.00	$ 135.00	$ 135.00	$ 19.29	Allocate to 14 sub
365	12/28/2016	CSM	Review various documents responsive to National Wood's request for production of documents, request for admissions, and interrogatories to APCO; and begin preparing APCO response thereto.	2.2	$ 495.00		$ 495.00	$ 495.00	NWP

APCO'S ATTORNEYS' FEES (MARQUIS AUERBACH)

366	12/29/2016	CSM	Analysis and strategy regarding the form and style of discovery to both APCO and Camco; and draft correspondence to counsel for Camco to address discovery and motion for summary judgment issues	0.3	$ 67.50	$ 33.75	$ 33.75	$ 4.82	Allocate to 14 sub
367	12/29/2016	CSM	Assess, analyze and review Camco's disclosures of documents for determination of evidence required for motion summary judgment on time period regarding control of the project.	0.3	$ 67.50	$ 33.75	$ 33.75	$ 4.82	Allocate to 14 sub
368	12/30/2016	TF	Meeting to discuss status of litigation and preparation of litigation binders.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 sub
369	12/30/2016	JCJ	Compare discovery requests to client versus those to Camco; formulate solution and best joint efforts; communicate with office of counsel for Camco re same.	0.7	$ 210.00	$ 105.00	$ 105.00	$ 15.00	Allocate to 14 sub
370	1/2/2017	CSM	Analysis and strategy regarding National Wood's discovery responses to APCO's discovery and various arguments attempting to tie damages to both Camco and Apco.	0.8	$ 180.00		$ 180.00	$ 12.86	Allocate to 14 sub
371	1/3/2017	JCJ	Review status with staff; formulate things to do; strategize on the 14 against APCO, how to attack the 3 only against client, best possible joint efforts with Camco on the 11 again both; review and analyze various documents in context of if pay if paid	2.2	$ 660.00	$ 47.14	$ 47.14	$ 47.14	Allocated to 14 subs
372	1/3/2017	KAW	Research procedural posture, intervenor, and issues with statement of claim; begin review of client file.	0.4	$ 90.00	$ 45.00	$ 45.00	$ 6.43	Allocate to 14 sub
373	1/3/2017	TF	Assess, analyze and review universe of claims by various subcontractors against APCO and Camco.	0.9	$ 112.50	$ 56.25	$ 56.25	$ 8.04	Allocate to 14 sub
374	1/3/2017	TF	Update and prepare index regarding universe of claims by various subcontractors.	0.5	$ 62.50	$ 31.25	$ 31.25	$ 4.46	Allocate to 14 sub
375	1/3/2017	TF	Assess, analyze and review universe of depository documents regarding contracts liens, and ratifications for various subcontractors.	1.4	$ 175.00	$ 87.50	$ 87.50	$ 12.50	Allocate to 14 sub
376	1/3/2017	CSM	Research and analysis of claims asserted by subcontractors for determination of claims that have to be proved up by the respective subcontractor and determination of any need for an expert to address industry standards, and conduct telephone calls with Camco.	2.5	$ 562.50	$ 281.25	$ 281.25	$ 40.18	Allocate to 14 sub
377	1/3/2017	CSM	Assess, analyze and review issues with claims from National Wood as an intervener in the action; and direct associate to conduct research on various intervener issues.	0.4	$ 90.00		$ 90.00	$ 90.00	NWP
378	1/3/2017	CSM	Assess, analyze and review various documents to prove up when Camco took official control of the project versus claims APCO remained in control past ratification date	0.7	$ 157.50	$ 78.75	$ 78.75	$ 11.25	Allocate to 14 sub
379	1/4/2017	KAW	Outline issues for memorandum regarding post-appeal intervenor and issues to look into.	0.3	$ 67.50		$ 67.50	$ 67.50	NWP
380	1/4/2017	TF	Assess, analyze and review universe of disclosed witnesses by all parties.	0.8	$ 100.00	$ 50.00	$ 50.00	$ 7.14	Allocate to 14 sub
381	1/4/2017	TF	Prepare and review universe of documents in preparation of meeting with counsel for Camco.	0.5	$ 62.50	$ 31.25	$ 31.25	$ 4.46	Allocate to 14 sub
382	1/4/2017	TF	Update and review matrix regarding various claims found in operating complaints.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 sub
383	1/4/2017	TF	Prepare and review universe of disclosed documents by all parties.	1.2	$ 150.00	$ 75.00	$ 75.00	$ 10.71	Allocate to 14 sub
384	1/4/2017	TF	Create and review IPRO searches regarding ratification agreements and related documents.	0.6	$ 75.00	$ 37.50	$ 37.50	$ 5.36	Allocate to 14 sub
385	1/4/2017	CSM	Draft detailed email to counsel for Camco regarding topics to cover in the forthcoming meeting.	0.4	$ 90.00	$ 45.00	$ 45.00	$ 6.43	Allocate to 14 sub
386	1/5/2017	TF	Assess, analyze and review universe of agreements between APCO and Gemstone Development West.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 sub
387	1/5/2017	TF	Assess, analyze and review universe of agreements between Camco and Gemstone Development West.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 sub
388	1/6/2017	KAW	Continue review of client file and court proceedings to ascertain information regarding National Wood Products, and the procedural posture of the case; organize information in outline.	0.8	$ 180.00		$ 180.00	$ 180.00	NWP
389	1/6/2017	KAW	Research Nevada Rule and case law regarding intervenors and potential options for opposition / dismissing an intervening party.	0.3	$ 67.50		$ 67.50	$ 67.50	NWP
390	1/6/2017	KAW	Begin more expansive research regarding intervenors and potential options for opposition or dismissal.	0.2	$ 45.00		$ 45.00	$ 45.00	NWP
391	1/6/2017	KAW	Begin research Nevada Law on statements of claims (as opposed to complaints).	0.2	$ 45.00		$ 45.00	$ 3.21	Allocate to 14 sub
392	1/6/2017	CSM	Draft status email to client.	0.2	$ 45.00	$ 22.50	$ 22.50	$ 3.21	Allocate to 14 sub
393	1/6/2017	CSM	Further analysis and strategy regarding claims and potential need for expert; and draft correspondence to client regarding same.	0.7	$ 157.50	$ 78.75	$ 78.75	$ 11.25	Allocate to 14 sub
394	1/9/2017	KAW	Research issue regarding bankruptcy stay; research client documents to determine which parties are in bankruptcy.	0.3	$ 67.50		$ 67.50	$ 4.82	Allocate to 14 sub
395	1/9/2017	KAW	Finish expansive research regarding intervenors and potential options for opposition or dismissal.	0.4	$ 90.00		$ 90.00	$ 90.00	NWP
396	1/9/2017	KAW	Begin researching Nevada Law on statements of claims (as opposed to complaints); research regarding waiver where no objection is made to statement of claims.	0.3	$ 67.50		$ 67.50	$ 4.82	Allocate to 14 sub
397	1/9/2017	KAW	Research court website regarding additional documents.	0.2	$ 45.00		$ 45.00	$ 3.21	Allocate to 14 sub

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398	1/9/2017	KAW	Draft memorandum regarding issues identified by CSM, including intervenor, bankruptcy and statement of facts.	1.6	$ 360.00		$ 360.00	$ 25.71	Allocate to 14 sub
399	1/9/2017	KAW	Edit and finalize memorandum for submission to CSM.	0.3	$ 67.50		$ 67.50	$ 4.82	Allocate to 14 sub
400	1/9/2017	TF	Compile and review operating complaints of various subcontractors.	0.7	$ 87.50	$ 43.75	$ 43.75	$ 6.25	Allocate to 14 sub
401	1/10/2017	TF	Assess, analyze and review electronic depository regarding disclosures from various subcontractors.	1.6	$ 200.00	$ 100.00	$ 100.00	$ 14.29	Allocate to 14 sub
402	1/10/2017	TF	Update and review claims matrix regarding operating complaints.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 sub
403	1/10/2017	CSM	Assess, analyze and review Helix's opposition to motion to dismiss, outline arguments for same; research case law; and direct associate to prepare initial argument.	1	$ 225.00	$ 225.00			Not charged to NWP
404	1/11/2017	TF	Update and review claims matrix regarding operating complaints.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 sub
405	1/11/2017	TF	Draft and preapre seventh supplemental disclosure of witnesses and imaged documents.	0.6	$ 75.00	$ 37.50	$ 37.50	$ 5.36	Allocate to 14 sub
406	1/11/2017	TF	Prepare and review documents to be disclosed in seventh supplemental disclosure of witnesses and imaged documents.	0.7	$ 87.50	$ 43.75	$ 43.75	$ 6.25	Allocate to 14 sub
407	1/11/2017	TF	Assess, analyze and review discovery disclosures by subcontractors.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 sub
408	1/11/2017	CSM	Telephone call with counsel for Camco and National Wood regarding discovery responses.	0.4	$ 90.00		$ 90.00	$ 90.00	NWP
409	1/12/2017	CSM	Telephone call with client regarding asserted claims against APCO and client's decision that an expert is not needed to defend the asserted claims for damages.	0.3	$ 67.50	$ 33.75	$ 33.75	$ 4.82	Allocate to 14 sub
410	1/13/2017	CSM	Draft status email to client.	0.2	$ 45.00	$ 22.50	$ 22.50	$ 3.21	Allocate to 14 sub
411	1/16/2017	CSM	Communicate via email and telephone with Peel's office regarding dismiss various claims.	0.4	$ 90.00	$ 90.00			Not charged to NWP
412	1/17/2017	TF	Assess, analyze and review assessor's database for updated ownership details.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 sub
413	1/17/2017	TF	Assess, analyze and review universe of claims made by various subcontractors.	0.7	$ 87.50	$ 43.75	$ 43.75	$ 6.25	Allocate to 14 sub
414	1/17/2017	TF	Assess, analyze and review discovery for references to expert designations.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 sub
415	1/18/2017	TF	Format and prepare additional documents for discovery disclosures and responses.	0.6	$ 75.00	$ 37.50	$ 37.50	$ 5.36	Allocate to 14 sub
416	1/19/2017	CSM	Follow up with counsel for Camco regarding support information and documents for motion for summary judgment on pay if paid issues.	0.2	$ 45.00	$ 22.50	$ 22.50	$ 3.21	Allocate to 14 sub
417	1/20/2017	CSM	Draft status email to client.	0.2	$ 45.00	$ 22.50	$ 22.50	$ 3.21	Allocate to 14 sub
418	1/24/2017	JCJ	Analyze contradictory responses from various subcontractors and vendors on whether for APCO or Camco and things to do against same.	0.3	$ 90.00	$ 45.00	$ 45.00	$ 6.43	Allocate to 14 sub
419	1/24/2017	TF	Assess, analyze and review universe of disclosed documents for plans of original structures.	0.5	$ 62.50	$ 31.25	$ 31.25	$ 4.46	Allocate to 14 sub
420	1/24/2017	CSM	Review various claims based upon discovery response of certain subcontractors compared to time of control of the project and the work and supplied directed by Camco.	0.6	$ 135.00	$ 67.50	$ 67.50	$ 9.64	Allocate to 14 sub
421	1/27/2017	TF	Meeting with JCJ and CSM to discuss status of litigation and preparation of documents for upcoming evidentiary hearings.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 sub
422	1/27/2017	TF	Update litigation matrix with status of various parties.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 sub
423	1/27/2017	CSM	Draft status email to client.	0.2	$ 45.00	$ 22.50	$ 22.50	$ 3.21	Allocate to 14 sub
424	1/30/2017	CSM	Assess, analyze and review order setting trial from court.	0.2	$ 45.00	$ 22.50	$ 22.50	$ 3.21	Allocate to 14 sub
425	2/1/2017	CSM	Communicate with counsel from Peel's office regarding discovery issues and remaining claims.	0.2	$ 55.00	$ 55.00			Not charged to NWP
426	2/2/2017	CSM	Telephone call and email exchange with counsel for National Wood Products regarding discovery issues and claims.	0.2	$ 55.00	$ -	$ 55.00	$ 55.00	NWP
427	2/7/2017	TF	Assess, analyze and review universe of documents for change orders regarding various subcontractors with claims.	0.9	$ 112.50	$ 56.25	$ 56.25	$ 8.04	Allocate to 14 sub
428	2/8/2017	CSM	Communicate with counsel for National Wood regarding by what authority National Wood claims to sustain its claims in the action.	0.2	$ 55.00		$ 55.00	$ 55.00	NWP
429	2/8/2017	CSM	Assess, analyze and review Helix's responses to APCO's written discovery.	0.4	$ 110.00	$ 110.00	$ -		Not charged to NWP
430	2/10/2017	CSM	Draft status correspondence to client.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 3.93	Allocate to 14 sub
431	2/13/2017	CSM	Assess, analyze and review litigation and deposition binder and its various documents to develop trial strategies to defend against claims from Helix, Insinger, Interstate, National Wood, NV Prefab, Steel Structures.	2.2	$ 605.00	$ 100.83	$ 100.83	$ 100.83	Allocate to specified subs
432	2/14/2017	CSM	Research issues with regard to NRS 108 and pay-if-paid due to certain language in the subcontracts.	1	$ 275.00	$ 137.50	$ 137.50	$ 19.64	Allocate to 14 sub
433	2/15/2017	TF	Continue to compile and review universe of change orders regarding various subcontractors.	1.3	$ 162.50	$ 81.25	$ 81.25	$ 11.61	Allocate to 14 sub
434	2/15/2017	JCJ	Prepare and organize for special master hearing; attend same; pre and post-hearing discussions with adverse counsel on list, Camco, depositions, motions and related concerns.	2	$ 600.00	$ 42.86	$ 42.86	$ 42.86	Allocated to 14 subs
435	2/16/2017	TF	Meeting to discuss status of litigation and upcoming discovery deadlines.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 sub
436	2/16/2017	TF	Calculate and review amount of claims by remaining subcontractors.	0.5	$ 62.50	$ 31.25	$ 31.25	$ 4.46	Allocate to 14 sub
437	2/16/2017	TF	Update and review litigation matrix regarding amount of claims by various subcontractors.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 sub

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438	2/16/2017	TF	Prepare and review universe of documents in preparation for meeting with Special Master.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 sub
439	2/16/2017	CSM	Email exchange and telephone call with counsel for Camco regarding special master hearing.	0.5	$ 137.50	$ 68.75	$ 68.75	$ 9.82	Allocate to 14 sub
440	2/16/2017	CSM	Prepare documents and timeline for special master hearing.	0.5	$ 137.50	$ 68.75	$ 68.75	$ 9.82	Allocate to 14 sub
441	2/16/2017	CSM	Attend special master hearing; and pre and post hearing discussions with opposing counsels regarding status of case and depositions.	2	$ 550.00	$ 275.00	$ 275.00	$ 39.29	Allocate to 14 sub
442	2/17/2017	JCJ	Review potential witnesses to depos; current posture given recent dismissals, main parties to litigation and things to do in context of same.	0.4	$ 120.00	$ 60.00	$ 60.00	$ 8.57	Allocate to 14 sub
443	2/17/2017	TF	Assess, analyze and review universe of disclosed documents for contracts, ratification agreements, lien documents, and various relevant documents regarding Helix Electric.	0.9	$ 112.50	$ 112.50	$ -		Not charged to NWP
444	2/17/2017	TF	Assess, analyze and review universe of disclosed documents for contracts, ratification agreements, lien documents, and various relevant documents regarding National Wood and Cabinetec.	0.9	$ 112.50	$ -	$ 112.50	$ 112.50	NWP
445	2/17/2017	TF	Draft and prepare index regarding universe of documents regarding Helix Electric.	0.4	$ 50.00	$ 50.00	$ -		Not charged to NWP
446	2/17/2017	TF	Draft and prepare index regarding universe of documents regarding National Wood and Cabinetec.	0.4	$ 50.00	$ -	$ 50.00	$ 50.00	NWP
447	2/17/2017	CSM	Draft status email to client.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 3.93	Allocate to 14 sub
448	2/21/2017	JCJ	Review and search for documents in context of ratifications, separate agreements with Camco, emails or other documents supporting same on various lien claims and subcontractors, handwritten revisions to 3 9 and related issues.	2	$ 600.00	$ 300.00	$ 300.00	$ 42.86	Allocate to 14 sub
449	2/21/2017	TF	Prepare for meeting to discuss litigation strategy and universe of relevant documents.	0.8	$ 100.00	$ 50.00	$ 50.00	$ 7.14	Allocate to 14 sub
450	2/21/2017	TF	Meeting to discuss litigation strategy and upcoming deadlines.	0.6	$ 75.00	$ 37.50	$ 37.50	$ 5.36	Allocate to 14 sub
451	2/21/2017	TF	Prepare and review universe of litigation binders regarding relevant documents for various subcontractors.	1.6	$ 200.00	$ 100.00	$ 100.00	$ 14.29	Allocate to 14 sub
452	2/22/2017	TF	Assess, analyze and review universe of disclosed documents for executed ratification agreements and contracts between Camco and Gemstone.	1.4	$ 175.00	$ 87.50	$ 87.50	$ 12.50	Allocate to 14 sub
453	2/23/2017	JCJ	Review with staff documents still needed, missing ratifications for remaining subs and/or no separate agreement with Camco, need alternative documents if no such ratification and agreement, things to do and related concerns.	0.5	$ 150.00	$ 75.00	$ -		Not charged to NWP
454	2/23/2017	TF	Meeting to discuss litigation strategy and upcoming deadlines.	0.5	$ 62.50	$ 31.25	$ 31.25	$ 4.46	Allocate to 14 subs
455	2/23/2017	TF	Itemize and review universe of documents regarding Cabinetec and Nevada Wood Products to be referenced in response to request for production of documents.	0.7	$ 87.50	$ -	$ 87.50	$ 87.50	NWP
456	2/23/2017	TF	Continue to assess, analyze and review universe of documents for executed subcontracts with various subcontractors.	0.9	$ 112.50	$ 56.25	$ 56.25	$ 8.04	Allocate to 14 subs
457	2/23/2017	CSM	Analysis and strategy regarding special master's letter, parties identified therein, and various motion work moving forward.	0.8	$ 220.00	$ 110.00	$ 110.00	$ 15.71	Allocate to 14 subs
458	2/23/2017	CSM	Analysis and strategy regarding order of depositions.	0.3	$ 82.50	$ 41.25	$ 41.25	$ 8.25	APCO served 10 depo notices; should be allocated to 10 subs
459	2/23/2017	CSM	Research issues with regard to ratifications; and potential documents to support a defence of client where ratifications are not present.	0.8	$ 220.00	$ 110.00	$ 110.00	$ 15.71	Allocate to 14 subs
460	2/23/2017	CSM	Assess, analyze and review National Wood's rogs, request for production of documents, and admissions; analysis and strategy regarding answering same; and direct paralegal to prepare documents for response to request for production.	0.6	$ 165.00	$ -	$ 165.00	$ 165.00	NWP
461	2/24/2017	TF	Assess, analyze and review filings of Cabinetec and National Wood Products regarding claims against APCO.	0.6	$ 75.00	$ -	$ 75.00	$ 75.00	NWP
462	2/24/2017	JCJ	Evaluate SM list in context of who can also be dismissed due to no discovery responses and other reasons; formulate topics for lien claimant PMKs; evaluate target for initial MSJ on using NRS 624.626 language as basis; search and review legislative history.	3.7	$ 1,110.00	$ 39.29	$ 39.29	$ 39.29	Allocate to 14 subs
463	2/24/2017	TF	Assess, analyze and review universe of discovery requests and interrogatories to various subcontractors and verify responses and deadlines.	0.9	$ 112.50	$ 56.25	$ 56.25	$ 8.04	Allocate to 14 subs
464	2/24/2017	TF	Update and review litigation matrix regarding contracts between Camco and various subcontractors.	1.1	$ 137.50	$ 68.75	$ 68.75	$ 9.82	Allocate to 14 subs
465	2/24/2017	TF	Update and review litigation matrix regarding contracts between Camco and various subcontractors.	0.5	$ 62.50	$ 31.25	$ 31.25	$ 4.46	Allocate to 14 subs
466	2/24/2017	CSM	Conduct additional research regarding paid if paid language in the subcontracts, and bringing motion on NRS 108 first versus pay if paid issue due to certain language in subcontracts and NRS 624.	0.5	$ 137.50	$ 68.75	$ 68.75	$ 9.82	Allocate to 14 subs
467	2/24/2017	CSM	Draft status letter to client.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 3.93	Allocate to 14 subs
468	2/24/2017	CSM	Assess, analyze and review correspondence from client regarding remaining subcontractors, and draft additional status clarifying additional progress on case.	0.4	$ 110.00	$ 55.00	$ 55.00	$ 7.86	Allocate to 14 subs
469	2/24/2017	CSM	Begin preparing APCO's general objection, definitions, and outlining written discovery response to National Wood's request for production, request for admission, and rogs.	1.5	$ 412.50	$ -	$ 414.50	$ 414.50	NWP
470	2/24/2017	AMH	Review status of each claimant and strategize resolution to each one.	1.3	$ 390.00	$ 27.85	$ 27.85	$ 27.85	Allocate to 14 subs

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471	2/27/2017	JCJ	Communicate with Cameo re common joint effort on various contractors; pay if paid and related; evaluate possible NSCS or NSCB way to knock subs; draft response to SM re knocking out contenders not responding to questionnaire and dismiss NRS Ch. 108 claim.	1.8	$ 540.00	$ 38.57	$ 38.57	$ 38.57	Allocate to 14 subs
472	2/27/2017	TF	Assess, analyze and review memorandum prepared by Steven Morris, Esq. regarding pay-if-paid clause.	0.5	$ 62.50	$ 31.25	$ 31.25	$ 4.46	Allocate to 14 subs
473	2/27/2017	TF	Assess, analyze and review NRS 624.626 regarding pay-if-paid clause.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 subs
474	2/27/2017	TF	Continue to assess, analyze and review universe of contracts between Cameo and various subcontractors.	1.2	$ 150.00	$ 75.00	$ 75.00	$ 10.71	Allocate to 14 subs
475	2/27/2017	CSM	Telephone conference with client regarding status of case and strategy moving forward.	0.4	$ 110.00	$ 55.00	$ 55.00	$ 7.86	Allocate to 14 subs
476	2/27/2017	CSM	Research NRS 624 and develop legal strategy regarding motion work and deposition issues.	0.4	$ 110.00	$ 55.00	$ 55.00	$ 7.86	Allocate to 14 subs
477	2/28/2017	JCJ	Receipt and review Pool objection to Apco request for SM to recommend dismissal of NRS 108 claims and SM response that such matter should be made formally via motion to Judge.	0.3	$ 90.00	$ 45.00	$ 45.00	$ 6.43	Allocate to 14 subs
478	2/28/2017	CSM	Research and analysis regarding motion to dismiss versus taking the deposition of various parties to determine whether various subcontractors still have standing to assert claims.	0.5	$ 137.50	$ 68.75	$ 68.75	$ 13.75	APCO served 10 depo notices; should be allocated to 10 subs
479	2/28/2017	CSM	Prepare monthly status letter to client.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 3.93	Allocate to 14 subs
480	3/1/2017	TF	Research regarding current entity details of subcontractors with claims against APCO.	1.3	$ 162.50	$ 81.25	$ 81.25	$ 11.61	Allocate to 14 subs
481	3/1/2017	TF	Meeting to discuss entity details of various subcontractors.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 subs
482	3/1/2017	CSM	Analysis and strategy regarding remaining subcontractors in action for response to special master.	0.3	$ 82.50	$ 41.25	$ 41.25	$ 5.89	Allocate to 14 subs
483	3/1/2017	CSM	Analysis and strategy regarding NRS 108 motion and subcontractors; and supplement APCO's objection and responses to same.	0.3	$ 82.50	$ 41.25	$ 41.25	$ 5.89	Allocate to 14 subs
484	3/1/2017	CSM	Assess, analyze and review National Wood's requests for admissions; and supplement APCO's objection and responses to same.	2.5	$ 687.50	$ -	$ 687.50	$ 687.50	NWP
485	3/1/2017	CSM	Draft objections and assess, analyze and review various documents responsive to National Wood's request for production of documents.	1	$ 275.00	$ -	$ 275.00	$ 275.00	NWP
486	3/2/2017	TF	Meeting to discuss documents to be referenced in response to Cabinetec's discovery requests.	0.3	$ 37.50	$ -	$ 37.50	$ 37.50	NWP
487	3/2/2017	TF	Assess, analyze and review universe of discovery between Cabinetec and APCO.	0.5	$ 62.50	$ -	$ 62.50	$ 62.50	NWP
488	3/2/2017	TF	Assess, analyze and review universe of disclosed documents regarding Cabinetec and Nevada Wood Products for references to work completed at buildings 8 and 9.	0.7	$ 87.50	$ -	$ 87.50	$ 87.50	NWP
489	3/2/2017	TF	Assess, analyze and review universe of disclosed documents for ratification agreements Cabinetec or Nevada Wood Products.	0.4	$ 50.00	$ -	$ 50.00	$ 50.00	NWP
490	3/2/2017	TF	Assess, analyze and review universe of disclosed maps and plans for references to building designations.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 subs
491	3/2/2017	CSM	Assess, analyze and review various documents and invoicing compared to project timeline (buildings 8 and 9) and Cameo taking over control of the project to respond to National Wood's written discovery.	1.2	$ 330.00	$ -	$ 330.00	$ 330.00	NWP
492	3/2/2017	CSM	Draft APCO's objections and responses to National Wood's interrogatories to APCO.	2.2	$ 605.00	$ -	$ 605.00	$ 605.00	NWP
493	3/3/2017	TF	Continue to compile and review universe of documents to be referenced in discovery responses to Nevada Wood Products.	0.8	$ 100.00	$ -	$ 100.00	$ 100.00	NWP
494	3/3/2017	TF	Assess, analyze and review universe of documents produced by Cameo for contracts with Gemstone.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 subs
495	3/3/2017	TF	Conference call with Litigation Services regarding depository documents.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 subs
496	3/3/2017	CSM	Telephone call with client regarding case status.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 3.93	Allocate to 14 subs
497	3/3/2017	CSM	Finalize and execute discovery responses re National Wood.	0.6	$ 165.00	$ -	$ 165.00	$ 165.00	Allocate to 14 subs
498	3/6/2017	TF	Assess, analyze and review discovery responses received to date and update litigation matrix.	0.6	$ 75.00	$ 37.50	$ 37.50	$ 5.36	Allocate to 14 subs
499	3/8/2017	CSM	Draft outline for 30(b)(6) deposition of subcontractors.	1.3	$ 357.50	$ 178.75	$ 178.75	$ 35.75	APCO served 10 depo notices; should be allocated to 10 subs
500	3/8/2017	CSM	Research issues, statues and case law with regard to dissolved companies to determine arguments to counter issues raised by opposing counsel about timing of filing of case.	0.5	$ 137.50	$ -	$ 68.75	$ 9.82	Allocate to 14 subs
501	3/9/2017	TF	Assess, analyze and review research regarding five year rule.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 subs
502	3/9/2017	JCJ	Search and review case law and statutes of other states on if or when revoked company is prohibited from filing and defending suit and related issues; formulate idea of argument to achieve goal and using combination of NRS Ch 78 provisions; draft MSJ vsln	2.8	$ 840.00	$ -	$ 60.00	$ 60.00	Allocated to 14 subs
503	3/9/2017	CSM	Analysis and strategy regarding motion for summary judgment against National Wood and NRS 108 motion.	0.4	$ 110.00	$ -	$ 110.00	$ 110.00	NWP
504	3/9/2017	CSM	Assess, analyze and review issued with discovery deadlines and 5 year rule.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 3.93	Allocate to 14 subs

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APCO'S ATTORNEYS' FEES (MARQUIS AUERBACH)

505	3/9/2017	CSM	Research and analysis regarding order of motions on pay if paid clause, and more specific, bring paid if paid motion in separate case first in effort to set procedures.	0.4	$ 110.00	$ 55.00	$ 55.00	$ 7.86	Allocate to 14 subs
506	3/9/2017	CSM	Assess, analyze and review various documents for Helix on the project to determine motion work and build legal strategy.	0.4	$ 110.00	$ 110.00	$ -		Not charged to NWP
507	3/10/2017	TF	Research regarding entity status of subcontractors with viable claims against APCO.	1.5	$ 187.50	$ -	$ 93.75	$ 13.39	Allocate to 14 subs
508	3/10/2017	TF	Update and review litigation matrix regarding entity status of various subcontractors.	0.6	$ 75.00	$ 37.50	$ 37.50	$ 5.36	Allocate to 14 subs
509	3/10/2017	CSM	Draft supplements to litigation matrix with information provided from client.	0.3	$ 82.50	$ 41.25	$ 41.25	$ 5.89	Allocate to 14 subs
510	3/13/2017	TF	Continue research regarding entity statys of various subcontractors with claims against APCO.	0.8	$ 100.00	$ 50.00	$ 50.00	$ 7.14	Allocate to 14 subs
511	3/13/2017	TF	Update and review litigation matrix regarding entity status of subcontractors.	0.5	$ 62.50	$ 31.25	$ 31.25	$ 4.46	Allocate to 14 subs
512	3/14/2017	TF	Meeting with JCJ to discuss status of litigation and strategy for upcoming motions.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 subs
513	3/14/2017	TF	Research and review universe of ratification agreements between subcontractors and Camco.	1.7	$ 212.50	$ 106.25	$ 106.25	$ 15.18	Allocate to 14 subs
514	3/14/2017	TF	Draft and prepare litigation matrix regarding status of various ratification agreements.	0.6	$ 75.00	$ 37.50	$ 37.50	$ 5.36	Allocate to 14 subs
515	3/15/2017	TF	Meeting with JCJ and CSM to discuss subcontractors with viable claims against APCO and preparation of upcoming motions.	0.7	$ 87.50	$ 43.75	$ 43.75	$ 6.25	Allocate to 14 subs
516	3/15/2017	TF	Continue to assess, analyze and review universe of disclosed documents for contracts between Camco and various subcontractors.	1.1	$ 137.50	$ 68.75	$ 68.75	$ 9.82	Allocate to 14 subs
517	3/15/2017	JCJ	Strategize with staff solution to client summaries not supported by client documents or no documents to support client assertions; possible NRS 108 motion, Brian as client's sole witness, formulate things to do; search various sub documents on context of	1.3	$ 390.00	$ 195.00	$ 195.00	$ 27.86	Allocate to 14 subs
518	3/15/2017	TF	Prepare and review universe of documents in preperation for meeting with clients.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 subs
519	3/15/2017	CSM	Assess, analyze and review detailed order from court regarding order to show cause for issues related to appeal and any NRS 108 issues for future motion.	0.4	$ 110.00	$ 55.00	$ 55.00	$ 7.86	Allocate to 14 subs
520	3/16/2017	JCJ	Search and review history of NRS 108 for support on land gone results in no more valid NRS 108 claims and possible kill off of contract and related claims.	1.8	$ 540.00	$ 270.00	$ 270.00	$ 38.57	Allocate to 14 subs
521	3/16/2017	TF	Assess, analyze and review universe of Helix documents for payment details to APCO and Camco.	0.8	$ 100.00	$ 100.00	$ -		Not charged to NWP
522	3/16/2017	TF	Update and review litigation matrix regarding universe of disclosed documents for various subcontractors.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 subs
523	3/16/2017	CSM	Draft status correspondence to client.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 3.93	Allocate to 14 subs
524	3/17/2017	JCJ	Communicate with Camco; research on NRS 108, legislative intent related documents, United, National Wood, Insituform, depositions of PMKs and related	0.3	$ 90.00	$ -	$ 90.00	$ 90.00	Allocated to specified subs
525	3/20/2017	CSM	Assess, analyze and review language of NRS 108 and 624 for analysis of motion regarding to cut of various lien claims.	0.6	$ 165.00	$ 82.50	$ 82.50	$ 11.79	Allocate to 14 subs
526	3/24/2017	TF	Meeting to discuss status of various subcontractors and active claims.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 subs
527	3/24/2017	TF	Update and review litigation matrix regarding subcontractors and active claims.	0.6	$ 75.00	$ 37.50	$ 37.50	$ 5.36	Allocate to 14 subs
528	3/24/2017	TF	Prepare and review litigation binders with updated entity details and universe of relevant documents.	1.3	$ 162.50	$ 81.25	$ 81.25	$ 11.61	Allocate to 14 subs
529	3/24/2017	JCJ	Follow up with Camco re NRS 108 and related issues.	0.2	$ 60.00	$ 30.00	$ 30.00	$ 4.29	Allocate to 14 subs
530	3/24/2017	CSM	Draft weekly status correspondence to client; assess, analyze and review response to same; and draft detailed response with attached motions.	0.6	$ 165.00	$ 82.50	$ 82.50	$ 11.79	Allocate to 14 subs
531	3/27/2017	TF	Calculate and review remaining active claims from various subcontractors.	0.6	$ 75.00	$ 37.50	$ 37.50	$ 5.36	Allocate to 14 subs
532	3/27/2017	TF	Format and prepare litigation matrix regarding calculation of claims by various subcontractors.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 subs
533	3/28/2017	TF	Meeting to discuss status of litigation and updated value of claims of various subcontractors.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 subs
534	3/28/2017	CSM	Draft additions to deposition notes and documents list.	0.5	$ 137.50	$ 68.75	$ 68.75	$ 13.75	APCO served 10 depo notices; should be allocated to 10 subs
535	3/28/2017	CSM	Analysis and strategy regarding case be re-assigned to Judge Linda Bell.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 3.93	Allocate to 14 subs
536	3/28/2017	CSM	Analysis and strategy regarding deposition binders for Helix and Zitting Brothers.	0.3	$ 82.50	$ 41.25	$ -		Not charged to NWP
537	3/29/2017	TF	Continue to compile and review various subcontractor disclosures for documents and references to active claims against APCO.	1.8	$ 225.00	$ 112.50	$ 112.50	$ 16.07	Allocate to 14 subs
538	3/29/2017	CSM	Draft supplements to scope of testimony and direct filing of notices of deposition for PMK witnesses for subcontractors remaining in litigation.	0.5	$ 137.50	$ 68.75	$ 68.75	$ 13.75	APCO served 10 depo notices; should be allocated to 10 subs
539	3/30/2017	TF	Assess, analyze and review universe of Helix Electric of Nevada documents regarding claims.	0.8	$ 100.00	$ 100.00	$ -		Not charged to NWP
540	3/30/2017	TF	Meeting with JCJ regarding litigation strategy against Nevada Prefab, Helix Electric, Accuracy Glass, and Interstate Plumbing.	0.4	$ 50.00	$ 25.00	$ -		Not charged to NWP
541	3/31/2017	TF	Email exchange with client regarding remaining subcontractors with active claims against APCO.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79	Allocate to 14 subs
542	3/31/2017	TF	Prepare and review requested National Wood Product documents for review by client.	0.2	$ 25.00	$ -	$ 25.00	$ 25.00	NWP

APCO'S ATTORNEYS' FEES (MARQUIS AUERBACH)

543	3/31/2017	CSM	Telephone call with client regarding status of case.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 3.93	Allocate to 14 subs
544	3/31/2017	TF	Assess, analyze and review universe of Cabinetec documents for conditional waivers and releases.	0.7	$ 87.50	$ -	$ 87.50	$ 87.50	NWP
545	4/3/2017	TF	Email exchange with Joe Pelan regarding intervener documents filed by National Wood Products.	0.2	$ 25.00	$ -	$ 25.00	$ 25.00	NWP
546	4/3/2017	TF	Prepare and review requested National Wood Products filings for review by Joe Pelan.	0.3	$ 37.50	$ -	$ 37.50	$ 37.50	NWP
547	4/3/2017	CSM	Communicate with client regarding issues with National Wood and documents needed to assist with defense of claims and direct paralegal to prepare and provide client with various documents.	0.5	$ 137.50	$ -	$ 137.50	$ 137.50	NWP
548	4/4/2017	TF	Prepare and review universe of subcontractor documents in preparation for upcoming depositions.	0.8	$ 100.00	$ 50.00	$ 50.00	$ 10.00	APCO served 10 depo notices; should be allocated to 10 subs
549	4/4/2017	TF	Update and review litigation matrix in preparation for upcoming depositions.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 5.00	APCO served 10 depo notices; should be allocated to 10 subs
550	4/4/2017	CSM	Draft email to client regarding remaining parties in the litigation.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 3.93	Allocate to 14 subs
551	4/4/2017	CSM	Draft monthly status correspondence to client.	0.3	$ 82.50	$ 41.25	$ 41.25	$ 5.89	Allocate to 14 subs
552	4/5/2017	TF	Research regarding entity details of Cabinetec, Inc. and National Wood Products, Inc.	0.4	$ 50.00	$ -	$ 50.00	$ 50.00	NWP
553	4/5/2017	TF	Assess, analyze and review universe of documents disclosed in National Wood Products, Inc. first supplemental disclosures pursuant to NRCP 16.1.	0.6	$ 75.00	$ -	$ 75.00	$ 75.00	NWP
554	4/5/2017	TF	Prepare and review universe of National Wood Product's documents in preparation for upcoming depositions.	0.8	$ 100.00	$ -	$ 100.00	$ 100.00	NWP
555	4/6/2017	TF	Calculate and update value of claims by various subcontractors in preparation for upcoming depositions.	0.6	$ 75.00	$ 37.50	$ 37.50	$ 7.50	APCO served 10 depo notices; should be allocated to 10 subs
556	4/6/2017	TF	Assess, analyze and review universe of documents provided by Joe Pelan for discovery disclosures.	0.6	$ 75.00	$ 37.50	$ 37.50	$ 7.50	APCO served 10 depo notices; should be allocated to 10 subs
557	4/6/2017	TF	Draft and prepare APCO Construction's seventh supplemental disclosure of imaged documents.	0.7	$ 87.50	$ 43.75	$ 43.75	$ 6.25	Allocate to 14 subs
558	4/6/2017	TF	Conference all with Litigation Services regarding availability of opposing counsels' discovery production.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 subs
559	4/7/2017	TF	Continue to compile and prepare universe of documents to be disclosed in seventh supplemental disclosure of imaged documents.	0.8	$ 100.00	$ 50.00	$ 50.00	$ 7.14	Allocate to 14 subs
560	4/7/2017	CSM	Draft status correspondence to client.	0.3	$ 82.50	$ 41.25	$ 41.25	$ 5.89	Allocate to 14 subs
561	4/7/2017	CSM	Assess, analyze and review various issues with Helix documents and research and analysis of various correspondence and unexecuted ratification agreements.	0.5	$ 137.50	$ 137.50	$ -		Not charged to NWP
562	4/11/2017	TF	Assess, analyze and review universe of executed ratifications and subcontractor agreements in preparation of upcoming depositions.	0.9	$ 112.50	$ 56.25	$ 56.25	$ 11.25	APCO served 10 depo notices; should be allocated to 10 subs
563	4/12/2017	TF	Continue to prepare and review documents regarding Zitting Brothers, Helix Electric, and Interstate in preparation of upcoming depositions.	1.1	$ 137.50	$ 45.83	$ -		Not charged to NWP
564	4/12/2017	TF	Update and review litigation matrix regarding executed ratification and subcontract details.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 subs
565	4/12/2017	CSM	Communicate with client regarding license issue; conduct telephone calls regarding same, and draft detailed correspondence to client..	1.2	$ 330.00	$ 165.00	$ 165.00	$ 23.57	Allocate to 14 subs
566	4/14/2017	CSM	Follow up with counsel for various subcontractors regarding available dates for depositions of their corporate representative.	0.5	$ 137.50	$ 68.75	$ 68.75	$ 13.75	APCO served 10 depo notices; should be allocated to 10 subs
567	4/14/2017	CSM	Assess, analyze and review Helix Electric of Nevada, LLC's first set of requests for admissions, first set of requests for production of documents, and first set of interrogatories to APCO Construction	0.5	$ 137.50	$ 137.50	$ -		Not charged to NWP
568	4/14/2017	CSM	Review depository index for documents from Helix and Zitting.	0.4	$ 110.00	$ 55.00	$ -		Not charged to NWP
569	4/18/2017	MSE	Perform legal research on the possibility of resolving mechanic's liens through unjust enrichment theory.	0.3	$ 90.00	$ 45.00	$ 45.00	$ 6.43	Allocate to 14 subs
570	4/19/2017	TF	Continue to prepare and review universe of National Wood Product and Skyline insulation documents in preparation for upcoming depositions.	0.9	$ 112.50	$ -	$ 56.25	$ 56.25	Allocate to specified subs
571	4/19/2017	TF	Assess, analyze and review universe of liens and update litigation matrix.	0.7	$ 87.50	$ 43.75	$ 43.75	$ 6.25	Allocate to 14 subs
572	4/19/2017	TF	Meeting with CSM to discuss status of litigation and preparation for upcoming depositions.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 3.75	APCO served 10 depo notices; should be allocated to 10 subs
573	4/20/2017	TF	Prepare and review universe of Helix Electric documents for review by Brian Benson in preparation for his upcoming depositions.	0.8	$ 100.00	$ 100.00	$ -		Not charged to NWP
574	4/20/2017	TF	Assess, analyze and review universe of documents for agreements and contracts between Camco and Gemstone.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 subs
575	4/20/2017	TF	Assess, analyze and review universe of mechanic's liens.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 subs
576	4/20/2017	CSM	Review various documents produced by Helix in preparation of meeting with client and taking the deposition of Helix's corporate designee.	1.2	$ 330.00	$ 330.00	$ -		Not charged to NWP
577	4/20/2017	AMH	Review outstanding amounts to subcontractors.	0.3	$ 90.00	$ 45.00	$ 45.00	$ 6.43	Allocate to 14 subs
578	4/21/2017	TF	Meeting to discuss status of litigation and preparation for upcoming depositions.	0.6	$ 75.00	$ 37.50	$ 37.50	$ 5.36	Allocate to 14 subs
579	4/21/2017	TF	Draft and prepare subpoena duces tecum to Martin-Harris Construction regarding Helix Electric documents.	0.7	$ 87.50	$ 87.50	$ -		Not charged to NWP
580	4/21/2017	TF	Assess, analyze and review universe of lien documents disclosed by all parties.	0.8	$ 100.00	$ 50.00	$ 50.00	$ 7.14	Allocate to 14 subs
581	4/21/2017	TF	Update and review litigation matrix with filed lien amounts.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 subs

APCO'S ATTORNEYS' FEES (MARQUIS AUERBACH)

582	4/21/2017	AMH	Strategize completion of remaining discovery; review defenses and any supporting documentation; strategize needed documentation and preparation of depositions; calculate balance of claims without attorneys fees; telephone conference with [redacted] regarding the same.	1.6	$ 160.00	$ 34.29	$ 34.29	$ 34.29	Allocated to 14 subs
583	4/21/2017	CSM	Draft subpoena to Martin-Harris regarding Helix.	0.5	$ 137.50	$ 137.50	$ -		APCO charge to Helix
584	4/21/2017	CSM	Draft weekly status letter to client.	0.3	$ 82.50	$ 41.25	$ 41.25	$ 5.89	Allocate to 14 subs
585	4/21/2017	CSM	Telephone call with client; and send confirming email to Brian regarding meeting to discuss deposition preparation.	0.5	$ 137.50	$ 68.75	$ 68.75	$ 9.82	Allocate to 14 subs
586	4/21/2017	CSM	Analysis and strategy regarding order and dates for upcoming depositions.	0.5	$ 137.50	$ 68.75	$ 68.75	$ 13.75	APCO served 10 depo notices; should be allocated to 10 subs
587	4/21/2017	CSM	Assess, analyze and review plaintiff in Intervention National Wood Products Inc. notice of deposition of defendant in intervention Apco Construction and request for production of documents thereat; and strategy for handling of same.	0.3	$ 82.50	$ -	$ 82.50	$ 82.50	NWP
588	4/26/2017	CSM	Assess, analyze and review Helix Electric of Nevada, LLC's notice of 30(b)(6) deposition of APCO Construction and Zitting Brothers Construction, Inc.'s notice of deposition of APCO Construction pursuant to NRCP 30(b)(6).	0.4	$ 110.00	$ 110.00	$ -		Not charged to NWP
589	4/27/2017	TF	Conference call with Holo Discovery regarding documents needed for meeting with Brian Benson.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79	Allocate to 14 subs
590	4/27/2017	TF	Calculate and review filed liens and update litigation matrix.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 subs
591	4/27/2017	TF	Prepare and review universe of documents in preparation of meeting with [redacted] and Brian Benson.	0.7	$ 87.50	$ 43.75	$ 43.75	$ 6.25	Allocate to 14 subs
592	4/27/2017	JCJ	Strategize and review with staff what information and positions are needed from client in context of depositions, defenses and assertions of zero or nominal amount owed.	1	$ 300.00	$ 150.00	$ 150.00	$ 21.43	Allocate to 14 subs
593	4/27/2017	TF	Meeting with JCJ and CSM to discuss status of litigation and preparation for upcoming depositions.	0.7	$ 87.50	$ 43.75	$ 43.75	$ 6.25	Allocate to 14 subs
594	4/27/2017	TF	Meeting with [redacted] and Brian Benson regarding upcoming 30(b)((6)) depositions and status of litigation.	2.8	$ 350.00	$ 175.00	$ 175.00	$ 25.00	Allocate to 14 subs
595	4/27/2017	CSM	Prepare deposition outline questions; and prepare documents from Helix and Zitting for meeting with Brian Benson for deposition preparation.	2.2	$ 605.00	$ 302.50	$ -		Not charged to NWP
596	4/27/2017	CSM	Conduct final preparations for and conduct initial deposition preparation of Brian Benson.	2.8	$ 770.00	$ 385.00	$ 385.00	$ 55.00	Allocate to 14 subs
597	4/28/2017	TF	Prepare and review requested documents for review by Brian Benson in preparation for upcoming depositions.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 subs
598	4/28/2017	TF	Update litigation matrix regarding universe of disclosed documents by various parties.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 subs
599	4/28/2017	TF	Format and prepare universe of Nevada Wood Product disclosed documents for review by Brian Benson in preparation for his upcoming depositions.	0.5	$ 62.50	$ -	$ 62.50	$ 62.50	NWP
600	4/28/2017	CSM	Assess, analyze and review correspondence from Brian Benson regarding documents; draft response to same; and direct paralegal to prepare and provide Brian with all documents produced for parties still in the litigation.	0.4	$ 110.00	$ 55.00	$ 55.00	$ 7.86	Allocate to 14 subs
601	5/1/2017	TF	Prepare and review additional Helix Electric documents for review by Brian Benson in preparation for his upcoming depositions.	0.7	$ 87.50	$ 87.50	$ -		Not charged to NWP
602	5/1/2017	TF	Prepare and review additional National Wood documents for review by Brian Benson in preparation for his upcoming depositions.	0.8	$ 100.00	$ -	$ 100.00	$ 100.00	NWP
603	5/1/2017	JCJ	Review various documents of clients and subs, pay applications, emails and related concerns; analyze best use of same, what is still needed in context of defense and upcoming depositions, various legal assertions, possible ways to work down the claims	4.6	$ 1,380.00	$ 170.00	$ 170.00	$ 98.57	Allocate to 14 subs
604	5/1/2017	TF	Format and prepare exhibits for status letter to [redacted]	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 subs
605	5/1/2017	CSM	[redacted]						Allocated to specified subs
606	5/2/2017	TF	Assess, analyze and review universe of disclosures by previous counsel.	0.6	$ 75.00	$ 37.50	$ 37.50	$ 5.36	Allocate to 14 subs
607	5/2/2017	TF	Conference call with Litigation Services regarding universe of deposited documents and index regarding disclosures.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 subs
608	5/2/2017	TF	Assess, analyze and review universe of documents for photo and video files of project.	0.7	$ 87.50	$ 43.75	$ 43.75	$ 6.25	Allocate to 14 subs
609	5/2/2017	TF	Assess, analyze and review universe of deposition notices and update matrix regarding upcoming depositions.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 5.00	APCO served 10 depo notices; should be allocated to 10 subs
610	5/2/2017	CSM	Meet with client regarding status of case and to acquire various documents.	0.5	$ 137.50	$ 68.75	$ 68.75	$ 9.82	Allocate to 14 subs
611	5/2/2017	TF	Assess, analyze and review subcontractor files and universe of electronic data provided by Joe Pelan.	1.8	$ 225.00	$ 112.50	$ 112.50	$ 16.07	Allocate to 14 subs
612	5/2/2017	TF	Meeting with JCJ and CSM to discuss status of litigation and preparation for upcoming depositions.	0.5	$ 62.50	$ 31.25	$ 31.25	$ 6.25	APCO served 10 depo notices; should be allocated to 10 subs
613	5/2/2017	JCJ	Review various documents of clients and subs, photos, videos, pay applications, emails and related issues; analyze best use of same, what is still needed in context of defense and upcoming depositions.	6.2	$ 1,860.00	$ 132.86	$ 132.86	$ 132.86	Allocated to 14 subs
614	5/3/2017	JCJ	Review various documents of clients and subs, photos, videos, pay history, issues on payments, emails and related; analyze best use of same, what is still needed in context of defense and upcoming depositions.	5.6	$ 1,680.00	$ 120.00	$ 120.00	$ 120.00	Allocated to 14 subs

APCO'S ATTORNEYS' FEES (MARQUIS AUERBACH)

615	5/3/2017	TF	Assess, analyze and review universe of disclosures for contracts and lien documents regarding United Subcontractors.	0.7	$ 87.50	$ 43.75	$ 43.75	$ 6.25	Allocate to 14 subs
616	5/3/2017	TF	Draft and prepare seventh supplemental disclosure of imaged documents.	0.5	$ 62.50	$ 31.25	$ 31.25	$ 4.46	Allocate to 14 subs
617	5/3/2017	TF	Format and prepare universe of video files provided by client for discovery disclosure and responses.	0.7	$ 87.50	$ 43.75	$ 43.75	$ 6.25	Allocate to 14 subs
618	5/3/2017	CSM	Draft monthly status report to client.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 3.93	Allocate to 14 subs
619	5/3/2017	CSM	Assess, analyze and review various documents disclosed from client for remaining subcontractors regarding submittals, costs and scope of work performed toward the end of the project.	2.8	$ 770.00	$ 385.00	$ 385.00	$ 55.00	Allocate to 14 subs
620	5/4/2017	TF	Email exchange with Litigation Services regarding deposit of video files in APCO's seventh supplemental disclosure of documents.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79	Allocate to 14 subs
621	5/4/2017	CSM	Assess, analyze and review change orders, daily reports, liens, requests and project manual in preparation of deposition of various subcontractors' corporate designee.	2.6	$ 715.00	$ 357.50	$ 357.50	$ 71.50	APCO served 10 depo notices; should be allocated to 10 subs
622	5/4/2017	JCJ	Prepare and organize for special master hearing, attend hearing, post-hearing discussions with various sub counsel.	1.2	$ 360.00	$ 180.00	$ 180.00	$ 25.71	Allocate to 14 subs
623	5/5/2017	CSM	Telephone call with client regarding document disclosure and depositions.	0.5	$ 137.50	$ 68.75	$ 68.75	$ 13.75	APCO served 10 depo notices; should be allocated to 10 subs
624	5/5/2017	CSM	Follow up regarding subpoena to Martin Harris.	0.2	$ 55.00	$ 55.00	$ -		Not charged to NWP
625	5/5/2017	TF	Finalize and prepare subpoena duces tecum to Martin-Harris Construction.	0.3	$ 37.50	$ 37.50	$ -		Not charged to NWP
626	5/5/2017	CSM	Draft weekly status correspondence to client.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 3.93	Allocate to 14 subs
627	5/5/2017	JCJ	Review various documents of clients and subs; photos, videos, pay history, issues on payments, emails and related; analyze best use of same, what is still needed in context of defense and upcoming depositions, various legal assertions, possible ways to wo	4.1	$ 1,230.00	$ 615.00	$ 615.00	$ 123.00	APCO served 10 depo notices; should be allocated to 10 subs
628	5/5/2017	TF	Assess, analyze and review prior discovery responses to Helix Electric.	0.3	$ 37.50	$ 37.50	$ -		APCO charge to Helix
629	5/5/2017	CSM	Assess, analyze and review various documents disclosed from client on disc 2 with regard to construction control documents and communications with same, daily reports, and change orders.	2.7	$ 742.50	$ 371.25	$ 371.25	$ 53.04	Allocate to 14 subs
630	5/5/2017	JCJ	Communicate with adverse sub counsel Eric re events of SM hearing.	0.2	$ 60.00	$ 60.00	$ -		Not charged to NWP
631	5/5/2017	TF	Continue to assess, analyze and review universe of documents in preparation for upcoming depositions for Helix Electric, Interstate Plumbing, Zitting Brothers, and United Subcontractors.	1.7	$ 212.50	$ 53.13	$ -		Not charged to NWP
632	5/8/2017	CSM	Assess, analyze and review various documents disclosed from client on disc 3 from client for determination and strategy of defense against remaining subcontractors, including, but not limited to, change orders, payment apps #9, #10, & #11, and accounting job site file.	3.8	$ 1,045.00	$ 522.50	$ 522.50	$ 74.64	Allocate to 14 subs
633	5/8/2017	JCJ	Review owed amount chart of client, various documents of CAMCO, client and subs photos, videos, pay history, issues on payments, emails and related; analyze best use of same, what is still needed in context of defense and upcoming depositions.	5.3	$ 1,590.00	$ 113.57	$ 113.57	$ 113.57	Allocated to 14 subs
634	5/8/2017	TF	Meeting with CSM and JCJ to discuss litigation strategy and preparation for upcoming depositions of Brian Benson and various subcontractors.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 subs
635	5/8/2017	TF	Continue to prepare and review universe of documents for United Subcontractors, Helix Electric, Zitting Brothers, and Interstate Plumbing in preparation for upcoming depositions.	1.3	$ 162.50	$ 40.63	$ -		Not charged to NWP
636	5/8/2017	TF	Meeting with JCJ and CSM to discuss preparation for upcoming deposition.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 3.75	APCO served 10 depo notices; should be allocated to 10 subs
637	5/8/2017	TF	Assess, analyze and review universe of pay applications, accounting documents, and job site files in preparation for upcoming depositions.	1.6	$ 200.00	$ 100.00	$ 100.00	$ 20.00	APCO served 10 depo notices; should be allocated to 10 subs
638	5/8/2017	CSM	Analysis and strategy regarding notices of deposition and preparation, strategy and coverage for the same.	0.3	$ 82.50	$ 41.25	$ 41.25	$ 8.25	APCO served 10 depo notices; should be allocated to 10 subs
639	5/8/2017	CSM	Draft correspondence to client regarding scope of requested documents.	0.1	$ 27.50	$ 13.75	$ 13.75	$ 1.96	Allocate to 14 subs
640	5/8/2017	CSM	Assess, analyze and review matrix provided from client regarding values paid to subcontractors.	0.3	$ 82.50	$ 41.25	$ 41.25	$ 5.89	Allocate to 14 subs
641	5/8/2017	CSM	Assess, analyze and review various releases and change orders; assess, analyze and review correspondence from client regarding same.	0.4	$ 110.00	$ 55.00	$ 55.00	$ 7.86	Allocate to 14 subs
642	5/9/2017	TF	Assess, analyze and review universe of disclosed documents regarding National Wood Products and prepare for upcoming depositions.	0.6	$ 75.00	$ -	$ 75.00	$ 75.00	NWP
643	5/9/2017	JCJ	Communicate with sub counsel on depo of APCO PMK, with SM Hale's office re same; draft letter to all parties on APCO's deposition per SM Hale; review disclosed documents of National Wood and related, owed amount chart of client, various documents of CAMCO	3.3	$ 990.00	$ 495.00	$ 495.00	$ 70.71	Allocate to 14 subs
644	5/9/2017	TF	Conference call with Holo Discovery regarding preparation of deposition binders.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 subs
645	5/9/2017	TF	Meeting with Holo Discovery regarding preparation of deposition binders.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79	Allocate to 14 subs
646	5/9/2017	CSM	Assess, analyze and review special master order on discovery issues.	0.1	$ 27.50	$ 13.75	$ 13.75	$ 1.96	Allocate to 14 subs

APCO'S ATTORNEYS' FEES (MARQUIS AUERBACH)

647	5/10/2017	JCJ	Prepare and organize for National Wood depo of CAMCO, attend same and in context of what they will want from APCO, and post-deposition discussions with National Wood Cabinetec counsel regarding amounts, documents, pay applications and related.	2.4	$ 720.00	$ -	$ 720.00	$ 51.43	Allocate to 14 subs
648	5/10/2017	TF	Calculate and review updated claim amounts made against APCO.	0.6	$ 75.00	$ 37.50	$ 37.50	$ 5.36	Allocate to 14 subs
649	5/10/2017	TF	Draft and prepare matrix regarding claim amounts to be provided to [redacted]	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79	Allocate to 14 subs
650	5/10/2017	TF	Continue to assess, analyze and review universe of pay applications and job site files previously produced by counsel.	1.2	$ 150.00	$ 75.00	$ 75.00	$ 10.71	Allocate to 14 subs
651	5/10/2017	CSM	Assess, analyze and review draft correspondence to client; research and analysis of various exposure issues for letter requested by client; and draft supplements to same.	1	$ 275.00	$ 137.50	$ 137.50	$ 19.64	Allocate to 14 subs
652	5/10/2017	CSM	Communicate with client regarding deposition preparation.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 3.93	Allocate to 14 subs
653	5/10/2017	CSM	Analysis and strategy for each remaining subcontractors' estimated value of potential allocation between APCO and Camco.	0.5	$ 137.50	$ 68.75	$ 68.75	$ 9.82	Allocate to 14 subs
654	5/11/2017	TF	Prepare and review universe of documents to be referenced in discovery responses.	0.8	$ 100.00	$ 50.00	$ 50.00	$ 7.14	Allocate to 14 subs
655	5/11/2017	JCJ	Review and search for emails and documents on problems with work, labor, materials or other ways to reject work or pay involving remaining subs, Gemstone pay history, dailies and change orders of subcontractors in context of alleged claim amount.	3.8	$ 1,140.00	$ 570.00	$ 570.00	$ 81.43	Allocate to 14 subs
656	5/11/2017	CSM	Assess, analyze and review various Helix documents to direct response to Helix's request for production of documents.	0.8	$ 220.00	$ 220.00	$ -		Not charged to NWP
657	5/11/2017	CSM	Assess, analyze and review limited production of documents from Zitting Brothers and National Wood for APCO's corporate deadings.	0.1	$ 27.50	$ -	$ 13.75	$ 13.75	Allocated to specified subs
658	5/11/2017	CSM	Assess, analyze and review contractor jobsite files for Helix and Interstate.	1.7	$ 467.50	$ 233.75	$ -		Not charged to NWP
659	5/12/2017	CSM	Assess, analyze and review supreme court order and case law; and strategize regarding NRS 108 motion.	0.8	$ 220.00	$ 110.00	$ 110.00	$ 15.71	Allocate to 14 subs
660	5/12/2017	TF	Assess, analyze and review documents regarding Nevada Construction Services.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 subs
661	5/12/2017	TF	Update and review litigation matrix regarding claims against APCO.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 subs
662	5/12/2017	TF	Assess, analyze and review universe of disclosed Helix Electric documents and itemize in preparation of discovery responses.	0.7	$ 87.50	$ 87.50	$ -		Not charged to NWP
663	5/12/2017	TF	Meeting with CSM to discuss universe documents to be referenced in discovery responses.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 subs
664	5/12/2017	CSM	Draft status correspondence to client; assess, analyze and review correspondence from client and respond to same.	0.3	$ 82.50	$ 41.25	$ 41.25	$ 5.89	Allocate to 14 subs
665	5/12/2017	CSM	Research and analysis of case law with regard to NRS 108 rights being extinguished by judicial sale and priority issues.	0.6	$ 165.00	$ 82.50	$ 82.50	$ 11.79	Allocate to 14 subs
666	5/12/2017	JCJ	Communicate with office of counsel for Helix on their upcoming depositions of CAMCO.	0.2	$ 60.00	$ 60.00	$ -		Not charged to NWP
667	5/12/2017	JBL	Draft APCO's responses to Helix's first set of admissions.	0.6	$ 135.00	$ 135.00	$ -		Not charged to NWP
668	5/12/2017	NMS	Conduct research on whether a foreclosure sale wipes out mechanic's liens on a property.	1.4	$ 315.00	$ 157.50	$ 157.50	$ 22.50	Allocate to 14 subs
669	5/15/2017	CSM	Assess, analyze and review various documents in preparation of supplementing discovery requests (requests for admissions, request for documents, and interrogatories) from Helix; and draft supplements to all responses to Helix's written discovery.	2.2	$ 605.00	$ 605.00	$ -		Not charged to NWP
670	5/15/2017	JCJ	Prepare and organize for Helix depo of CAMCO in context of APCO defense, appearance at same and communicate with staff of counsel for HELIX on their documents against APCO, change orders, their position on NRS 108 still alive, case law in context of same.	1.4	$ 420.00	$ 420.00	$ -		Not charged to NWP
671	5/16/2017	JCJ	Communicate with Zitting regarding documents, depositions and related; communicate with counsel for HELIX; draft amended depo of Helix; communicate with Uintah regarding order granting MSJ without prejudice.	0.5	$ 150.00	$ 75.00	$ -		Not charged to NWP
672	5/16/2017	CSM	Assess, analyze and review various payment documents from Helix and Interstate in preparation of deposition preparation of APCO's PMK.	0.5	$ 137.50	$ 137.50	$ -		Not charged to NWP
673	5/18/2017	CSM	Prepare for and participate in deposition preparation of client.	2.2	$ 605.00	$ 302.50	$ 302.50	$ 43.21	Allocate to 14 subs
674	5/18/2017	TF	Prepare and review universe of documents in preparation of meeting with Brian Benson.	0.7	$ 87.50	$ 43.75	$ 43.75	$ 6.25	Allocate to 14 subs
675	5/18/2017	CSM	Assess, analyze and review correspondence from counsel for Martin Harris regarding subpoena for Helix documents; conduct telephone call with same; and correspond with counsel for Helix.	0.6	$ 165.00	$ 165.00	$ -		Not charged to NWP
676	5/18/2017	CSM	Assess, analyze and review photos provided from client; and direct paralegal to prepare for production.	0.6	$ 165.00	$ 82.50	$ 82.50	$ 11.79	Allocate to 14 subs
677	5/18/2017	TF	Assess, analyze and review universe of pay applications for Cabinetec in preparation for upcoming depositions.	0.2	$ 25.00	$ -	$ 25.00	$ 25.00	NWP
678	5/18/2017	TF	Assess, analyze and review universe of pay applications for Helix Electric in preparation for upcoming depositions.	0.3	$ 37.50	$ 37.50	$ -		Not charged to NWP
679	5/19/2017	TF	Email exchange with Mary Jo Allen regarding documents for disclosure.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79	Allocate to 14 subs

APCO'S ATTORNEYS' FEES (MARQUIS AUERBACH)

680	5/18/2017	TF	Assess, analyze and review additional universe of photos received from Brian Benson for discovery disclosures.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 subs
681	5/19/2017	CSM	Assess, analyze and review multiple amended notices for depositions, subpoenas, and notices for client 30(b)(6) witnesses deposition.	0.6	$ 165.00	$ 82.50	$ 82.50	$ 16.50	APCO served 10 depo notices; should be allocated to 10 subs
682	5/19/2017	TF	Continue to assess, analyze and review universe of pay applications, accounting documents, and job site files in preparation for upcoming depositions.	1.3	$ 162.50	$ 81.25	$ 81.25	$ 16.25	APCO served 10 depo notices; should be allocated to 10 subs
683	5/22/2017	JCJ	Communicate with counsel for National Wood Cabinets re documents and depositions; communicate with interstate counsel on no money owed to them; attempt contact with trustee for Accuracy; review with staff client documents regarding payments.	1.4	$ 420.00	$ -	$ 140.00	$ 140.00	Allocate to specified subs
684	5/22/2017	TF	Continue to draft and prepare seventh supplemental disclosure of imaged documents.	0.7	$ 87.50	$ 43.75	$ 43.75	$ 6.25	Allocate to 14 subs
685	5/22/2017	TF	Continue to format and prepare video files to be disclosed in seventh supplemental disclosure of witnesses and imaged documents.	0.6	$ 75.00	$ 37.50	$ 37.50	$ 5.36	Allocate to 14 subs
686	5/22/2017	TF	Assess, analyze and review universe of deposition notices and update litigation matrix.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 2.50	APCO served 10 depo notices; should be allocated to 10 subs
687	5/22/2017	CSM	Analysis and strategy regarding scope of 30(b)(6) witnesses, which corporate designee will testify to various categories and analysis, asses and review correspondence from client and respond to same.	0.5	$ 137.50	$ 68.75	$ 68.75	$ 13.75	APCO served 10 depo notices; should be allocated to 10 subs
688	5/23/2017	TF	Assess, analyze and review universe of Cabinetec change orders and prepare documents for upcoming depositions.	0.4	$ 50.00	$ -	$ 50.00	$ 50.00	NWP
689	5/23/2017	TF	Assess, analyze and review universe of Helix Electric change orders and prepare documents for upcoming depositions.	0.9	$ 112.50	$ 112.50	$ -		Not charged to NWP
690	5/23/2017	TF	Assess, analyze and review universe of accounting files for Accuracy Glass, Cabinetec, Helix Electric, Interstate Plumbing, Nevada Prefab, Sierra Reinforcing, Steel Structures, Skyline Insulation, Steel Structure, and Zitting Brothers in preparation for upcoming depositions.	1.8	$ 225.00	$ 11.25	$ 11.25	$ 11.25	
691	5/23/2017	CSM	Communicate with client regarding binders of documents.	0.3	$ 82.50	$ 41.25	$ 41.25	$ 5.89	Allocate to 14 subs
692	5/24/2017	TF	Assess, analyze and review universe of documents received from Martin Harris in response to subpoena duces tecum.	0.3	$ 37.50	$ 37.50	$ -		Not charged to NWP
693	5/24/2017	TF	Format and prepare universe of documents and videos provided by Martin Harris for discovery disclosures and responses.	0.6	$ 75.00	$ 75.00	$ -		Not charged to NWP
694	5/24/2017	TF	Continue to prepare and review universe of change orders, pay applications, accounting files, and job files for Cabinetec, Helix Electric, Interstate Plumbing, and Nevada Prefab in preparation of upcoming depositions.	1.3	$ 162.50	$ 40.63	$ 40.63	$ 40.63	Allocated to specified subs
695	5/26/2018	TF	Continue to prepare and review universe of documents to be produced in seventh supplemental disclosure of imaged documents.	0.9	$ 112.50	$ 56.25	$ 56.25	$ 8.04	Allocate to 14 subs
696	5/30/2017	CSM	Analysis and strategy regarding various deposition and settlement issues; and follow up regarding documents to be produced.	0.5	$ 137.50	$ 68.75	$ 68.75	$ 13.75	APCO served 10 depo notices; should be allocated to 10 subs
697	5/30/2017	JCJ	Communicate with Cameo counsel re NRS 108 motion and they file motion on assumption of risk and related against subs.	0.3	$ 90.00	$ 45.00	$ 45.00	$ 6.43	Allocate to 14 subs
698	5/30/2017	CSM	Assess, analyze and review correspondence from client regarding court order; and draft response to same.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 3.93	Allocate to 14 subs
699	5/30/2017	TF	Update and review litigation matrix regarding upcoming deposition schedule.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 5.00	APCO served 10 depo notices; should be allocated to 10 subs
700	5/31/2017	CSM	Draft monthly status correspondence to client.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 3.93	Allocate to 14 subs
701	6/1/2017	TF	Assess, analyze and review discovery responses to Helix Electric.	0.3	$ 37.50	$ 37.50	$ -		APCO charge to Helix
702	6/1/2017	TF	Assess, analyze and review universe of Helix Electric, Skyline Insulation and Cabinetec documents provided by client to be produced in discovery disclosures and responses.	0.8	$ 75.00	$ 25.00	$ 25.00	$ 25.00	Allocated to specified subs
703	6/1/2017	CSM	Assess, analyze and review various documents received from client; telephone call with client; analysis and strategy regarding deposition of APCO's PMK, Brian, assess, analyze and review correspondence from counsel for Helix regarding deposition and discovery.	1.5	$ 412.50	$ 412.50	$ -		Not charged to NWP
704	6/2/2017	JCJ	Communicate with adverse counsel re why client documents not fully deposited before first deposition; review with staff documents at depository recent events with client and action to take to solve same.	0.3	$ 90.00	$ 45.00	$ 45.00	$ 6.43	Allocate to 14 subs
705	6/2/2017	TF	Draft and prepare APCO Construction's seventh supplemental disclosure of witnesses and imaged documents.	0.9	$ 112.50	$ 56.25	$ 56.25	$ 8.04	Allocate to 14 subs
706	6/2/2017	TF	Assess, analyze and review universe of project documents provided by client to be disclosed in APCO Construction's seventh supplemental disclosure of witnesses and imaged documents.	1.8	$ 225.00	$ 112.50	$ 112.50	$ 16.07	Allocate to 14 subs
707	6/2/2017	TF	Assess, analyze and review universe of documents for confidential and privileged information in preparation of APCO Construction's seventh supplemental disclosure of witnesses and imaged documents.	0.7	$ 87.50	$ 43.75	$ 43.75	$ 6.25	Allocate to 14 subs
708	6/2/2017	TF	Conference call with Joe Pelan and Lisa Lynn regarding universe of documents to be produced in APCO Construction's seventh supplemental disclosure of witnesses and imaged documents.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 subs
709	6/2/2017	TF	Prepare and review universe of documents in preparation for the depositions of Brian Benson on June 5, 2017.	0.8	$ 100.00	$ 50.00	$ 50.00	$ 7.14	Allocate to 14 subs

APCO'S ATTORNEYS' FEES (MARQUIS AUERBACH)

710	6/2/2017	TF	Conference call with Litigation Services regarding files to be deposited pursuant to APCO Construction's seventh supplemental disclosure of witnesses and imaged documents.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79	Allocate to 14 subs
711	6/2/2017	CSM	Telephone call with client regarding deposition issues.	0.3	$ 82.50	$ 41.25	$ 41.25	$ 5.89	Allocate to 14 subs
712	6/2/2017	CSM	Assess, analyze and review various documents provided from client for disclosure; communicate with Lisa regarding issues with same; and prepare client's 17th disclosure of documents for production.	2.5	$ 687.50	$ 343.75	$ 343.75	$ 49.11	Allocate to 14 subs
713	6/2/2017	CSM	Analysis and strategy regarding client's upcoming deposition.	0.3	$ 82.50	$ 41.25	$ 41.25	$ 5.89	Allocate to 14 subs
714	6/5/2017	JCJ	Communicate with Interstate counsel re their witness for depositions, documents and related; communicate with counsel for National Wood re their depositions and which documents alleged amount owed; prepare and organize to defend Brian Benson deposition.	7	$ 2,100.00	$ 150.00	$ 150.00	$ 150.00	Allocated to 14 subs
715	6/5/2017	TF	Draft and prepare APCO Construction's eighth supplemental disclosure of witnesses and imaged documents.	0.6	$ 75.00	$ 37.50	$ 37.50	$ 5.36	Allocate to 14 subs
716	6/5/2017	TF	Format and prepare universe of documents received from Martin Harris Construction in response to subpoena duces tecum to be produced in APCO Construction's eighth supplemental disclosure of witnesses and imaged documents.	0.8	$ 100.00	$ 100.00	$ -		Not charged to NWP
717	6/5/2017	TF	Conference call with Litigation Services regarding universe of documents produced in eighth supplemental disclosure.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79	Allocate to 14 subs
718	6/5/2017	TF	Email exchange with Lisa Lynn regarding upcoming deposition of Helix PMK.	0.2	$ 25.00	$ 25.00	$ -		Not charged to NWP
719	6/6/2017	JCJ	Search and review various client documents re sub-contract drafts and related; communicate with Helix re their depositions; formulate things to do and options for client given deposition of Benson; status client re options and things to do.	2.8	$ 840.00	$ 840.00	$ -		Not charged to NWP
720	6/6/2017	TF	Prepare and review Helix Electric documents in preparation for meeting with Joe Pelan.	0.5	$ 62.50	$ 62.50	$ -		Not charged to NWP
721	6/6/2017	TF	Format and prepare universe of Martin Harris documents for review by Joe Pelan.	0.5	$ 62.50	$ 62.50	$ -		Not charged to NWP
722	6/6/2017	TF	Email exchange with Joe Pelan regarding universe of Martin Harris documents.	0.2	$ 25.00	$ 25.00	$ -		Not charged to NWP
723	6/6/2017	CSM	Assess, analyze and review correspondence from client regarding Martin Harris documents; address issues with same; discuss same with client; and direct paralegal to provide to client.	0.5	$ 137.50	$ 137.50	$ -		Not charged to NWP
724	6/6/2017	CSM	Analysis and strategy regarding Mary Jo's deposition.	0.3	$ 82.50	$ 41.25	$ 41.25	$ 5.89	Allocate to 14 subs
725	6/6/2017	CSM	Analysis and strategy regarding various potential settlement amounts.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 3.93	Allocate to 14 subs
726	6/7/2017	TF	Email exchange with Lisa Lynn regarding upcoming depositions.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 2.50	APCO served 10 depo notices; should be allocated to 10 subs
727	6/7/2017	TF	Update and review deposition matrix regarding upcoming depositions.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 3.75	APCO served 10 depo notices; should be allocated to 10 subs
728	6/8/2017	TF	Continue to prepare and review Helix Electric and Interstate Plumbing documents in preparation for meeting with Joe Pelan.	0.5	$ 62.50	$ 31.25	$ -		Not charged to NWP
729	6/9/2017	JCJ	Review documents of Accuracy and their procedural status in context of negating their claims going forward; communicate with client re depositions and related issues; review Camco discovery response to Helix.	1.1	$ 330.00	$ 330.00	$ -		Not charged to NWP
730	6/9/2017	TF	Update and review claim calculations pursuant to filed liens.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 subs
731	6/9/2017	CSM	Assess, analyze and review various notices of deposition and documents request made by National Wood.	0.2	$ 55.00	$ -	$ 55.00	$ 55.00	NWP
732	6/9/2017	CSM	Analysis and strategy regarding upcoming depositions.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 5.50	APCO served 10 depo notices; should be allocated to 10 subs
733	6/9/2017	CSM	Assess, analyze and review discovery responses served by Camco to various contractors.	0.5	$ 137.50	$ 68.75	$ 68.75	$ 9.82	Allocate to 14 subs
734	6/12/2017	JCJ	Communicate with Camco regarding what they have on Martin Harris in context of Helix, agreement on no more NRS 108 and related; review their discovery responses to several subs in context of APCO defense and related.	0.8	$ 240.00	$ 240.00	$ -		Not charged to NWP
735	6/12/2017	TF	Update and review deposition matrix regarding upcoming schedule depositions.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 5.00	APCO served 10 depo notices; should be allocated to 10 subs
736	6/12/2017	TF	Email exchange with Lisa Lynn regarding upcoming deposition schedule and additional documents for discovery disclosures.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 2.50	APCO served 10 depo notices; should be allocated to 10 subs
737	6/12/2017	TF	Assess, analyze and review Special Master orders regarding upcoming discovery deadlines.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79	Allocate to 14 subs
738	6/12/2017	CSM	Communicate with client regarding upcoming depositions, special master order and documents to be disclosed.	0.5	$ 137.50	$ 68.75	$ 68.75	$ 13.75	APCO served 10 depo notices; should be allocated to 10 subs
739	6/15/2017	TF	Assess, analyze and review universe of documents disclosed by Helix Electric regarding contracts and agreements with Martin Harris Construction.	1.5	$ 187.50	$ 187.50	$ -		Not charged to NWP
740	6/15/2017	TF	Assess, analyze and review universe of documents disclosed by Helix Electric regarding contracts and agreements with Martin Harris Construction.	0.6	$ 75.00	$ 75.00	$ -		Not charged to NWP
741	6/15/2017	CSM	Analysis and strategy regarding NRS 108 motion for summary judgment.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 3.93	Allocate to 14 subs
742	6/16/2017	JCJ	Communicate with client re motions and related; review additional documents re Martin Harris/Helix; communicate with Camco counsel re their PM testifying Helix fully paid for same work under Martin-Harris contract.	0.9	$ 270.00	$ 270.00	$ -		Not charged to NWP

APCO'S ATTORNEYS' FEES (MARQUIS AUERBACH)

743	6/16/2017	TF	Prepare and review additional universe of documents in preparation for upcoming depositions.	1.3	$ 162.50	$ 81.25	$ 81.25	$ 16.25	APCO served 10 depo notices; should be allocated to 10 subs
744	6/19/2017	JCJ	Receipt and review notice of new counsel for National Wood Cabinetec.	0.2	$ 60.00	$ -	$ 60.00	$ 60.00	NWP
745	6/19/2017	JCJ	Communicate with various subcounsel re NRS 108 fees survival even if lien knocked out and review case law re same; search and review court historical records and orders for supporting exhibits on NRS 108 motion; review case notes on NRCP 12(b)(5) and 56 a	3.2	$ 960.00	$ 480.00	$ 480.00	$ 68.57	Allocate to 14 subs
746	6/19/2017	TF	Draft and prepare index regarding Camco discovery responses in preparation for upcoming depositions.	0.5	$ 62.50	$ 31.25	$ 31.25	$ 4.46	Allocate to 14 subs
747	6/19/2017	TF	Prepare and review documents in preparation for upcoming depositions.	0.6	$ 75.00	$ 37.50	$ 37.50	$ 5.36	Allocate to 14 subs
748	6/19/2017	TF	Continue to assess, analyze and review Martin Harris disclosure for Helix Electric contract documents and prepare for upcoming depositions.	0.8	$ 100.00	$ 100.00	$ -		Not charged to NWP
749	6/20/2017	AMH	Strategize settlement options and amounts for Helix.	0.3	$ 90.00	$ 90.00	$ -		Not charged to NWP
750	6/20/2017	CSM	Review various documents from Martin Harris regarding Helix finishing the project.	1.5	$ 412.50	$ 412.50	$ -		Not charged to NWP
751	6/20/2017	CSM	Analysis and strategy of documents received from client, and upcoming deposition strategy	0.8	$ 220.00	$ 110.00	$ 110.00	$ 15.71	Allocate to 14 subs
752	6/20/2017	CSM	Telephone call with client regarding documents for various subcontractors for disclosure and pending issues.	0.3	$ 82.50	$ 41.25	$ 41.25	$ 5.89	Allocate to 14 subs
753	6/21/2017	JCJ	Communicate with Interstate re APCO's documents and theme proceeding with CAMCO day two depositions.	0.2	$ 60.00	$ 30.00	$ 30.00	$ 4.29	Allocate to 14 subs
754	6/21/2017	JCJ	Formulate breach of contract release or excuse; search and review possible local rulings and prior cases on force majeure as contract relief or performance excuse.	0.8	$ 240.00	$ 120.00	$ 120.00	$ 17.14	Allocate to 14 subs
755	6/22/2017	JCJ	Attend 2nd deposition day of CAMCO; post-deposition discussions with CAMCO regarding force majeure, not know of defects or quality until the end and related issues; draft additional deposition points for Mary Jo; continue draft of motion on NRS 108.	3.8	$ 1,140.00	$ 81.43	$ 81.43	$ 81.43	Allocate to 14 subs
756	6/22/2017	CSM	Email exchange and follow up telephone conference with client regarding documents and deposition issues.	0.4	$ 110.00	$ 55.00	$ 55.00	$ 7.86	Allocate to 14 subs
757	6/22/2017	CSM	Draft supplements to status letter to client regarding case strategy and documents.	0.3	$ 82.50	$ 41.25	$ 41.25	$ 5.89	Allocate to 14 subs
758	6/23/2017	[redacted]							Deduct-APCO unsuccessful
759	6/23/2017	TF	Conference call with Litigation Services regarding universe of documents available in online depository.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 subs
760	6/23/2017	CSM	Analysis and strategy regarding outline of client's PMK deposition.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 3.93	Allocate to 14 subs
761	6/26/2017	TF	Assess, analyze and review additional documents received from client for discovery disclosures and responses.	0.6	$ 75.00	$ 37.50	$ 37.50	$ 5.36	Allocate to 14 subs
762	6/26/2017	JCJ	Communicate with CAMCO re force majeure, with Zitting, National Wood/Cabinetec on no offer from client at this time and deposition; search and review case law and related re force majeure.	1.7	$ 510.00	$ -	$ 170.00	$ 170.00	NWP
763	6/26/2017	CSM	Analysis and strategy regarding upcoming depositions; and documents for same.	0.4	$ 110.00	$ 55.00	$ 55.00	$ 7.86	Allocate to 14 subs
764	6/26/2017	[redacted]							Deduct-APCO unsuccessful
765	6/27/2017	TF	Format and prepare documents to be produced in ninth supplemental disclosure of witnesses and imaged documents.	0.5	$ 62.50	$ 31.25	$ 31.25	$ 4.46	Allocate to 14 subs
766	6/27/2017	TF	Draft and prepare ninth supplement disclosure of witnesses and imaged documents.	0.6	$ 75.00	$ 37.50	$ 37.50	$ 5.36	Allocate to 14 subs
767	6/27/2017	TF	Prepare and review universe of documents to be reviewed by Mary Jo Allen in preparation of her upcoming deposition.	1.3	$ 162.50	$ 81.25	$ 81.25	$ 11.61	Allocate to 14 subs
768	6/27/2017	TF	Update and review litigation matrix regarding universe of disclosed documents.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 subs
769	6/27/2017	JCJ	Communicate with Zitting regarding depositions and with Helix on motion regarding NRS 108 claims; continue draft of outline for depo prep of Mary Jo and status client on all.	1.4	$ 420.00	$ 210.00	$ -		Not charged to NWP
770	6/27/2017	CSM	Assess, analyze and review client's outline for PMK, Mary Jo's, deposition and draft additions to same.	1	$ 275.00	$ 137.50	$ 137.50	$ 19.64	Allocate to 14 subs
771	6/28/2017	TF	Assess, analyze and review universe of produced documents in preparation of upcoming deposition of Mary Jo Allen.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 subs
772	6/28/2017	TF	Assess, analyze and review universe of discovery responses.	0.6	$ 75.00	$ 37.50	$ 37.50	$ 5.36	Allocate to 14 subs
773	6/28/2017	JCJ	Communicate with client re subs, claims, motions, fees and related.	0.3	$ 90.00	$ 45.00	$ 45.00	$ 6.43	Allocate to 14 subs
774	6/28/2017	JCJ	Search and review various case law and legal re force majeure as defense when not specifically in agreement.	2.2	$ 660.00	$ 330.00	$ 330.00	$ 47.14	Allocate to 14 subs
775	6/28/2017	CSM	Assess, analyze and review Helix documents provided from client.	0.6	$ 165.00	$ 165.00	$ -		Not charged to NWP
776	6/29/2017	JCJ	Analyze and review impact of revisions signed by parties to Helix contract with APCO to defense and claims.	0.8	$ 240.00	$ 240.00	$ -		Not charged to NWP
777	6/30/2017	TF	Draft and prepare email to Joe Pelan and Mary Jo Allen regarding discovery disclosures.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79	Allocate to 14 subs

APCO'S ATTORNEYS' FEES (MARQUIS AUERBACH)

778	6/30/2017	TF	Assess, analyze and review universe of documents to be disclosed in supplemental 16.1 disclosures.	0.5	$ 62.50	$ 31.25	$ 31.25	$ 4.46	Allocate to 14 subs
779	6/30/2017	CSM	Telephone call with client regarding disclosure of documents.	0.3	$ 82.50	$ 41.25	$ 41.25	$ 5.89	Allocate to 14 subs
780	6/30/2017	TF	Finalize and prepare APCO Construction's ninth supplemental disclosure of imaged documents.	0.8	$ 100.00	$ 50.00	$ 50.00	$ 7.14	Allocate to 14 subs
781	6/30/2017	TF	Email exchange with Litigation Services regarding universe of documents to be produced in APCO Construction's ninth supplemental disclosure of imaged documents.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79	Allocate to 14 subs
782	6/30/2017	TF	Email exchange with Joe Pelan regarding close of discovery and additional documents for supplemental disclosures.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79	Allocate to 14 subs
783	6/30/2017	CSM	Assess, analyze and review client's 9th supplemental disclosure; and execute same.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 3.93	Allocate to 14 subs
784	7/3/2017	JCJ	Search, analyze and review case law and related on using force majure to excuse contract terms.	1.7	$ 510.00	$ 255.00	$ 255.00	$ 36.43	Allocate to 14 subs
785	7/3/2017	TF	Conference call with depository at Litigation Services regarding deposited documents from various parties.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 subs
786	7/5/2017	TF	Email exchange with Litigation Services depository regarding documents disclosed in APCO's ninth supplemental disclosure.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79	Allocate to 14 subs
787	7/5/2017	TF	Conference call with Litigation Services regarding deposition transcript and admitted exhibits regarding David Parry.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 subs
788	7/5/2017	JCJ	Communicate with client re prep of Mary Jo.	0.1	$ 30.00	$ 15.00	$ 15.00	$ 2.14	Allocate to 14 subs
789	7/5/2017	JCJ	Communicate with Esquire re depo prep in same room as actual deposition.	0.1	$ 30.00	$ 15.00	$ 15.00	$ 2.14	Allocate to 14 subs
790	7/5/2017	CSM	Communicate with client regarding deposition preparation.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 3.93	Allocate to 14 subs
791	7/6/2017	JCJ	Continue to evaluate and analyze case law, white papers and the like re force majeure on the economy with no such contractual clause to excuse contractual performance.	1.8	$ 540.00	$ 270.00	$ 270.00	$ 38.57	Allocate to 14 subs
792	7/6/2017	TF	Prepare and review universe of Helix Electric documents in preparation for the upcoming deposition of Mary Jo Allen.	1.6	$ 200.00	$ 200.00	$ -		Not charged to NWP
793	7/6/2017	CSM	Assess, analyze and review various contract amendments of initial contract with Helix.	0.3	$ 82.50	$ 82.50	$ -		Not charged to NWP
794	7/6/2017	CSM	Research issues with commercial frustration theory of defense of contract.	1	$ 275.00	$ 137.50	$ 137.50	$ 19.64	Allocate to 14 subs
795	7/6/2017	CSM	Draft additions to deposition preparation outline for client PMK deposition and prepare for deposition preparation meeting with client.	1.2	$ 330.00	$ 165.00	$ 165.00	$ 23.57	Allocate to 14 subs
796	7/6/2017	CSM	Attend deposition preparation meeting with client reviewing documents and topics that will likely be covered.	2.3	$ 632.50	$ 316.25	$ 316.25	$ 45.18	Allocate to 14 subs
797	7/7/2017	TF	Prepare and review universe of documents in preparation for the upcoming deposition of Mary Jo Allen.	1.3	$ 162.50	$ 81.25	$ 81.25	$ 11.61	Allocate to 14 subs
798	7/7/2017	CSM	Telephone call with client regarding upcoming PMK deposition.	0.5	$ 137.50	$ 68.75	$ 68.75	$ 9.82	Allocate to 14 subs
799	7/7/2017	CSM	Draft detailed email to client regarding deposition topics and questions.	0.5	$ 137.50	$ 68.75	$ 68.75	$ 9.82	Allocate to 14 subs
800	7/7/2017	CSM	Draft monthly status letter to client.	0.3	$ 82.50	$ 41.25	$ 41.25	$ 5.89	Allocate to 14 subs
801	7/10/2017	JCJ	Review of analogous ways to excuse performance besides force majeure and status client on same.	1.2	$ 360.00	$ 180.00	$ 180.00	$ 25.71	Allocate to 14 subs
802	7/10/2017	JCJ	Communicate with various sub counsel on MTD NRS 108 and related.	0.3	$ 90.00	$ 45.00	$ 45.00	$ 6.43	Allocate to 14 subs
803	7/10/2017	TF	Assess, analyze and review discovery responses from Helix Electric and prepare universe of documents in preparation for upcoming depositions.	0.8	$ 100.00	$ 100.00	$ -		Not charged to NWP
804	7/10/2017	TF	Conference call with Holo regarding universe of documents in preparation for upcoming depositions.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 subs
805	7/10/2017	CSM	Assess, analyze and review discovery responses from Helix Electric, assess, analyze and review specific documents from Martin Harris, and direct paralegal to prepare universe of documents in preparation for upcoming depositions.	0.7	$ 192.50	$ 192.50	$ -		Not charged to NWP
806	7/10/2017	CSM	Discuss with Holo regarding documents required to depositions and preparation for same.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 5.50	APCO served 10 depo notices; should be allocated to 10 subs
807	7/11/2017	JCJ	Communicate with adverse counsel on motion regarding NRS 108 and related.	0.2	$ 60.00	$ 30.00	$ 30.00	$ 4.29	Allocate to 14 subs
808	7/11/2017	TF	Assess, analyze and review universe of discovery responses from Helix Electric and Zitting Brothers.	0.4	$ 50.00	$ 25.00	$ -		Not charged to NWP
809	7/11/2017	TF	Prepare and review universe of Nevada Wood documents in preparation for the upcoming deposition of Mary Jo Allen.	0.8	$ 100.00	$ -	$ 100.00	$ 100.00	NWP
810	7/11/2017	CSM	Communicate with opposing counsel regarding briefing schedule on NRS 108 motion.	0.3	$ 82.50	$ 41.25	$ 41.25	$ 5.89	Allocate to 14 subs
811	7/11/2017	CSM	Assess, analyze and review various documents from Helix, National Wood, Interstate, and Zitting, and documents provided from client with accounting calculations in preparation of client's deposition and the deposition of Helix's PMK, and draft additions.	2	$ 550.00	$ 123.50	$ 123.50	$ 123.50	Allocate to specified subs
812	7/12/2017	TF	Assess, analyze and review various documents for the preparation of the deposition of Mary Jo Allen.	0.8	$ 100.00	$ 50.00	$ 50.00	$ 7.14	Allocate to 14 subs
813	7/12/2017	CSM	Assess analyze and review various documents for Helix, Interstate, and Zitting in anticipation of upcoming depositions.	1.3	$ 357.50	$ 119.17	$ -		Not charged to NWP

APCO'S ATTORNEYS' FEES (MARQUIS AUERBACH)

814	7/12/2017	CSM	Continue to assess, analyze and review various documents from Helix, National Wood, Interstate, and Zitting in preparation for client's deposition and the deposition of Helix's PMK; and draft additions to deposition outline.	2.4	$ 660.00	$ 165.00	$ 165.00	$ 165.00		Allocate to specified subs
815	7/13/2017	JCJ	Prepare and organize for practice depo of PMKs and practice depo of PMKs.	5.5	$ 1,650.00	$ 825.00	$ 825.00	$ 117.86		Allocate to 14 subs
816	7/13/2017	TF	Assess, analyze and review disclosed pay application provided by Helix Electric.	0.6	$ 75.00	$ 75.00	$ -			Not charged to NWP
817	7/13/2017	TF	Assess analyze and review disclosed pay applications of APCO Construction.	0.8	$ 100.00	$ 50.00	$ 50.00	$ 7.14		Allocate to 14 subs
818	7/13/2017	TF	Assess analyze and review universe of mechanic liens filed by APCO Construction and Helix Electric.	0.9	$ 112.50	$ 112.50	$ -			Not charged to NWP
819	7/13/2017	JCJ	Communicate with Helix re depositions, documents and related.	0.1	$ 30.00	$ 30.00	$ -			Not charged to NWP
820	7/13/2017	CSM	Participate in practice deposition of client's PMK.	2	$ 550.00	$ 275.00	$ 275.00	$ 39.29		Allocate to 14 subs
821	7/13/2017	CSM	Review all notices of deposition for parties who have noticed Apco's PMK deposition for scope and to provide information to client regarding potential parties to prepare for who will appear at deposition of Apco's PMK.	0.5	$ 137.50	$ 68.75	$ 68.75	$ 9.82		Allocate to 14 subs
822	7/14/2017	TF	Meeting with Joe Pelan and Lisa Lynn regarding universe of subcontractor documents and preparation for upcoming depositions.	0.8	$ 100.00	$ 50.00	$ 50.00	$ 7.14		Allocate to 14 subs
823	7/14/2017	TF	Continue to prepare and review universe of disclosed APCO documents in preparation for the upcoming deposition of Mary Jo Allen.	0.9	$ 112.50	$ 56.25	$ 56.25	$ 8.04		Allocate to 14 subs
824	7/14/2017	TF	Format and prepare electronic files for review by Joe Pelan and Lisa Lynn.	0.6	$ 75.00	$ 37.50	$ 37.50	$ 5.36		Allocate to 14 subs
825	7/14/2017	TF	Draft and prepare email to Joe Pelan and Lisa Lynn re universe of documents for review in preparation for upcoming depositions.	0.1	$ 12.50	$ 6.25	$ 6.25	$ 0.89		Allocate to 14 subs
826	7/14/2017	CSM	Analysis and strategy regarding hearing on APCO's motion regarding NRS 108.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 3.93		Allocate to 14 subs
827	7/14/2017	CSM	Meet with client, and review various disclosures from remaining subcontractors, and direct paralegal to compile same and provide entire universe to client.	1.5	$ 412.50	$ 206.25	$ 206.25	$ 29.46		Allocate to 14 subs
828	7/15/2017	JCJ	Receipt and review follow up from adverse counsel re court's response.	0.2	$ 60.00	$ 30.00	$ 30.00	$ 4.29		Allocate to 14 subs
829	7/17/2017	TF	Update and prepare litigation matrix in preparation for upcoming depositions.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57		Allocate to 14 subs
830	7/17/2017	TF	Conference call with Joe Pelan regarding preparation for upcoming deposition.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79		Allocate to 14 subs
831	7/17/2017	TF	Prepare and review universe of Helix documents in preparation for upcoming deposition of Helix's person most knowledgeable.	0.9	$ 112.50	$ 112.50	$ -			Not charged to NWP
832	7/17/2017	CSM	Assess, analyze and review various documents provided from client; conduct final preparations for client's PMK deposition and begin preparing for deposition of Helix's PMK.	2.5	$ 687.50	$ 687.50	$ -			Not charged to NWP
833	7/17/2017	CSM	Telephone call with multiple counsel regarding client's schedule for PMK deposition.	0.3	$ 82.50	$ 41.25	$ 41.25	$ 5.89		Allocate to 14 subs
834	7/18/2017	TF	Continue to prepare and review universe of documents in preparation for the deposition of Helix Electric's PMK.	0.8	$ 100.00	$ 100.00	$ -			Not charged to NWP
835	7/18/2017	TF	Draft and prepare index regarding universe of documents to be referenced at the deposition of Helix Electric's PMK.	0.3	$ 37.50	$ 37.50	$ -			Not charged to NWP
836	7/18/2017	TF	Assess, analyze and review pay applications and executed releases regarding Helix Electric.	0.3	$ 37.50	$ 37.50	$ -			Not charged to NWP
837	7/18/2017	TF	Assess, analyze and review universe of Helix documents disclosed to date.	0.5	$ 62.50	$ 62.50	$ -			Not charged to NWP
838	7/18/2017	TF	Continue to prepare and review documents for the deposition of Mary Jo Allen.	0.5	$ 62.50	$ 31.25	$ 31.25	$ 4.46		
839	7/18/2017	TF	Assess, analyze and review exhibits referenced in the deposition of Mary Jo Allen as requested by Eric Zimbelman, Esq.	0.8	$ 100.00	$ 100.00	$ -			Not charged to NWP
840	7/18/2017	TF	Draft and prepare email to Eric Zimbelman, Esq regarding exhibit break down referenced in the deposition of Mary Jo Allen.	0.2	$ 25.00	$ 25.00	$ -			Not charged to NWP
841	7/18/2017	CSM	Prepare for and participate in deposition of client's PMK Mary Jo.	5.5	$ 1,512.50	$ 756.25	$ 756.25	$ 108.04		Allocate to 14 subs
842	7/18/2017	CSM	Review exhibits attached to client's PMK deposition on day one for further preparation and use to develop strategy against opposing parties.	0.8	$ 220.00	$ 110.00	$ 110.00	$ 15.71		Allocate to 14 subs
843	7/18/2017	CSM	Communicate with counsel for Helix regarding documents that support Mary Jo's calculations and direct paralegal to provide bates numbers to counsel for same.	0.3	$ 82.50	$ 82.50	$ -			Not charged to NWP
844	7/19/2017	TF	Prepare and review universe of documents to be used at the deposition of Helix Electric's 30(b)(6) witness.	2.4	$ 300.00	$ 300.00	$ -			Not charged to NWP
845	7/19/2017	TF	Conference call with Mary Jo Allen regarding worksheets provided for discovery disclosure.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79		Allocate to 14 subs
846	7/19/2017	TF	Assess, analyze and review Helix Electric's discovery responses in preparation for upcoming deposition of Helix Electric's 30(b)(6) witness.	0.6	$ 75.00	$ 75.00	$ -			Not charged to NWP
847	7/19/2017	TF	Meeting with CSM to discuss preparation for the deposition of Helix Electric's 30(b)(6) witness.	0.7	$ 87.50	$ 87.50	$ -			Not charged to NWP
848	7/19/2017	TF	Continue to assess, analyze and review universe of documents disclosed by Helix Electric in preparation for the deposition of their 30(b)(6) witness.	0.8	$ 100.00	$ 100.00	$ -			Not charged to NWP
849	7/19/2017	TF	Finalize and prepare deposition exhibits for Helix Electric's 30(b)(6) witness.	0.8	$ 100.00	$ 100.00	$ -			Not charged to NWP
850	7/19/2017	CSM	Prepare for and participate in deposition of client's PMK Mary Jo.	5.5	$ 1,512.50	$ 756.00	$ 756.00	$ 108.04		Allocate to 14 subs
851	7/19/2017	CSM	Conduct deposition preparation by review of various documents; conduct calculations, and prepare exhibits for the deposition of Helix's PMK.	3.8	$ 1,045.00	$ 1,045.00	$ -			Not charged to NWP
852	7/20/2017	TF	Continue to prepare and review universe of documents to be used during the deposition of Helix Electric's 30(b)(6) witness.	0.6	$ 75.00	$ 75.00	$ -			Not charged to NWP

APCO'S ATTORNEYS' FEES (MARQUIS AUERBACH)

853	7/20/2017	CSM	Conduct final deposition preparation of document review and exhibit preparation; and conduct the deposition of Helix's PMK.	5	$ 1,375.00	$ 1,375.00	$ -		Not charged to NWP
854	7/21/2017	TF	Assess, analyze and review Supreme Court filings for references to retention.	0.5	$ 75.00	$ 37.50	$ 37.50	$ 5.36	Allocate to 14 subs
855	7/24/2017	[redacted]							Deduct-APCO unsuccessful
856	7/24/2017	[redacted]							Deduct-APCO unsuccessful
857	7/24/2017	CSM	Research issues and case law surround retention agreement and handling of same when projects are shut down.	1	$ 275.00	$ 137.50	$ 137.50	$ 19.64	Allocate to 14 subs
858	7/24/2017	CSM	Conduct additional research of appeal documents with regard to any mention of retention issues.	0.5	$ 137.50	$ 68.75	$ 68.75	$ 9.82	Allocate to 14 subs
859	7/25/2017	CSM	Assess, analyze and review note from Mary Jo; and direct assistant to prepare for production.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 3.93	Allocate to 14 subs
860	7/25/2017	CSM	Email and telephone exchange regarding Apco's motion for summary judgment on NRS 108 and application of same to Cabintec.	0.3	$ 82.50	$ -	$ 82.50	$ 82.50	NWP
861	7/26/2017	TF	Assess, analyze and review Supreme Court filings and review for references to retention.	0.6	$ 100.00	$ 50.00	$ 50.00	$ 7.14	Allocate to 14 subs
862	7/26/2017	CSM	Email and telephone exchange regarding Apco's motion for summary judgment on NRS 108, and application of same to Cabinetec, and confirm Cabinetec is not asserting any further NRS claims against Apco.	0.4	$ 110.00	$ -	$ 110.00		NWP
863	7/26/2017	CSM	Assess, analyze and review minute order from court on hearing on NRS 108 motion briefing schedule.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 3.93	Allocate to 14 subs
864	7/26/2017	CSM	Analysis and strategy regarding Helix's opposition to motion for summary judgment on NRS 108.	0.3	$ 82.50	$ 82.50			Not charged to NWP
865	7/27/2017	JCJ	Receipt and review Helix's opposition to MTD NRS 108 claims Zitting's opposition to MTD NRS 108 claims and Interstate joinder to all opposition and start draft of reply in support of MTD.	2.5	$ 750.00	$ 750.00	$ -		Not charged to NWP
866	7/27/2027	JCJ	Evaluate with staff recent events impact on case, formulate things to do and related concerns.	0.3	$ 90.00	$ 45.00	$ 45.00	$ 6.43	Allocate to 14 subs
867	7/27/2017	CSM	Assess, analyze and review joinder to opposition to NRS 108 motions.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 3.93	Allocate to 14 subs
868	7/28/2017	JCJ	Confirmed with court no need for upcoming SCR hearing.	0.1	$ 30.00	$ 15.00	$ 15.00	$ 2.14	Allocate to 14 subs
869	7/28/2017	JCJ	Review various case law and legislative history cited by adverse parties in opposition to MTD NRS 108 and continue draft of reply in support of MTD NRS 108.	1.8	$ 540.00	$ 270.00	$ 270.00	$ 38.57	Allocate to 14 subs
870	7/31/2017	TF	Assess, analyze and review universe of documents disclosed to date.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 subs
871	7/31/2017	TF	Assess, analyze and review deposition transcript of Brian Benson.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 subs
872	7/31/2017	TF	Conference call with Esquire Solutions regarding pending deposition transcripts.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79	Allocate to 14 subs
873	8/1/2017	TF	Create and review witness file for Brian Benson.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 subs
874	8/1/2017	TF	Create and review witness me for David Parry.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 subs
875	8/1/2017	TF	Assess, analyze and review Helix Electric's universe of filed liens.	0.4	$ 50.00	$ 50.00	$ -		Not charged to NWP
876	8/1/2017	[redacted]							Deduct-APCO unsuccessful
877	8/1/2017	CSM	Communicate with Esquire regarding exhibits and the deposition of Mary Jo; assess, analyze and review email correspondence from same; and direct paralegal to prepare file.	0.4	$ 110.00	$ 55.00	$ 55.00	$ 7.86	Allocate to 14 subs
878	8/1/2017	CSM	Follow up with Esquire regarding depositions and exhibits for Brian Benson; and direct paralegal to save and prepare file.	0.3	$ 82.50	$ 41.25	$ 41.25	$ 5.89	Allocate to 14 subs
879	8/2/2017	[redacted]							Deduct-APCO unsuccessful
880	8/2/2017	CSM	Assess, analyze and review documents received from client and prepare 10th supplemental disclosure.	0.4	$ 110.00	$ 55.00	$ 55.00	$ 7.86	Allocate to 14 subs
881	8/2/2017	CSM	Assess, analyze and review motion for partial summary judgment from Helix and the Peel Brimley claimants regarding paid if paid defense.	0.7	$ 192.50	$ 96.25	$ 96.25		Not charged to NWP
882	8/3/2017	JCJ	Review with staff things to do on MSJ to knock out pay if paid pay when paid clause, review case law, legislative intent on why such clauses are knocked out and formulate possible position to enforce here despite existing case law and present facts relati	1.7	$ 510.00	$ 255.00	$ 255.00	$ 36.43	Allocate to 14 subs
883	8/3/2017	[redacted]							Deduct-APCO unsuccessful
884	8/3/2018	[redacted]							Deduct-APCO unsuccessful
885	8/3/2017	JCJ	Conference call with Helix and other subs on APCO MSJ, Helix and subs MSJ, Camco positions, pre-trial and related.	0.3	$ 90.00	$ 90.00	$ -		Not charged to NWP
886	8/3/2017	CSM	Communicate with client regarding Helix's motion for partial summary judgment.	0.4	$ 110.00	$ 110.00	$ -		Not charged to NWP
887	8/3/2017	CSM	Communicate with opposing counsel regarding stipulation to move all hearings on the same day.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 3.93	Allocate to 14 subs
888	8/3/2017	CSM	Analysis and strategy regarding trial stack and trial preparation deadlines.	0.3	$ 82.50	$ 41.25	$ 41.25	$ 5.89	Allocate to 14 subs
889	8/4/2017	TF	Assess, analyze and review status of remaining subcontractors and prepare for upcoming trial.	0.6	$ 100.00	$ 50.00	$ 50.00	$ 7.14	Allocate to 14 subs
890	8/4/2017	TF	Assess, analyze and review contract language in Helix Electric's subcontract agreement with APCO.	0.4	$ 50.00	$ 50.00	$ -		Not charged to NWP

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APCO'S ATTORNEYS' FEES (MARQUIS AUERBACH)

891	8/4/2017	CSM	Draft weekly status correspondence to client providing recent pleadings.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 3.93	Allocate to 14 subs
892	8/4/2017	CSM	Conduct case law research and analysis regarding specific issues of retention when project cease due to no fault of the general contractor.	1.5	$ 412.50	$ 206.25	$ 206.25	$ 29.46	Allocate to 14 subs
893	8/4/2017	CSM	Outline counter arguments to Helix's motion for partial summary judgment.	1	$ 275.00	$ 275.00	$ -		Not charged to NWP
894	8/7/2017	CSM	Conduct additional research and case analysis regarding retention issues.	0.7	$ 192.50	$ 96.25	$ 96.25	$ 13.75	Allocate to 14 subs
895	8/8/2017	MDM	Legal research in support of mechanic's lien pay when pay/pay for pay; in support of argument that each case is judged on the facts and circumstances specific to that case.	2.4	$ 540.00	$ 270.00	$ 270.00	$ 38.57	Allocate to 14 subs
896	8/8/2017	JBL	Begin researching retention issue.	0.3	$ 67.50	$ 33.75	$ 33.75	$ 4.82	Allocate to 14 subs
897	8/8/2017	JCJ	Communicate with Camco and Helix on calendar call and upcoming motions.	0.3	$ 90.00	$ 90.00	$ -		Not charged to NWP
898	8/8/2017	TF	Assess, analyze and review county records regarding inspection reports.	0.7	$ 87.50	$ 43.75	$ 43.75	$ 6.25	Allocate to 14 subs
899	8/8/2017	TF	Assess, analyze and review universe of disclosed documents for county records.	0.7	$ 87.50	$ 43.75	$ 43.75	$ 6.25	Allocate to 14 subs
900	8/8/2017	CSM	Assess, analyze and review detailed correspondence from client regarding retention issue.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 3.93	Allocate to 14 subs
901	8/8/2017	CSM	Begin drafting introduction section of APCO's opposition to Helix's motion for partial summary judgment.	1.7	$ 467.50	$ 467.50	$ -		Not charged to NWP
902	8/9/2017	JCJ	Review with staff calendar call and trial related things to do and possible bifurcation of subs;	0.3	$ 90.00	$ 45.00	$ 45.00	$ 6.43	Allocate to 14 subs
903	8/9/2017	JCJ	Meet and strategize with client re case in context of upcoming calendar call and trial date.	1	$ 300.00	$ 150.00	$ 150.00	$ 21.43	Allocate to 14 subs
904	8/9/2017	JCJ	Meet and strategize with client on case in context of upcoming calendar call and trial date;	1	$ 300.00	$ 150.00	$ 150.00	$ 21.43	Allocate to 14 subs
905	8/9/2017	CSM	Prepare for and participate in meeting with client to discuss issues and strategy moving forward.	1	$ 275.00	$ 137.50	$ 137.50	$ 19.64	Allocate to 14 subs
906	8/9/2017	CSM	Prepare for and participate in meeting with client to discuss issues and strategy moving forward.	1	$ 275.00	$ 137.50	$ 137.50	$ 19.64	Allocate to 14 subs
907	8/9/2017	CSM	Follow up with court regarding order of case on trial stack.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 3.93	Allocate to 14 subs
908	8/9/2017	CSM	Assess, analyze and review motion to associate counsel for Richard Tobler.	0.1	$ 27.50	$ -	$ 27.50	$ 27.50	NWP
909	8/9/2017	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
910	8/9/2017	CSM	Draft monthly status letter/matrix to client.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 3.93	Allocate to 14 subs
911	8/9/2017	CSM	Review various documents and draft APCO's controverted fact section of APCO's opposition to Helix's motion for partial summary judgment.	2	$ 550.00	$ 550.00	$ -		Not charged to NWP
912	8/10/2017	JCJ	Prepare and organize for hearing on MTD/MSJ NRS 108 claims, appear in court re same; prep and post hearing discussions with counsel for subs and CAMCO, status client re events of hearing and related issues; communicate with Helix and Camco re pretrial fil	4	$ 1,200.00	$ 1,200.00	$ -		Not charged to NWP
913	8/10/2017	JCJ	Formulate with staff ways to now argue for pay if paid and pay when paid defense or at least get into evidence on client's state of mind as defense against breach of contract, unjust enrichment and breach of good faith claims and documents potentially nee	2.3	$ 690.00	$ 345.00	$ 345.00	$ 49.29	Allocate to 14 subs
914	8/10/2017	CSM	Assess, analyze and review APCO's pretrial disclosures, and strategize regarding same.	0.5	$ 137.50	$ 68.75	$ 68.75	$ 9.82	Allocate to 14 subs
915	8/10/2017	CSM	Analysis and strategy regarding outcome of NRS 108 hearing; and strategize how to work in judges comments to opposition to Helix's and Zitting's motions for summary judgments.	0.5	$ 137.50	$ 68.75	$ -		Not charged to NWP
916	8/10/2017	CSM	Analysis and strategy regarding continuing trial and pushing for settlement conference with Helix and Zitting.	0.3	$ 82.50	$ 41.25	$ -		Not charged to NWP
917	8/11/2017	JCJ	Follow up with Helix and communicate with Zitting re mediation with [redacted] and with Interstate on face to face meeting with [redacted]; communicate with CAMCO re getting trial kicked.	0.7	$ 210.00	$ 70.00	$ 70.00	$ 15.00	Allocate to 14 subs
918	8/11/2017	CSM	Assess, analyze and review Helix Electric of Nevada, LLC's pre-trial disclosure.	0.2	$ 55.00	$ 55.00	$ -		Not charged to NWP
919	8/11/2017	CSM	Assess, analyze and review various other multiple contractors pretrial disclosure for determination of parties that are asserting claims verse parties who have been actively litigating cases to further advise client on direction determined at client meeting.	0.6	$ 165.00	$ 82.50	$ 82.50	$ 11.79	Allocate to 14 subs
920	8/13/2017	JBL	Conduct legal research on retainage issue (owner to prime contractor).	1.7	$ 382.50	$ 191.25	$ 191.25	$ 27.32	Allocate to 14 subs
921	8/14/2017	JCJ	Communicate with Helix re mediation and status client.	0.2	$ 60.00	$ 60.00	$ -		Not charged to NWP
922	8/14/2017	JBL	Conduct legal research on retainage issue (prime to sub when owner never paid prime).	2.2	$ 495.00	$ 247.50	$ 247.50	$ 35.36	Allocate to 14 subs
923	8/14/2017	CSM	Analysis and strategy regarding mediation with Helix and Zitting.	0.2	$ 55.00	$ 27.50	$ -		Not charged to NWP
924	8/14/2017	CSM	Telephone call with client regarding case status and oppositions to pending motions for summary judgment.	0.4	$ 110.00	$ 55.00	$ 55.00	$ 7.86	Allocate to 14 subs
925	8/14/2017	CSM	Assess, analyze and review various case law and draft advisory opinion section of APCO's opposition to Helix's motion for partial summary judgment.	1.2	$ 330.00	$ 330.00	$ -		Not charged to NWP

APCO'S ATTORNEYS' FEES (MARQUIS AUERBACH)

926	8/15/2018	JCJ	Communicate with Helix and Zitting re upcoming schedules in context of possible mediation and related issues; status client.	0.3	$ 90.00	$ 45.00	$ -			Not charged to NWP
927	8/15/2018	JBL	Legal research on advisory opinions.	0.5	$ 112.50	$ 56.25	$ 56.25	$ 8.04		Allocate to 14 subs
928	8/15/2018	TF	Assess, analyze and review universe of pre-trial disclosures.	0.6	$ 75.00	$ 37.50	$ 37.50	$ 5.36		Allocate to 14 subs
929	8/15/2018	CSM	Assess, analyze and review correspondence from client regarding settlement conference with Zitting and Helix; and strategize regarding response to counsel for Helix and Zitting regarding same.	0.2	$ 55.00	$ 27.50	$ -			Not charged to NWP
930	8/15/2018	CSM	Conduct case law research and draft lack of evidence and unauthenticated document section of APCO's opposition to Helix's motion for partial summary judgment.	1.8	$ 495.00	$ 495.00	$ -			Not charged to NWP
931	8/15/2018	CSM	Draft pay if paid case law and analysis section of APCO's opposition to Helix's motion for partial summary judgment.	1.7	$ 467.50	$ 467.50	$ -			Not charged to NWP
932	8/16/2017	JCJ	Status client re recent events and things to do.	0.3	$ 90.00	$ 45.00	$ 45.00	$ 6.43		Allocate to 14 subs
933	8/16/2017	JCJ	Communicate with court re settlement conference, review with staff things to do and priority of same.	0.2	$ 60.00	$ 30.00	$ 30.00	$ 4.29		Allocate to 14 subs
934	8/16/2017	CSM	Assess, analyze and review status of settlement conference and contacting court to inform court that APCO, Helix and Zitting have agreed to a settlement conference.	0.2	$ 55.00	$ 27.50	$ -			Not charged to NWP
935	8/16/2017	CSM	Assess, analyze and review various cases and documents, telephone call with client; assess, analyze, review and draft supplements to APCO's opposition to Helix's motion for partial summary judgment, and provide draft of opposition to client for review.	1.7	$ 467.50	$ 467.50	$ -			Not charged to NWP
936	8/16/2017	CSM	Telephone call with counsel for Camco regarding oppositions to Helix's motion for partial summary judgment.	0.4	$ 110.00	$ 110.00	$ -			Not charged to NWP
937	8/17/2017	JCJ	Receipt and review from settlement program dates and times of [redacted] for settlement.	0.1	$ 30.00	$ 15.00	$ 15.00	$ 2.14		Allocate to 14 subs
938	8/17/2017	JCJ	Communicate with Helix and Zitting re [redacted] settlement time.	0.3	$ 90.00	$ 45.00	$ -			Not charged to NWP
939	8/17/2017	JCJ	Status client re settlement and related issues.	0.1	$ 30.00	$ 15.00	$ 10.00	$ 2.14		Allocate to 14 subs
940	8/17/2017	JCJ	Communicate with court re September date for settlement conference on Helix and Zitting.	0.2	$ 60.00	$ 30.00	$ -			Not charged to NWP
941	8/17/2017	JCJ	Receipt and review proposed order denying lien MSJ and status client.	0.1	$ 30.00	$ 15.00	$ 15.00	$ 2.14		Allocate to 14 subs
942	8/17/2017	CSM	Assess, analyze and review Camco's opposition to lien claimants' motion for partial summary judgment.	0.4	$ 110.00	$ 55.00	$ 55.00	$ 7.86		Allocate to 14 subs
943	8/17/2017	CSM	Telephone call with client regarding photographs of project that evidence lack of completion of sheetrock scope of work.	0.3	$ 82.50	$ 41.25	$ 41.25	$ 5.89		Allocate to 14 subs
944	8/21/2017	JCJ	Confirm client's approval of proposed order denying MSJ re NRS 108; communicate with Helix's counsel re same and September 21st date.	0.3	$ 90.00	$ 90.00	$ -			Not charged to NWP
945	8/21/2017	JCJ	Communicate with court re Helix and Zitting confirming settlement conference with APCO and things to do.	0.4	$ 120.00	$ 60.00	$ -			Not charged to NWP
946	8/21/2017	JCJ	Status client re settlement set up and related concerns.	0.1	$ 30.00	$ 15.00	$ 15.00	$ 2.14		Allocate to 14 subs
947	8/21/2017	TF	Assess, analyze and review universe of documents disclosed by Camco and compile pay applications.	0.6	$ 75.00	$ 37.50	$ 37.50	$ 5.36		Allocate to 14 subs
948	8/21/2017	TF	Email exchange with Litigation Services regarding Camco documents in depository.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79		Allocate to 14 subs
949	8/21/2017	JCJ	Communicate with Helix re order by settlement court on settlement conference.	0.3	$ 90.00	$ 45.00	$ 45.00	$ 6.43		Allocate to 14 subs
950	8/21/2017	JCJ	Communicate with Camco re [redacted]	0.2	$ 60.00	$ 30.00	$ 30.00	$ 4.29		Allocate to 14 subs
951	8/21/2017	[redacted]								Deduct-APCO unsuccessful
952	8/21/2017	CSM	Assess, analyze and review notice of settlement conference from court; and strategize handling other counsel and parties that are not participating in settlement conference.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 3.93		Allocate to 14 subs
953	8/21/2017	CSM	Draft supplements to APCO's opposition to Helix's motion for partial summary judgment, finalize, and direct filing of same.	1.5	$ 412.50	$ 412.50	$ -			Not charged to NWP
954	8/22/2017	JCJ	Communicate with Camco and confirm their joint effort [redacted]	0.1	$ 30.00	$ 15.00	$ 15.00	$ 2.14		Allocate to 14 subs
955	8/22/2017	[redacted]								Deduct-APCO unsuccessful
956	8/22/2017	TF	Conference call with Helo Discovery regarding demonstrative exhibits.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68		Allocate to 14 subs
957	8/22/2017	TF	Assess, analyze and review additional universe of documents provided by client for disclosures.	0.6	$ 75.00	$ 37.50	$ 37.50	$ 5.36		Allocate to 14 subs
958	8/22/2017	[redacted]								Deduct-APCO unsuccessful
959	8/23/2017	TF	Conference call with Helo Discovery regarding demonstrative exhibits.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79		Allocate to 14 subs
960	8/23/2017	CSM	Analysis and strategy regarding strategy posed at client meeting; settlement conference, and arguments to continue trial over-participating sub-contractors objections.	0.3	$ 82.50	$ 41.25	$ 41.25	$ 5.89		Allocate to 14 subs
961	8/23/2017	CSM	Analysis and strategy regarding limited settlement briefs for Zitting and Helix; and trying to make offers prior to settlement conference to get the ball rolling.	0.3	$ 82.50	$ 41.25	$ -			Not charged to NWP

APCO'S ATTORNEYS' FEES (MARQUIS AUERBACH)

962	8/24/2017	JCJ	Prepare and organize for meeting with client; meet with client re options at this time and related.	1	$ 300.00	$ 150.00	$ 150.00	$ 21.43	Allocate to 14 subs
963	8/24/2017	JCJ	Communicate with Helix's counsel re settlement conference.	0.2	$ 60.00	$ 60.00	$ -		Not charged to NWP
964	8/24/2017	TF	Assess, analyze and review procedural history for pleadings filed by Helix Electric regarding complaint in intervention.	0.6	$ 75.00	$ 75.00	$ -		Not charged to NWP
965	8/25/2017	JCJ	Review with staff things to do on license related and matrix/list of lien claimants in the APCO matter.	0.4	$ 120.00	$ 60.00	$ 60.00	$ 8.57	Allocate to 14 subs
966	8/25/2017	TF	Format and prepare universe of requested documents for review by [redacted].	0.5	$ 62.50	$ 31.25	$ 31.25	$ 4.46	Allocate to 14 subs
967	8/25/2017	JCJ	Communicate with National Wood/Cabinetec regarding first round of settlement is only Helix and Zitting.	0.1	$ 30.00	$ -	$ 30.00	$ 30.00	NWP
968	8/25/2017	CSM	Telephone call with counsel for National Wood regarding mid-date settlement conference with Helix and Zitting and pretrial disclosures and meet and confer discussions between the parties; assess, analyze and review confirming email from counsel for National Wood.	0.5	$ 220.00	$ -	$ 73.33	$ 73.33	Allocate to specified subs
969	8/25/2017	CSM	Draft status email to client.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 3.93	Allocate to 14 subs
970	8/25/2017	CSM	Analysis and strategy regarding index of parties, index of consolidated cases and litigation matrix to be provided to potential [redacted] for client's consideration.	0.3	$ 82.50	$ 41.25	$ 41.25	$ 5.89	Allocate to 14 subs
971	8/28/2017	JCJ	Communicate with Helix re their initial settlement position.	0.2	$ 60.00	$ 60.00	$ -		Not charged to NWP
972	8/28/2017	JCJ	Communicate with Camco re other subs in context of Helix and Zitting in agreement to kick out calendar call and trial.	0.1	$ 30.00	$ 15.00	$ -		Not charged to NWP
973	8/28/2017	JCJ	Communicate with client's other counsel and with staff re next steps given current sub posture.	0.3	$ 90.00	$ 45.00	$ 45.00	$ 6.43	Allocate to 14 subs
974	8/29/2017	JCJ	Communicate with client re settlement.	0.1	$ 30.00	$ 15.00	$ 15.00	$ 2.14	Allocate to 14 subs
975	8/29/2017	JCJ	Communicate with Helix, Zitting and Camco re continuing the subs MSJ on pay if paid to after settlement conference.	0.2	$ 60.00	$ 30.00	$ -		Not charged to NWP
976	8/30/2017	CSM	Telephone call with client regarding status of case and pending motions.	0.4	$ 110.00	$ 55.00	$ 55.00	$ 7.86	Allocate to 14 subs
977	8/31/2017	JCJ	Communicate with Helix re settlement related issues.	0.2	$ 60.00	$ 60.00	$ -		Not charged to NWP
978	9/1/2017	CSM	Analysis and strategy regarding Stipulation and Order to Continue September 5, 2017 Hearing on Motions for Partial Summary Judgment.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 3.93	Allocate to 14 subs
979	9/5/2017	JCJ	Communicate with Helix and Camco on subs that need to be dismissed for no Pretrial and SM lien questionnaire.	0.2	$ 60.00	$ 60.00	$ -		Not charged to NWP
980	9/5/2017	JCJ	Prepare and organize for calendar call and presentation to Court to kick out same and September trial date to later October.	0.1	$ 30.00	$ 15.00	$ 15.00	$ 2.14	Allocate to 14 subs
981	9/5/2017	TF	Assess, analyze and review universe of responses to Special Master questionnaires.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 subs
982	9/5/2017	TF	Assess, analyze and review universe of filed pre-trial disclosures.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 subs
983	9/5/2017	TF	Prepare and review universe of documents in preparation for calendar call.	0.7	$ 87.50	$ 43.75	$ 43.75	$ 6.25	Allocate to 14 subs
984	9/5/2017	JCJ	Pre-calendar call meeting with Helix, Zitting and Camco, appearence in court on Calendar call to kick it out, continue trial and knock out non-complying subs, post-calendar call meeting with Helix and Camco on things to do from this point and status client.	1.7	$ 510.00	$ 255.00	$ 255.00	$ 36.43	Allocate to 14 subs
985	9/5/2017	CSM	Assess, analyze and review file for various issues surrounding parties who filed pre-trial disclosures for arguments at calendar call.	0.8	$ 220.00	$ 110.00	$ 110.00	$ 15.71	Allocate to 14 subs
986	9/5/2017	CSM	Conduct pre-calendar call meeting with Helix, Zitting and Camco, participate in calendar call to continue trial and knock out non-complying subs, and meet with Helix and Zitting following calendar call regarding mediation.	1.7	$ 467.50	$ 233.75	$ 233.75	$ 33.39	Allocate to 14 subs
987	9/5/2017	CSM	Telephone call with client regarding calendar call and mediation.	0.4	$ 110.00	$ 55.00	$ 55.00	$ 7.86	Allocate to 14 subs
988	9/5/2017	CSM	Draft monthly status report to client.	0.3	$ 82.50	$ 41.25	$ 41.25	$ 5.89	Allocate to 14 subs
989	9/6/2017	TF	Prepare and review universe of requested documents for review by Joe Pelan.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 subs
990	9/6/2017	JCJ	Follow up with settlement judge clerk on other subcontractors joining in, receipt and review court minute order on which subs are out and still in, next hearing date and interstate's pre-trial disclosure filing.	0.8	$ 240.00	$ 120.00	$ 120.00	$ 17.14	Allocate to 14 subs
991	9/6/2017	JCJ	Continue draft of confidential settlement brief.	0.4	$ 120.00	$ 60.00	$ 60.00	$ 8.57	Allocate to 14 subs
992	9/6/2017	CSM	Assess, analyze and review notice of entry of order on counsel associating in for National Wood.	0.2	$ 55.00	$ -	$ 55.00	$ 55.00	NWP
993	9/6/2017	CSM	Research issues based upon court ruling for past findings from special master and cutting off claims from subcontractors.	0.4	$ 110.00	$ 55.00	$ 55.00	$ 7.86	Allocate to 14 subs
994	9/6/2017	CSM	Telephone call with client regarding court order, parties involved in case, and upcoming mediation.	0.5	$ 137.50	$ 68.75	$ 68.75	$ 9.82	Allocate to 14 subs
995	9/6/2017	CSM	Assess, analyze and review minute order from court.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 3.93	Allocate to 14 subs
996	9/6/2017	CSM	Analysis and strategize regarding moving meditation and participation by other parties.	0.3	$ 82.50	$ 41.25	$ 41.25	$ 5.89	Allocate to 14 subs
997	9/6/2017	CSM	Assess, analyze and review Notice of Entry of Order Shortening Time on Hearing for Motion to Associate Counsel.	0.1	$ 27.50	$ 13.75	$ 13.75	$ 1.96	Allocate to 14 subs
998	9/6/2017	CSM	Draft supplements to litigation matrix for issues and filings by subcontractors based upon court order.	0.5	$ 137.50	$ 68.75	$ 68.75	$ 9.82	Allocate to 14 subs

999	9/7/2017	TF	Email exchange with Lisa Lynn regarding upcoming hearings.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79	Allocate to 14 subs
1000	9/11/2017	JCJ	Appearance in court on oral motion to dismiss for lack of pre-trial disclosures and as to who is heading to settlement conference, post-hearing discussions with various sub counsel on settlement conference and related.	4	$ 1,200.00	$ 85.71	$ 85.71	$ 85.71	Allocate to 14 subs
1001	9/11/2017	TF	Assess, analyze and review universe of pre-trial disclosures filed by all participating parties.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 subs
1002	9/11/2017	TF	Update and review litigation matrix regarding active parties pursuant to notice of settlement conference.	0.6	$ 75.00	$ 37.50	$ 37.50	$ 5.36	Allocate to 14 subs
1003	9/11/2017	TF	Assess, analyze and review universe of documents in preparation for upcoming settlement conference.	0.5	$ 62.50	$ 31.25	$ 31.25	$ 4.46	Allocate to 14 subs
1004	9/11/2017	TF	Conference call with [redacted] counsel regarding universe of filed pleadings for review.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79	Allocate to 14 subs
1005	9/11/2017	TF	Prepare and review universe of requested pleadings for review by [redacted]	0.9	$ 112.50	$ 56.25	$ 56.25	$ 8.04	Allocate to 14 subs
1006	9/11/2017	TF	Draft and prepare email to [redacted] regarding universe of requested pleadings for review.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79	Allocate to 14 subs
1007	9/11/2017	CSM	Assess, analyze and review various emails and issues surrounding additional parties participating in settlement conference and strategize regarding handling same.	0.5	$ 137.50	$ 68.75	$ 68.75	$ 9.82	Allocate to 14 subs
1008	9/11/2017	CSM	Assess, analyze and review various documents requested from [redacted] and direct paralegal to prepare documents and link for [redacted]	0.5	$ 137.50	$ 68.75	$ 68.75	$ 9.82	Allocate to 14 subs
1009	9/12/2017	JCJ	Communicate with counsel for various subs on settlement conference and related, with client other counsel on [redacted] coordinate with Settlement Judge Court clerk on all and communicate with client on all.	2	$ 600.00	$ 300.00	$ 300.00	$ 42.86	Allocate to 14 subs
1010	9/12/2017	TF	Assess, analyze and review universe of disclosed documents in preparation for upcoming settlement conference.	0.6	$ 75.00	$ 37.50	$ 37.50	$ 5.36	Allocate to 14 subs
1011	9/12/2017	TF	Update litigation matrix regarding parties participating in settlement conference.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 subs
1012	9/12/2017	CSM	Analysis and strategy regarding subcontractors attending mediation a moving mediation to Esquire.	0.5	$ 137.50	$ 68.75	$ 68.75	$ 9.82	Allocate to 14 subs
1013	9/13/2017	JCJ	Communicate with counsel for Camco re no calendar call or no new trial date, continued draft of proposed order on dismissing for no pre-trial and letter to all counsel on same, communicate with various subs on their demands but settlement depends on APCO.	1.2	$ 360.00	$ 180.00	$ 180.00	$ 25.71	Allocate to 14 subs
1014	9/13/2017	CSM	Analysis and strategy regarding mediation brief and strategy with various grouping of subcontractors.	0.5	$ 137.50	$ 68.75	$ 68.75	$ 9.82	Allocate to 14 subs
1015	9/14/2017	JCJ	Communicate with interstate and Helix on their demands, with settlement judge clerk on brief and with client on all and [redacted]	0.5	$ 150.00	$ 150.00	$ -		Not charged to NWP
1016	9/14/2017	CSM	Communicate with Esquire regarding transcript issue and originals.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 3.93	Allocate to 14 subs
1017	9/14/2017	CSM	Analysis and strategy regarding mediation brief, settlement authority, and preparation for mediation, and conduct telephone call with client regarding mediation.	0.6	$ 165.00	$ 82.50	$ 82.50	$ 11.79	Allocate to 14 subs
1018	9/15/2017	JCJ	Communicate with various subcontractors on revisions to proposed order for dismissal for no pre-trial and revise and finalize same.	0.3	$ 90.00	$ 45.00	$ 45.00	$ 6.43	Allocate to 14 subs
1019	9/15/2017	JCJ	Draft letter to Judge on proposed order.	0.2	$ 60.00	$ 30.00	$ 30.00	$ 4.29	Allocate to 14 subs
1020	9/15/2017	TF	Meeting to discuss status of litigation and preparation for upcoming settlement conference.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 subs
1021	9/15/2017	JCJ	Communicate with client on status and things to do.	0.1	$ 30.00	$ 15.00	$ 15.00	$ 2.14	Allocate to 14 subs
1022	9/15/2017	CSM	Assess, analyze and review email from [redacted] regarding mediation; and develop strategy regarding same.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 3.93	Allocate to 14 subs
1023	9/15/2017	CSM	Telephone conference with client regarding documents for mediation and strategy for same.	0.5	$ 137.50	$ 68.75	$ 68.75	$ 9.82	Allocate to 14 subs
1024	9/18/2017	JCJ	Respond to Settlement Judge Clerk and draft requested letter to settlement parties.	0.3	$ 90.00	$ 45.00	$ 45.00	$ 6.43	Allocate to 14 subs
1025	9/18/2017	AMH	Review settlement conference brief and strategize best posture at settlement conference.	0.2	$ 60.00	$ 30.00	$ 30.00	$ 4.29	Allocate to 14 subs
1026	9/18/2017	CSM	Assess, analyze and review various pleadings and documents to identify claims of remaining subcontractors for mediation.	1.3	$ 357.50	$ 178.75	$ 178.75	$ 25.54	Allocate to 14 subs
1027	9/18/2017	CSM	Follow up with paralegal regarding depositions and documents for client and and associating counsel.	0.4	$ 110.00	$ 55.00	$ 55.00	$ 7.86	Allocate to 14 subs
1028	9/18/2017	CSM	Research and analysis of surrounding states' (CA, AZ, UT) case law to assist with lien issues and settlement conference.	0.9	$ 247.50	$ 123.75	$ 123.75	$ 17.68	Allocate to 14 subs
1029	9/19/2017	TF	Update and review litigation matrix in preparation for upcoming settlement conference.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 subs
1030	9/19/2017	TF	Compile and review universe of pre-trial disclosures for client review.	0.6	$ 75.00	$ 37.50	$ 37.50	$ 5.36	Allocate to 14 subs
1031	9/19/2017	TF	Assess, analyze, and review universe of documents regarding Buchele, Cerbau, Helix, Interstate, National Wood, NV Prefab, Steel Structures, Unique Subcontractors, and Zitting Brothers in preparation for upcoming settlement conference.	0.9	$ 237.50	$ 26.39	$ 26.39	$ 26.39	Allocated to specified subs

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1032	9/19/2017	JCJ	Strategize with staff on things to do given client instructions on settlement conference and related, review documents of various subs in context of their claims and communicate with Helix on their demand.	0.4	$ 120.00	$ 120.00	$ -			Not charged to NWP
1033	9/19/2017	CSM	Telephone call with client regarding strategy at upcoming mediation.	0.6	$ 165.00	$ 82.50	$ 82.50	$ 11.79		Allocate to 14 subs
1034	9/19/2017	AMH	Conference regarding client position and new strategy at mediation, revise email to client.	0.3	$ 90.00	$ 45.00	$ 45.00	$ 6.43		Allocate to 14 subs
1035	9/19/2017	CSM	Assess, analyze and review all remaining parties' pretrial disclosure for mediation.	0.3	$ 82.50	$ 41.25	$ 41.25	$ 5.89		Allocate to 14 subs
1036	9/19/2017	CSM	Draft detailed strategy correspondence to client regarding mediation.	0.5	$ 137.50	$ 68.75	$ 68.75	$ 9.82		Allocate to 14 subs
1037	9/20/2017	JCJ	Communicate with client on settlement related and with Esquire on parties and related.	0.4	$ 120.00	$ 60.00	$ 60.00	$ 8.57		Allocate to 14 subs
1038	9/20/2017	TF	Prepare and review settlement conference documents for various subcontractors.	0.9	$ 112.50	$ 56.25	$ 56.25	$ 8.04		Allocate to 14 subs
1039	9/20/2017	CSM	Telephone call with [redacted] regarding upcoming mediation.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 3.93		Allocate to 14 subs
1040	9/20/2017	CSM	Analysis and strategy regarding [redacted] assess, analyze and review various documents provided from client and binders for subcontractors anticipated at mediation; and prepare for mediation against subcontractors who have purported claims against APCO.	2.5	$ 687.50	$ 49.11	$ 49.11	$ 49.11		Allocate to 14 subs
1041	9/21/2017	TF	Continue to review universe of documents in preparation for settlement conference.	0.8	$ 100.00	$ 50.00	$ 50.00	$ 7.14		Allocate to 14 subs
1042	9/21/2017	JCJ	Attend settlement conference; post-conference discussions with various subs, coordinate with [redacted] and status client on same and things to do, and further communications with client and [redacted] on all.	5.3	$ 1,590.00	$ 795.00	$ 795.00	$ 113.57		Allocate to 14 subs
1043	9/21/2017	CSM	Conduct final preparations for and attend mediation with client and subcontractors.	4	$ 1,100.00	$ 550.00	$ 550.00	$ 78.57		Allocate to 14 subs
1044	9/21/2017	CSM	Assess, analyze and review order on Pro Hac Vice Applicant John B. Taylor's Notice of Compliance with SCR 42.	0.1	$ 27.50	$ -	$ 27.50			Not charged to NWP
1045	9/21/2017	CSM	Review [redacted] provided from bankruptcy attorney regarding claims estimation and claims rejection.	0.4	$ 110.00	$ 55.00	$ 55.00	$ 7.86		Allocate to 14 subs
1046	9/21/2017	CSM	Assess, analyze and review detailed correspondence from [redacted] regarding documents and pleadings needed to be included with bankruptcy file to dispute value of claims and set up the bankruptcy filing for APCO.	0.5	$ 137.50	$ 68.75	$ 68.75	$ 9.82		Allocate to 14 subs
1047	9/22/2017	TF	Assess, analyze and review litigation matrix and update active parties pursuant to pre-trial responses	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68		Allocate to 14 subs
1048	9/22/2017	JCJ	Communicate with client on status, things to do and related; review with staff on things to do given directional change in client decision and trial; and communicate with office of counsel for National Wood and Interstate on related.	1	$ 300.00	$ -	$ 300.00	$ 21.43		Allocate to 14 subs
1049	9/22/2017	AMH	Conference regarding trial preparation, settlement with various subcontractors, association of counsel, strategy for efficient preparation of case for trial, etc.	0.5	$ 150.00	$ 75.00	$ 75.00	$ 10.71		Allocate to 14 subs
1050	9/22/2017	CSM	Telephone call with client (Lisa) regarding various documents and moving forward with associated counsel.	0.3	$ 82.50	$ 41.25	$ 41.25	$ 5.89		Allocate to 14 subs
1051	9/22/2017	CSM	Analysis and strategy regarding taking the case to trial.	0.5	$ 137.50	$ 68.75	$ 68.75	$ 9.82		Allocate to 14 subs
1052	9/23/2017	JCJ	Analyze case posture and review various documents in context of trial related and defense.	1	$ 300.00	$ 150.00	$ 150.00	$ 21.43		Allocate to 14 subs
1053	9/25/2017	TF	Draft and prepare index regarding remaining claims by various subcontractors.	0.6	$ 75.00	$ 37.50	$ 37.50	$ 5.36		Allocate to 14 subs
1054	9/25/2017	TF	Email exchange with Lisa Lynn regarding discovery for review.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79		Allocate to 14 subs
1055	9/25/2017	TF	Assess, analyze and review universe of requested documents disclosed by APCO for review by Joe Pelan.	0.6	$ 75.00	$ 37.50	$ 37.50	$ 5.36		Allocate to 14 subs
1056	9/25/2017	TF	Email exchange with Lisa Lynn regarding written discovery by all parties and universe of produced documents.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79		Allocate to 14 subs
1057	9/25/2017	JCJ	Communicate with Interstate and National Wood regarding last chance on nominal amount settlement, start review of various documents in context of trial prep.	1.3	$ 390.00	$ -	$ 195.00	$ 195.00		NWP
1058	9/25/2017	TF	Assess, analyze and review universe of admitted deposition exhibits for review by Joe Pelan.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68		Allocate to 14 subs
1059	9/25/2017	TF	Draft and prepare email to Lisa Lynn regarding admitted exhibits during the deposition of Mary Ann.	0.1	$ 12.50	$ 6.25	$ 6.25	$ 0.89		Allocate to 14 subs
1060	9/25/2017	TF	Assess, analyze and review universe of Helix Electric and Brian Benson deposition exhibits for review by Lisa Lynn.	0.5	$ 62.50	$ 62.50	$ -			Not charged to NWP
1061	9/25/2017	CSM	Telephone call with client regarding trial strategy meeting and associating in counsel to assist with trial.	0.5	$ 137.50	$ 68.75	$ 68.75	$ 9.82		Allocate to 14 subs
1062	9/25/2017	CSM	Research various documents and instruct paralegal to provide same to client prior to strategy meeting.	0.5	$ 137.50	$ 68.75	$ 68.75	$ 9.82		Allocate to 14 subs
1063	9/25/2017	CSM	Analysis and strategy regarding various depositions, and direct paralegal to prepare same.	0.4	$ 110.00	$ 55.00	$ 55.00	$ 7.86		Allocate to 14 subs
1064	9/25/2017	CSM	Continue to prepare documents and outline for trial issues; also strategize regarding proof of claims outline.	1.5	$ 412.50	$ 206.25	$ 206.25	$ 29.46		Allocate to 14 subs
1065	9/25/2017	CSM	Research appeal issue that APCO's claims have consolidated subcontractor's claims, and order dismissing all NRS 108 claims leaving nothing for trial.	1.2	$ 330.00	$ 165.00	$ 165.00	$ 23.57		Allocate to 14 subs
1066	9/26/2017	TF	Conference call with litigation Services regarding universe of depositions and corresponding exhibits.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68		Allocate to 14 subs

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1067	9/26/2017	TF	Conference call with Esquire Solutions regarding universe of depositions and corresponding exhibits.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 subs
1068	9/26/2017	TF	Assess, analyze and review universe of operating complaints and update matrix regarding remaining claims against APCO.	1.2	$ 150.00	$ 75.00	$ 75.00	$ 10.71	Allocate to 14 subs
1069	9/26/2017	TF	Prepare and review universe of documents in preparation of meeting with Joe Pelan	0.5	$ 62.50	$ 31.25	$ 31.25	$ 4.46	Allocate to 14 subs
1070	9/26/2017	TF	Assess, analyze and review universe of admitted deposition exhibits for review by Lisa Lynn.	0.6	$ 75.00	$ 37.50	$ 37.50	$ 5.36	Allocate to 14 subs
1071	9/26/2017	CSM	Continue to review various case law associated with the subcontractors' claims for client's 7.17 brief, and outline various issues and claims.	1.5	$ 412.50	$ 206.25	$ 206.25	$ 29.46	Allocate to 14 subs
1072	9/26/2017	CSM	Prepare for client strategy meeting by reviewing claims, defenses, various contracts of remaining subcontractors.	1	$ 275.00	$ 137.50	$ 137.50	$ 19.64	Allocate to 14 subs
1073	9/26/2017	CSM	Participate in strategy meeting with client and co-counsel.	2.3	$ 632.50	$ 316.25	$ 316.25	$ 45.18	Allocate to 14 subs
1074	9/27/2017	TF	Conference call with Litigation Services regarding deposition transcripts of David Parry.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 subs
1075	9/27/2017	TF	Email exchange with Litigation Service regarding universe of deposition exhibits.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79	Allocate to 14 subs
1076	9/27/2017	TF	Compile and prepare written discovery requested by Lisa Lynn for review.	0.8	$ 100.00	$ 50.00	$ 50.00	$ 7.14	Allocate to 14 subs
1077	9/27/2017	TF	Assess, analyze and review universe of subcontractor files for review by Joe Pelan and Lisa Lynn.	0.9	$ 112.50	$ 56.25	$ 56.25	$ 8.04	Allocate to 14 subs
1078	9/27/2017	JCJ	Follow up with Interstate and National Wood re Pre-Trial Disc number	0.2	$ 60.00	$ -	$ 60.00	$ 30.00	Allocated to specified subs
1079	9/27/2017	CSM	Telephone calls with client regarding status on settlement negotiations.	0.4	$ 110.00	$ 55.00	$ 55.00	$ 7.86	Allocate to 14 subs
1080	9/27/2017	CSM	Draft additions to client's 7.27 brief regarding to NRS 108 claims being dismissed.	1	$ 275.00	$ 137.50	$ 137.50	$ 19.64	Allocate to 14 subs
1081	9/28/2017	TF	Follow up conference call with Esquire Solutions regarding deposition of David Perry and corresponding exhibits.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 subs
1082	9/28/2017	TF	Prepare and review additional depositions and exhibits for review by Lisa Lynn.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 subs
1083	9/28/2017	TF	Prepare and format universe of requested documents for review by co-counsel.	0.7	$ 87.50	$ 43.75	$ 43.75	$ 6.25	Allocate to 14 subs
1084	9/28/2017	TF	Draft and prepare email to Lisa Lynn regarding depositions and universe of admitted exhibits.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79	Allocate to 14 subs
1085	9/28/2017	JCJ	Follow up with National Wood re their trial number, communicate with Alexander on their 3100 trial number and status of lien	0.3	$ 90.00	$ -	$ 45.00	$ 45.00	Allocated to specified subs
1086	9/28/2017	TF	Assess, analyze and review universe of designated PMKs for remaining subcontractors.	0.5	$ 62.50	$ 31.25	$ 31.25	$ 4.46	Allocate to 14 subs
1087	9/28/2017	CSM	Draft additions to client's 7.27 brief with regard to various pay-if-paid issues based upon recent motions	1	$ 275.00	$ 137.50	$ 137.50	$ 19.64	Allocate to 14 subs
1088	9/29/2017	CSM	Analysis and strategy regarding procedural rules to take against Peel defendants.	0.3	$ 82.50	$ 82.50	$ -		Not charged to NWP
1089	9/29/2017	CSM	Assess, analyze and review Helix's reply to in support of its motion for summary judgment.	0.5	$ 137.50	$ 137.50	$ -		Not charged to NWP
1090	9/29/2017	TF	Assess, analyze and review universe of disclosed documents for notice of liens and affidavits of service.	1.1	$ 137.50	$ 68.75	$ 68.75	$ 9.82	Allocate to 14 subs
1091	9/29/2017	JCJ	Follow up with National Wood, review disclosed lien related documents by various remaining subs and compare to questionnaire.	0.7	$ 210.00	$ -	$ 105.00	$ 15.00	Allocate to 14 subs
1092	10/2/2017	TF	Assess, analyze and review pre-trial disclosures and universe of produced documents of Buchele, Gerdau Reinforcing, Helix Electric, and Interstate Plumbing for additional lien documents.	1.3	$ 162.50	$ 40.62	$ -		Not charged to NWP
1093	10/2/2017	TF	Assess, analyze and review pre-trial disclosures and universe of produced documents of National Wood Products, Nevada Prefab, Steel Structures, United Subcontractors, and Zitting Brothers for additional lien documents.	1.6	$ 200.00	$ -	$ 40.00	$ 40.00	Allocated to specified subs
1094	10/2/2017	TF	Meeting with JCJ to discuss status of litigation and preparation for upcoming trial.	0.5	$ 62.50	$ 31.25	$ 31.25	$ 4.46	Allocate to 14 subs
1095	10/2/2017	TF	Prepare and review universe of produced documents for review by co-counsel.	0.5	$ 62.50	$ 31.25	$ 31.25	$ 4.46	Allocate to 14 subs
1096	10/2/2017	TF	Prepare and review universe of pleadings and discovery for review by co-counsel.	0.6	$ 75.00	$ 37.50	$ 37.50	$ 5.36	Allocate to 14 subs
1097	10/2/2017	CSM	Assess, analyze and review pre-trial disclosures and highlighted references to lien documents.	1	$ 275.00	$ 137.50	$ 137.50	$ 19.64	Allocate to 14 subs
1098	10/3/2017	TF	Prepare and review additional universe of documents requested by John Mowbray, Esq.	0.5	$ 62.50	$ 31.25	$ 31.25	$ 4.46	Allocate to 14 subs
1099	10/3/2017	TF	Conference call with Mary Bacon, Esq. regarding universe of discovery and disclosed documents.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79	Allocate to 14 subs
1100	10/3/2017	TF	Assess, analyze and review pre-lien notices disclosed by subcontractors.	0.8	$ 100.00	$ 50.00	$ 50.00	$ 7.14	Allocate to 14 subs
1101	10/4/2017	TF	Assess, analyze and review procedural history of National Wood's motion to intervene.	0.5	$ 62.50	$ -	$ 62.50	$ 50.00	NWP
1102	10/4/2017	TF	Assess, analyze and review universe of deposition notices and prepare for review by Mary Bacon, Esq.	0.5	$ 62.50	$ 31.25	$ 31.25	$ 4.46	Allocate to 14 subs
1103	10/4/2017	TF	Email exchange with Mary Bacon, Esq. regarding deposition notices.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79	Allocate to 14 subs
1104	10/4/2017	TF	Prepare requested ratification documents for review by Mary Bacon, Esq.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 subs
1105	10/4/2017	TF	Conference call with Mary Bacon, Esq. regarding written discovery.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79	Allocate to 14 subs
1106	10/4/2017	TF	Prepare and compile documents in preparation for upcoming hearings.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 subs

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1107	10/4/2017	TF	Assess, analyze and review universe of disclosed documents in depository database.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 subs
1108	10/4/2017	TF	Assess, analyze and review Camco's disclosures for documents requested by Mary Bacon, Esq.	0.5	$ 62.50	$ 31.25	$ 31.25	$ 4.46	Allocate to 14 subs
1109	10/4/2017	JCJ	Communicate with co-counsel re hearing, depositions, trial prep, things to do and related; review with staff things to do and response from other subs on various matters; communicate with client re 2012 motion to intervene by National Wood, and trial prep.	3.4	$ 1,020.00	$ -	$ 340.00	$ 72.86	Allocate to 14 subs
1110	10/4/2017	CSM	Assess, analyze and review various correspondence and conduct telephone calls with co-counsel regarding status check and motions for summary judgment.	0.5	$ 137.50	$ 68.75	$ 68.75	$ 9.82	Allocate to 14 subs
1111	10/4/2017	CSM	Assess, analyze and review both Zitting's and Helix's replies in support of their motions summary judgments; and draft outlines and prepare for oral argument.	2.4	$ 660.00	$ 330.00	$ -		Not charged to NWP
1112	10/4/2017	CSM	Prepare and review various discovery documents and disclosures from all remaining parties for co-counsel.	0.8	$ 220.00	$ 110.00	$ 110.00	$ 15.71	Allocate to 14 subs
1113	10/5/2017	TF	Meeting with JCJ and CSM to discuss status of litigation and hearing regarding motions for summary judgment.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 subs
1114	10/5/2017	JCJ	Prepare and organize for court appearance on various matters, in hearing conference with counsel, post-hearing conference with various subs and client; draft proposed order and letter; formulate things to do and status client; revise and finalize court or	7.4	$ 2,220.00	$ 740.00	$ 740.00	$ 158.57	Allocate to 14 subs
1115	10/5/2017	CSM	Conduct preparation for hearings on Helix and Zitting's motions for summary judgment; attend hearing on moving trial and continuing hearings, and conduct post hearing conference with client and counsel.	3.8	$ 1,045.00	$ 522.50	$ -		Not charged to NWP
1116	10/5/2017	CSM	Analysis and strategy regarding moving forward with deposition and communicate with co-counsel regarding claims and documents for remaining subcontractors.	0.8	$ 220.00	$ 110.00	$ 110.00	$ 15.71	Allocate to 14 subs
1117	10/5/2017	CSM	Assess, analyze, review various matrices, and begin analyzing documents required for deposition of remaining subcontractors.	1	$ 275.00	$ 137.50	$ 137.50	$ 19.64	Allocate to 14 subs
1118	10/6/2017	TF	Assess, analyze and review unconditional waivers and releases produced by APCO regarding various subcontractors.	1.3	$ 162.50	$ 81.25	$ 81.25	$ 11.61	Allocate to 14 subs
1119	10/6/2017	JCJ	Communicate with CAMCO re ratification and remaining subs, with client and co-counsel re various trial and discovery matters, with various adverse counsel on subdirect contact with Joe re resolution and on proposed order on deposition and trial, draft le	2	$ 600.00	$ 300.00	$ 300.00	$ 42.86	Allocate to 14 subs
1120	10/6/2017	CSM	Analysis and strategy regarding deposing Camco and review various Camco documents.	0.7	$ 192.50	$ 96.25	$ 96.25	$ 13.75	Allocate to 14 subs
1121	10/6/2017	CSM	Analysis and strategy regarding the deposition and preparation for Joe Pelan's deposition.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 3.93	Allocate to 14 subs
1122	10/6/2017	CSM	Communicate with opposing counsel regarding language in proposed order.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 3.93	Allocate to 14 subs
1123	10/6/2017	CSM	Assess, analyze and review Gemstone memorandum for potential defenses.	0.5	$ 137.50	$ 68.75	$ 68.75	$ 9.82	Allocate to 14 subs
1124	10/6/2017	CSM	Communicate with co-counsel regarding retention issues.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 3.93	Allocate to 14 subs
1125	10/9/2017	JCJ	Trial prep, including contact counsel for remaining APCO subs on depositions times of their PMK/prove up witness; communicate with same re proposed order; search and review documents supporting National Wood and Cabinetec's claims are limited.	7.3	$ 2,190.00	$ 730.00	$ 730.00	$ 156.43	Allocate to 14 subs
1126	10/9/2017	TF	Meeting with JCJ to discuss status of litigation and preparation of meeting with clients.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 subs
1127	10/9/2017	TF	Assess; analyze and review documents provided by client and compile summaries and assessments of various subcontractors.	0.8	$ 100.00	$ 50.00	$ 50.00	$ 7.14	Allocate to 14 subs
1128	10/9/2017	TF	Conference call with Mary Bacon, Esq. regarding Camco disclosures.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79	Allocate to 14 subs
1129	10/9/2017	TF	Assess, analyze and review responses to special master questionnaires of various subcontractors.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 subs
1130	10/9/2017	TF	Email exchange with Mary Bacon, Esq. regarding responses to special master questionnaires.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79	Allocate to 14 subs
1131	10/9/2017	TF	Assess, analyze and review deposition transcript regarding Helix PMK.	0.3	$ 37.50	$ 37.50	$ -		Not charged to NWP
1132	10/9/2017	TF	Email exchange with Mary Bacon, Esq. regarding deposition transcript of Helix Electric PMK.	0.2	$ 25.00	$ 12.50	$ 12.50	$ -	Not charged to NWP
1133	10/9/2017	CSM	Review various documents for the remaining subcontractors, telephone calls with co-counsel; draft additions to litigation matrix; and prepare for meeting with client and co-counsel.	3.5	$ 962.50	$ 481.25	$ 481.25	$ 68.75	Allocate to 14 subs
1134	10/9/2017	CSM	Attend meeting with client and co-counsel regarding discovery and trial prep meeting.	2.6	$ 715.00	$ 357.50	$ 357.50	$ 51.07	Allocate to 14 subs
1135	10/10/2017	TF	Email exchange with Mary Bacon, Esq. regarding Camco disclosures.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79	Allocate to 14 subs
1136	10/10/2017	TF	Assess, analyze and review universe of documents disclosed in Camco's disclosures.	0.6	$ 75.00	$ 37.50	$ 37.50	$ 5.36	Allocate to 14 subs
1137	10/10/2017	TF	Meeting with CSM to discuss status of litigation and preparation for upcoming discovery deadlines.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 subs
1138	10/10/2017	CSM	Communicate with co-counsel regarding trial schedule.	0.4	$ 110.00	$ 55.00	$ 55.00	$ 7.86	Allocate to 14 subs

APCO'S ATTORNEYS' FEES (MARQUIS AUERBACH)

1139	10/10/2017	CSM	Assess, analyze and review correspondence from co-counsel regarding deposition to be scheduled, prepare list and available dates; telephone call with counsel, and draft response to correspondence.	0.7	$ 192.50	$ 96.25	$ 96.25	$ 13.75	Allocate to 14 subs
1140	10/10/2017	CSM	Analysis and strategy regarding settlement offers and response to National Wood.	0.3	$ 82.50	$ -	$ 82.50	$ 82.50	NWP
1141	10/10/2017	CSM	Telephone call and email exchange with co-counsel regarding Camco documents, assess, analyze and review various documents; and direct paralegal to provide documents to co-counsel.	0.5	$ 137.50	$ 68.75	$ 68.75	$ 9.82	Allocate to 14 subs
1142	10/10/2017	CSM	Telephone call and email exchange with co-counsel regarding taking the deposition of Victor with Helix.	0.3	$ 82.50	$ 82.50	$ -		Not charged to NWP
1143	10/10/2017	CSM	Telephone call with co-counsel regarding litigation matrices.	0.3	$ 82.50	$ 41.25	$ 41.25	$ 5.89	Allocate to 14 subs
1144	10/10/2017	CSM	Draft additions to litigation matrix and index of claims matrix.	0.7	$ 192.50	$ 96.25	$ 96.25	$ 13.75	Allocate to 14 subs
1145	10/11/2017	JCJ	Finalize order; communicate with adverse counsel and co-counsel re depositions, hearings and related issues.	0.5	$ 150.00	$ 75.00	$ 75.00	$ 10.71	Allocate to 14 subs
1146	10/11/2017	TF	Assess, analyze and review litigation and claims matrix for review by Mary Bacon, Esq.	0.6	$ 75.00	$ 37.50	$ 37.50	$ 5.36	Allocate to 14 subs
1147	10/11/2017	TF	Email exchange with Mary Bacon, Esq. regarding litigation spreadsheets.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79	Allocate to 14 subs
1148	10/11/2017	CSM	Communicate with co-counsel regarding strategy, questions, and arguments for the upcoming depositions; draft additions to depo question outline, provide deposition outline to co-counsel.	1.5	$ 412.50	$ 206.25	$ 206.25	$ 29.46	Allocate to 14 subs
1149	10/12/2017	TF	Assess, analyze and review universe of deposition notices for review by Mary Bacon, Esq.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 subs
1150	10/12/2017	TF	Email exchange with Mary Bacon, Esq. regarding deposition notices.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79	Allocate to 14 subs
1151	10/12/2017	TF	Assess, analyze and review universe of subpoenas requested by Mary Bacon, Esq.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 subs
1152	10/12/2017	TF	Email exchange with Mary Bacon, Esq. regarding subpoenas.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79	Allocate to 14 subs
1153	10/12/2017	TF	Prepare and review the requested pre-trial disclosures for review by Mary Bacon, Esq.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 subs
1154	10/12/2017	CSM	Communicate with client regarding depositions taken in the matter and direct paralegal to provide all deposition to client and co-counsel.	0.5	$ 137.50	$ 68.75	$ 68.75	$ 9.82	Allocate to 14 subs
1155	10/12/2017	CSM	Assess, analyze and review correspondence and attached damage matrix for the remaining subcontractors.	0.3	$ 82.50	$ 41.25	$ 41.25	$ 5.89	Allocate to 14 subs
1156	10/12/2017	CSM	Multiple communications with co-counsel regarding deposition notices, claims, documents, and scope of work to be conducted over next week while co-counsel is out.	0.8	$ 220.00	$ 110.00	$ 110.00	$ 15.71	Allocate to 14 subs
1157	10/12/2017	CSM	Assess, analyze and review various pre-trial disclosure for remaining parties.	0.3	$ 82.50	$ 41.25	$ 41.25	$ 5.89	Allocate to 14 subs
1158	10/12/2017	CSM	Analysis and strategy regarding deposition topics with co-counsel; and assess, analyze and review various correspondence on same.	0.5	$ 137.50	$ 68.75	$ 68.75	$ 9.82	Allocate to 14 subs
1159	10/13/2017	CSM	Assess, analyze and review Order Setting Civil Non-Jury Trial and Calendar Call.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 3.93	Allocate to 14 subs
1160	10/16/2017	TF	Assess, analyze and review emails received from Mary Bacon, Esq. regarding preparation of upcoming depositions.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79	Allocate to 14 subs
1161	10/16/2017	CSM	Assess, analyze and review multiple correspondences from co-counsel regarding various depositions and motions in limine.	0.6	$ 165.00	$ 82.50	$ 82.50	$ 11.79	Allocate to 14 subs
1162	10/16/2017	CSM	Telephone call with client regarding various litigations matrices; draft additions to consolidated case claims and litigation matrices, and provided same to client.	1	$ 275.00	$ 137.50	$ 137.50	$ 19.64	Allocate to 14 subs
1163	10/16/2017	CSM	Review retention information provided from client and discuss same and further underlying facts with co-counsel.	0.4	$ 110.00	$ 55.00	$ 55.00	$ 7.86	Allocate to 14 subs
1164	10/16/2017	CSM	Assess, analyze and review correspondence from co-counsel regarding timeline of events, telephone call with same; and assess, analyze and review timeline.	0.6	$ 165.00	$ 82.50	$ 82.50	$ 11.79	Allocate to 14 subs
1165	10/16/2017	CSM	Communicate with client regarding witness and damages from trial; and assess, analyze and review matrices provided from client.	0.4	$ 110.00	$ 55.00	$ 55.00	$ 7.86	Allocate to 14 subs
1166	10/16/2017	CSM	Assess, analyze and review detailed correspondence from co-counsel regarding status on each subcontractor; and detail additional items for certain subcontractors.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 3.93	Allocate to 14 subs
1167	10/17/2017	TF	Email exchange with Mary Bacon, Esq. regarding deposition notices to various subcontractors.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 subs
1168	10/17/2017	TF	Draft and prepare amended and re-noticed NRCP 30(b)(6) deposition of PMK for Gerson, Interstate Plumbing, National Wood, and Steel Structures.	1	$ 275.00	$ -	$ 275.00	$ 13.75	Allocate to specified subs
1169	10/17/2017	TF	Email exchange with Mary Bacon, Esq. regarding scheduling of deposition notices.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79	Allocate to 14 subs
1170	10/17/2017	CSM	Telephone call with co-counsel regarding status of scheduling depositions.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 3.93	Allocate to 14 subs
1171	10/17/2017	CSM	Assess, analyze and review subpoenas for all remaining subcontractors and draft supplements to same.	0.8	$ 220.00	$ 110.00	$ 110.00	$ 15.71	Allocate to 14 subs
1172	10/18/2017	TF	Email exchange with Mary Bacon, Esq. regarding updated deposition notices.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79	Allocate to 14 subs
1173	10/18/2017	TF	Meeting with CSM to discuss preparation for upcoming depositions and various settlement offers to subcontractors.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 subs
1174	10/18/2017	TF	Draft and prepare email to Mary Bacon, Esq regarding deposition notices for service.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79	Allocate to 14 subs

APCO'S ATTORNEYS' FEES (MARQUIS AUERBACH)

1176	10/18/2017	TF	Assess, analyze and review universe of disclosed Helix Electric documents in preparation for upcoming 30(b)(6) depositions.	0.5	$ 62.50	$ 62.50	$ -		Not charged to NWP
1176	10/18/2017	TF	Assess, analyze and review universe of disclosed National Wood documents in preparation for upcoming 30(b)(6) depositions.	0.5	$ 62.50	$ -	$ 62.50	$ 62.50	NWP
1177	10/18/2017	TF	Update and review litigation matrix regarding active subcontractors with claims against APCO in preparation for upcoming depositions.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 subs
1178	10/18/2017	CSM	Communicate with co-counsel regarding the deposition of National Wood.	0.2	$ 55.00	$ -	$ 55.00	$ 55.00	NWP
1179	10/18/2017	CSM	Telephone call with client regarding settlement authority for National Wood; telephone all with counsel for National Wood; and update client and co-counsel regarding status of settlement offer and exchange with counsel.	1	$ 275.00	$ -	$ 275.00	$ 275.00	NWP
1180	10/18/2017	CSM	Assess, analyze and review correspondence from counsel for Helix regarding pending order on status check.	0.2	$ 55.00	$ 55.00	$ -		Not charged to NWP
1181	10/18/2017	CSM	Draft and execute notice of deposition for National Wood and Stone.	0.3	$ 82.50	$ -	$ 41.25	$ 41.25	Allocate to specified subs
1182	10/19/2017	CSM	Telephone call with counsel for National Wood.	0.5	$ 137.50	$ -	$ 137.50	$ 137.50	NWP
1183	10/19/2017	CSM	Communicate with co-counsel regarding Helix issues and prior testimony from APCO's PMKs.	0.5	$ 137.50	$ 137.50	$ -		Not charged to NWP
1184	10/20/2017	TF	Email exchange with Mary Bacon, Esq. regarding amended notice of taking deposition of National Wood Products.	0.2	$ 25.00	$ -	$ 25.00	$ 25.00	NWP
1185	10/20/2017	TF	Draft and prepare second amended notice of taking NRCP rule 30(b)(6) deposition of person most knowledgeable for National Wood Products.	0.4	$ 50.00	$ -	$ 50.00	$ 50.00	NWP
1186	10/20/2017	TF	Meeting with CSM regarding preparation for upcoming depositions.	0.3	$ 37.50	$ -	$ 37.50	$ 37.50	NWP
1187	10/20/2017	CSM	Settlement discussions with National Wood.	0.5	$ 137.50	$ -	$ 137.50	$ 137.50	NWP
1188	10/20/2017	CSM	Telephone call with co-counsel regarding issues with pending subcontracts; assess, analyze and review multiple email fro client with attached documents; and assess, analyze and review various documents surrounding Owner/Contractor Contracts, APCO/Gemstone.	2.5	$ 687.50	$ 229.17	$ 229.17	$ 49.11	Allocate to 14 subs
1189	10/20/2017	CSM	Review and execute amended notice of deposition of National Wood.	0.1	$ 27.50	$ -	$ 27.50	$ 27.50	NWP
1190	10/23/2017	TF	Meeting with CSM to discuss preparation for upcoming depositions.	0.3	$ 37.50	$ -	$ 37.50	$ 3.75	APCO served 10 depo notices; should be allocated to 10 subs
1191	10/23/2017	TF	Conference call with Litigation Services regarding preparation for upcoming depositions.	0.3	$ 37.50	$ -	$ 37.50	$ 3.75	APCO served 10 depo notices; should be allocated to 10 subs
1192	10/23/2017	CSM	Draft correspondence to client and co-counsel regarding depositions for Skyline, Zitting and National Wood.	0.2	$ 55.00	$ -	$ 18.34	$ 18.33	Allocate to specified subs
1193	10/23/2017	CSM	Telephone call with co-counsel regarding scope of depositions.	0.3	$ 82.50	$ -	$ 82.50	$ 27.50	APCO served 10 depo notices; should be allocated to 10 subs
1194	10/24/2017	TF	Assess, analyze and review universe of National Wood documents in preparation for upcoming depositions.	0.8	$ 100.00	$ -	$ 100.00	$ 100.00	NWP
1195	10/24/2017	TF	Draft and prepare index regarding universe of National Wood documents in preparation of upcoming depositions.	0.4	$ 50.00	$ -	$ 50.00	$ 50.00	NWP
1196	10/25/2017	TF	Email exchange with Mary Bacon, Esq. regarding upcoming depositions.	0.2	$ 25.00	$ -	$ 25.00	$ 8.33	APCO served 10 depo notices; should be allocated to 10 subs
1197	10/25/2017	TF	Conference call with Litigation Services regarding upcoming depositions.	0.2	$ 25.00	$ -	$ 25.00	$ 8.33	APCO served 10 depo notices; should be allocated to 10 subs
1198	10/25/2017	TF	Assess, analyze and review National Wood change orders, pay applications, accounting files, and job files in preparation for the upcoming deposition.	0.9	$ 112.50	$ -	$ 112.50	$ 112.50	NWP
1199	10/25/2017	TF	Meeting with CSM to discuss preparation for the deposition of National Wood.	0.3	$ 37.50	$ -	$ 37.50	$ 37.50	NWP
1200	10/25/2017	TF	Assess, analyze and review procedural history of motions filed by National Wood.	0.3	$ 37.50	$ -	$ 37.50	$ 37.50	NWP
1201	10/25/2017	CSM	Assess, analyze and review executed ratification agreement for National Wood.	0.1	$ 27.50	$ -	$ 27.50	$ 27.50	NWP
1202	10/25/2017	CSM	Draft outline of deposition questions for National Wood/Cabinetec.	0.5	$ 137.50	$ -	$ 137.50	$ 137.50	NWP
1203	10/26/2017	TF	Continue to prepare and review documents in preparation for the deposition of National Wood's PMK.	0.8	$ 100.00	$ -	$ 100.00	$ 100.00	NWP
1204	10/26/2017	TF	Meeting with CSM to discuss status of litigation and preparation for upcoming depositions.	0.3	$ 37.50	$ -	$ 37.50	$ 2.68	Allocate to 14 subs
1205	10/26/2017	CSM	Telephone call with co-counsel regarding status of motions, research and settlement with various subcontractors.	0.3	$ 82.50	$ 41.25	$ 41.25	$ 5.89	Allocate to 14 subs
1206	10/26/2017	CSM	Telephone call with lead counsel for National Wood regarding arguments in the case; potential settlement, and upcoming deposition.	0.6	$ 165.00	$ -	$ 165.00	$ 165.00	NWP
1207	10/27/2017	TF	Continue to prepare and review deposition exhibits for the upcoming deposition of National Wood.	0.4	$ 50.00	$ -	$ 50.00	$ 50.00	NWP
1208	10/27/2017	TF	Meeting with CSM to discuss preparation for the upcoming deposition of National Wood.	0.2	$ 25.00	$ -	$ 25.00	$ 25.00	NWP
1209	10/27/2017	TF	Conference call with Litigation Services regarding updated deposition schedule.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79	Allocate to 14 subs
1210	10/27/2017	CSM	Telephone calls with counsel for National Wood regarding upcoming depositions, documents in case, and settlement; and prepare and execute notice of continued NRPC Rule 30(b)(6) deposition for the person most knowledgeable for National Wood Products, Inc.	0.7	$ 192.50	$ -	$ 192.50	$ 192.50	NWP
1211	10/27/2017	CSM	Assess, analyze and review additional documents to provide to counsel for National Wood to assist with settlement issues.	0.7	$ 192.50	$ -	$ 192.50	$ 192.50	NWP

APCO'S ATTORNEYS' FEES (MARQUIS AUERBACH)

1212	10/27/2017	CSM	Research and analysis regarding novation cases to support APCO's positions against National Wood.	0.8	$ 220.00	$ -	$ 220.00	$ 220.00	NWP
1213	10/27/2017	CSM	Telephone call with co-counsel regarding motions and work to be completed for each subcontractor.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 3.93	Allocate to 14 subs
1214	10/27/2017	CSM	Research and analysis of case law regarding document admitted for motions for summary judgment produced by an adverse party.	0.3	$ 82.50	$ 41.25	$ 41.25	$ 5.89	Allocate to 14 subs
1215	10/30/2017	TF	Email exchange with Mary Bacon, Esq. regarding answer to Cabinetec's statement of facts constituting lien claim and complaint in intervention.	0.2	$ 25.00	$ -	$ 25.00	$ 25.00	NWP
1216	10/30/2017	TF	Assess, analyze and review procedural history regarding National Wood Product and Cabinetec, Inc.	0.4	$ 50.00	$ -	$ 50.00	$ 50.00	NWP
1217	10/30/2017	CSM	Telephone call client and counsel regarding strategy and moving forward.	0.9	$ 247.50	$ 123.75	$ 123.75	$ 17.68	Allocate to 14 subs
1218	10/30/2017	TF	Prepare and review documents in preparation for conference call with Joe Pelan and co-counsel.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 subs
1219	10/30/2017	TF	Assess, analyze and review matrix regarding remaining claims and defenses.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 subs
1220	10/30/2017	CSM	Telephone call and email exchange with co-counsel regarding MIL for National Wood.	0.4	$ 110.00	$ -	$ 110.00	$ 110.00	NWP
1221	10/30/2017	TF	Email exchange with Mary Bacon, Esq. regarding universe of APCO disclosures.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79	Allocate to 14 subs
1222	10/30/2017	TF	Assess, analyze and review universe of 16.1 disclosures requested by Mary Bacon, Esq.	0.5	$ 62.50	$ 31.25	$ 31.25	$ 4.46	Allocate to 14 subs
1223	10/30/2017	CSM	Assess, analyze and review National Wood/Cabinetec's complaint and APCO's response to same.	0.3	$ 82.50	$ -	$ 82.50	$ 82.50	NWP
1224	10/30/2017	CSM	Telephone call with co-counsel regarding motion in limine against National Wood.	0.3	$ 82.50	$ -	$ 82.50	$ 82.50	NWP
1225	10/30/2017	CSM	Assess, analyze and review case provided from co-counsel regarding retention issues.	0.6	$ 165.00	$ 82.50	$ 82.50	$ 11.79	Allocate to 14 subs
1226	10/30/2017	CSM	Assess, analyze and review correspondence from co-counsel regarding disclosed documents, and draft response to same.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 3.93	Allocate to 14 subs
1227	10/31/2017	TF	Meeting with CSM to discuss status of litigation and preparation of supplemental discovery responses.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 subs
1228	10/31/2017	TF	Assess, analyze and review universe of discovery disclosures made by previous counsel for review by Mary Bacon, Esq.	0.5	$ 62.50	$ 31.25	$ 31.25	$ 4.46	Allocate to 14 subs
1229	10/31/2017	TF	Email exchange with Mary Bacon, Esq. regarding universe of discovery disclosures.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79	Allocate to 14 subs
123	10/31/2017	TF	Assess, analyze and review universe of discovery responses between APCO and Helix Electric.	0.4	$ 50.00	$ 50.00	$ -		Not charged to NWP
123	10/31/2017	TF	Assess, analyze and review universe of discovery responses between APCO and National Wood Products.	0.4	$ 50.00	$ -	$ 50.00	$ 50.00	NWP
123	10/31/2017	[redacted]							Deduct-not related to defense of claims by NWP
123	10/31/2017	[redacted]							Deduct-not related to defense of claims by NWP
1234	10/31/2017	CSM	Assess, analyze an review correspondence from co-counsel regarding Helix motion on retention issues; assess, analyze and review Helix's deposition; and provide response to co-counsel.	0.5	$ 137.50	$ 137.50	$ -		Not charged to NWP
1235	11/1/2017	CSM	Telephone call with client regarding various issues with Helix, Zitting and National Wood.	0.2	$ 55.00	$ 18.33	$ 18.33	$ 18.33	Allocate to specified subs
1236	11/1/2017	TF	Assess, analyze and review universe of orders regarding consolidation of various matters.	0.6	$ 75.00	$ 25.00	$ 25.00	$ 5.36	Allocate to 14 subs
1237	11/1/2017	TF	Assess, analyze and review deposition notices received from National Wood, Zitting Brothers, and Helix Electric.	0.5	$ 62.50	$ 31.25	$ 31.25	$ 20.83	Allocate to specified subs
1238	11/1/2017	TF	Continue to assess, analyze and review active claims from Zitting Brothers, National Wood Products, and Helix Electric.	0.4	$ 50.00	$ 20.83	$ 20.83	$ 16.67	Allocate to specified subs
1239	11/1/2017	TF	Assess, analyze and review documents to be prepared for supplemental discovery disclosures.	0.5	$ 62.50	$ 31.25	$ 31.25	$ 4.46	Allocate to 14 subs
1240	11/1/2017	CSM	Assess, analyze and review issues with consolidating actions; research and analyze various documents regarding the same; and provide documents to co-counsel.	0.8	$ 220.00	$ 110.00	$ 110.00	$ 15.71	Allocate to 14 subs
1241	11/1/2017	CSM	Analysis and strategy regarding deposing Cameo.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 3.93	Allocate to 14 subs
1242	11/1/2017	CSM	Analysis and strategy regarding supplemental document disclosure.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 3.93	Allocate to 14 subs
1243	11/2/2017	CSM	Assess, analyze and review case law provided from co-counsel regarding application of NRS 624.	0.3	$ 82.50	$ 41.25	$ 41.25	$ 5.89	Allocate to 14 subs
1244	11/2/2017	CSM	Telephone call to National Wood to address settlement issues prior to client meeting [redacted]	0.5	$ 137.50	$ -	$ 137.50	$ 137.50	NWP
1245	11/2/2017	CSM	Communicate with co-counsel on discovery issues; draft supplements to responses Helix and Zitting's discovery to APCO; and provide to co-counsel and client for review.	2.5	$ 687.50	$ 343.75	$ -		Not charged to NWP
1246	11/3/2017	TF	Email exchange with Litigation Services regarding depository access and universe of disclosed documents.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 8.33	Allocate to 14 subs
1247	11/3/2017	TF	Assess, analyze and review universe of requested documents for review by Mary Bacon, Esq.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 12.50	Allocate to 14 subs

APCO'S ATTORNEYS' FEES (MARQUIS AUERBACH)

1248	11/3/2017									Deduct-not related to defense of claims by NWP
1249	11/3/2017	TF	Prepare and review requests to Zitting Brothers, Helix Electric, and National Wood documents for review by Mary Bacon, Esq.	0.7	$ 87.50	$ 29.17	$ 58.33	$ 29.17		Allocate to specified subs
1250	11/3/2017	TF	Assess, analyze and review universe of National Wood documents and prepare for upcoming deposition.	1.1	$ 137.50	$ -	$ 137.50	$ 137.50		NWP
1251	11/3/2017	TF	Assess, analyze and review deposition transcript of Helix PMK.	0.3	$ 37.50	$ 37.50	$ -			Not charged to NWP
1252	11/3/2017	CSM	Draft supplemental responses to National Wood's discovery; and communicate with co-counsel regarding same.	1.4	$ 385.00	$ 385.00	$ -	$ -		Not charged to NWP
1253	11/3/2017	CSM	Communicate with counsel for Nation Wood regarding deposition issues; assess, analyze and review various documents, and drat detailed correspondence to counsel for National Wood detailing documents and videos for review.	1	$ 275.00	$ -	$ 275.00	$ 275.00		NWP
1254	11/3/2017	CSM	Prepare amended notices for the deposition of Cabinetec and National Wood, and direct service of same.	0.2	$ 55.00	$ -	$ 55.00	$ 55.00		NWP
1255	11/3/2017									Deduct-APCO unsuccessful
1256	11/3/2017	CSM	Assess, analyze and review various deposition statement for motions in limine against Helix; draft section of brief; and provide to co-counsel for insertion into brief.	2	$ 550.00	$ 550.00	$ -			Not charged to NWP
1257	11/3/2017									Deduct-not related to defense of claims by NWP
1258	11/3/2017	CSM	Telephone call with counsel for Camco.	0.3	$ 82.50	$ 41.25	$ 41.25	$ 5.89		Allocate to 14 subs
1259	11/3/2017	CSM	Pull and review various documents from depository for use in motions and trial.	0.5	$ 137.50	$ 68.75	$ 68.75	$ 9.82		Allocate to 14 subs
1260	11/3/2017	CSM	Assess, analyze and review various documents and argument for APCO's motion in limine, and provide and communicate with co-counsel regarding same.	0.8	$ 220.00	$ 110.00	$ 110.00	$ 15.71		Allocate to 14 subs
1261	11/4/2017	CSM	Communicate with co-counsel on supplemental discovery issues and motion in limine arguments; and review various documents and testimony to support APCO's arguments.	0.8	$ 220.00	$ 110.00	$ 110.00	$ 15.71		Allocate to 14 subs
1262	11/6/2017	CSM	Prepare various deposition exhibits for the depositions of National Wood and Cabinetec.	1.5	$ 412.50	$ -	$ 412.50	$ 412.50		NWP
1263	11/6/2017	CSM	Telephone call with National Wood regarding motions in limines and settlement; and conduct follow up telephone calls with co-counsel and then client regarding strategy with National Wood to vacate deposition of National Wood and proceed with motions	1.3	$ 357.50	$ -	$ 357.50	$ 357.50		NWP
1264	11/6/2017	TF	Email exchange with Mary Bacon, Esq. regarding deposition of Helix Electric's PMK.	0.2	$ 25.00	$ 25.00	$ -			Not charged to NWP
1265	11/6/2017									Deduct-APCO unsuccessful
1266	11/6/2017									Deduct-APCO unsuccessful
1267	11/6/2017									Deduct-APCO unsuccessful
1268	11/6/2017	TF	Prepare and review additional documents to be used at the deposition of National Wood Products.	0.3	$ 37.50	$ -	$ 37.50	$ 37.50		NWP
1269	11/6/2017	CSM	Review and draft additions to release to circulate for review.	0.5	$ 137.50	$ 68.75	$ 68.75	$ 9.82		Allocate to 14 subs
1270	11/7/2017	TF	Assess, analyze, and review universe of executed contracts with Zitting Brothers, Helix Electric, National Wood Products, and Eichelay.	0.5	$ 62.50	$ 31.25	$ 31.25	$ 31.25		Allocate to specified subs
1271	11/7/2017									Deduct-APCO unsuccessful
1272	11/7/2017	TF	Finalize and prepare APCO's supplemental answers to Helix Electric's first requested interrogatories.	0.4	$ 50.00	$ 50.00	$ -			Not charged to NWP
1273	11/7/2017	TF	Assess, analyze and review Zitting Brothers, Helix Electric, and National Wood documents in preparation of trial exhibits.	0.3	$ 112.50	$ 37.50	$ 37.50	$ 37.50		Allocate to specified subs
1274	11/7/2017	TF	Meeting with CSM to discuss status of litigation and preparation for trial.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68		Allocate to 14 subs
1275	11/7/2017	CSM	Draft status matrix to client.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 3.93		Allocate to 14 subs
1276	11/7/2017	CSM	Assess, analyze and review correspondence from counsel for National Wood regarding depositions, forward to co-counsel and strategize a response to same.	0.3	$ 82.50	$ -	$ 82.50	$ 82.50		NWP
1277	11/7/2017	CSM	Analysis and strategy regarding setting pretrial conference.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 18.33		Zitting, Helix and NWP
1278	11/8/2017									Deduct-APCO unsuccessful
1279	11/8/2017	TF	Assess, analyze and review universe of requested depositions and corresponding exhibits to be reviewed by Mary Bacon, Esq.	0.6	$ 75.00	$ 37.50	$ 37.50	$ 25.00		Zitting, Helix and NWP
1280	11/8/2017	TF	Email exchange with Mary Bacon, Esq. regarding universe of depositions and corresponding exhibits.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 8.33		Zitting, Helix and NWP
1281	11/8/2017	TF	Prepare and review universe of requested National Wood and Helix Electric documents for review by Mary Bacon, Esq.	0.7	$ 87.50	$ 43.75	$ 43.75	$ 43.75		Allocate to specified subs
1282	11/8/2017	TF	Conference call with Vivian Bowron regarding trial preparation and universe of depositions.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 12.50		Zitting, Helix and NWP

APCO'S ATTORNEYS' FEES (MARQUIS AUERBACH)

1283	11/8/2017	[redacted]							Deduct-APCO unsuccessful
1284	11/9/2017	TF	Prepare and review additional requested National Wood documents for review by Randy Jefferies, Esq.	0.4	$ 50.00	$ -	$ 50.00	$ 295.83	NWP
1285	11/9/2017	TF	Prepare and review requested depositions for review by Mary Bacon, Esq.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 3.75	APCO served 10 depo notices; should be allocated to 10 subs
1286	11/9/2017	TF	Assess, analyze and review Zitting Brothers, National Wood, and Helix Electric's deposition notices for reference to defenses.	0.5	$ 62.50	$ 20.83	$ 20.83	$ 20.83	Allocated to specified subs
1287	11/9/2017	TF	Email exchange with Mary Bacon, Esq. regarding deposition notices.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 2.50	APCO served 10 depo notices; should be allocated to 10 subs
1288	11/9/2017	TF	Assess, analyze, and review universe of Zitting Brother, National Wood, and Helix Electric disclosures for review by Mary Bacon, Esq.	0.7	$ 87.50	$ 29.17	$ 29.17	$ 29.17	Allocated to specified subs
1289	11/9/2017	CSM	Communicate with co-counsel regarding correspondence from National Wood and MIL's, and draft emails to same detailing further information to include in oppositions to the same.	0.8	$ 220.00	$ -	$ 220.00	$ 29.17	NWP
1290	11/10/2017	TF	Prepare and review additional National Wood Product documents in preparation for upcoming depositions.	0.5	$ 62.50	$ -	$ 62.50	$ 220.00	NWP
1291	11/10/2017	TF	Assess, analyze and review universe of filed early case conference reports requested by Mary Bacon, Esq.	0.6	$ 75.00	$ 37.50	$ 37.50	$ 5.36	Allocate to 14 subs
1292	11/10/2017	TF	Email exchange with Mary Bacon, Esq. regarding upcoming deposition of National Wood Products.	0.2	$ 25.00	$ -	$ 25.00	$ 37.50	NWP
1293	11/10/2017	TF	Email exchange with Mary Bacon, Esq. regarding early case conference reports.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79	Zitting, Helix and NWP
1294	11/10/2017	TF	Assess, analyze and review universe of disclosed APCO videos provided Brian Benson.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Zitting, Helix and NWP
1295	11/12/2017	CSM	communicate with co-counsel regarding Helix's deposition regarding trying to explain away offsets.	0.3	$ 82.50	$ 41.25	$ 41.25	$ -	Not charged to NWP
1296	11/13/2017	TF	Assess, analyze and review universe of documents disclosed in National Wood Product's second supplemental disclosures pursuant to NRCP 16.1.	0.4	$ 50.00	$ -	$ 50.00	$ 41.25	NWP
1297	11/13/2017	TF	Assess, analyze and review universe of documents in preparation for pre-trial memorandum.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 subs
1298	11/13/2017	TF	Assess, analyze and review procedural history for trial orders.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 subs
1299	11/13/2017	TF	Email exchange with Mary Bacon, Esq. regarding trial orders.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79	Allocate to 14 subs
1300	11/13/2017	CSM	Assess, analyze and review detailed correspondence from National Wood regarding discovery and deposition issues; coordinate with co-counsel; and draft detailed response to same.	1	$ 275.00	$ -	$ 275.00	$ 12.50	NWP
1301	11/13/2017	[redacted]							Deduct-APCO unsuccessful
1302	11/14/2017	TF	Prepare and review exhibits to APCO's opposition to National Wood's motion in limine to exclude evidence, testimony, documents and things not properly produced by defendant.	0.8	$ 100.00	$ -	$ 100.00	$ 348.33	NWP
1303	11/14/2017	[redacted]							Deduct-APCO unsuccessful
1304	11/14/2017	TF	Assess, analyze and review universe of admitted deposition exhibits.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 subs
1305	11/14/2017	TF	Assess, analyze and review orders regarding discovery cut off dates.	0.7	$ 87.50	$ 43.75	$ 43.75	$ 6.25	Allocate to 14 subs
1306	11/14/2017	TF	Email exchange with Mary Bacon, Esq. regarding scheduling orders.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79	Allocate to 14 subs
1307	11/14/2017	CSM	Assess, analyze and review National Wood's supplemental disclosure.	0.4	$ 110.00	$ -	$ 110.00	$ 12.50	NWP
1308	11/14/2017	CSM	Telephone calls with co-counsel regarding trial briefing and hearings.	0.5	$ 137.50	$ 68.75	$ 68.75	$ 9.82	Allocate to 14 subs
1309	11/14/2017	CSM	Assess, analyze and review various documents, deposition testimony and MIL oppositions and replies; draft various sections of replies, and coordinate with co-counsel regarding various trial documents, objection to deposition notices and pretrial memo.	5	$ 1,375.00	$ 687.50	$ 687.50	$ 98.21	Allocate to 14 subs
1310	11/15/2017	TF	Conference call with Litigation Services regarding universe of APCO documents in depository.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79	Allocate to 14 subs
1311	11/15/2017	TF	Prepare and review universe of requested Helix Electric documents requested by Mary Bacon, Esq. in preparation of oppositions to motions in limine.	0.4	$ 50.00	$ 50.00	$ -		Not charged to NWP
1312	11/15/2017	[redacted]							Deduct-APCO unsuccessful
1313	11/15/2017	[redacted]							Deduct-APCO unsuccessful
1314	11/15/2017	[redacted]							Deduct-APCO unsuccessful
1315	11/15/2017	[redacted]							Deduct-APCO unsuccessful
1316	11/15/2017	CSM	Research and communicate with co-counsel regarding novation issues.	0.3	$ 82.50	$ 41.25	$ 41.25	$ 5.89	Allocate to 14 subs

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APCO'S ATTORNEYS' FEES (MARQUIS AUERBACH)

1317	11/15/2017								Deduct-APCO unsuccessful
1318	11/16/2017	TF	Email exchange with Mary Bacon, Esq. regarding Cabinetec disclosures.	0.2	$ 25.00	$ -	$ 25.00	$ 25.00	NWP
1319	11/16/2017	TF	Prepare and review additional National Wood and Cabinetec documents for review by Mary Bacon, Esq.	0.5	$ 62.50	$ -	$ 62.50	$ 62.50	NWP
1320	11/16/2017								Deduct-APCO unsuccessful
1321	11/16/2017	CSM	Strategize with co-counsel regarding various trial documents.	0.4	$ 110.00	$ 55.00	$ 55.00	$ 7.86	Allocate to 14 subs
1322	11/17/2017								Deduct-APCO unsuccessful
1323	11/17/2017	TF	Assess, analyze and review universe of disclosed documents in preparation for upcoming trial.	0.5	$ 62.50	$ 31.25	$ 31.25	$ 4.46	Allocate to 14 subs
1324	11/17/2017	TF	Email exchange with Vivian Bowron regarding universe of disclosed documents and preparation of trial binders.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79	Allocate to 14 subs
1325	11/17/2017	CSM	Review various documents from co-counsel and client for disclosure; verify documents have not be disclosed prior; and telephone calls with co-counsel.	1.2	$ 330.00	$ 165.00	$ 165.00	$ 23.57	Allocate to 14 subs
1326	11/17/2017	TF	Draft and prepare eleventh supplemental disclosure of witnesses and imaged documents.	0.6	$ 75.00	$ 37.50	$ 37.50	$ 5.36	Allocate to 14 subs
1327	11/17/2017	TF	Email exchange with Mary Bacon, Esq. regarding documents for disclosure.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79	Allocate to 14 subs
1328	11/17/2017	CSM	Begin to assess, analyze and review various trial documents; communicate with co-counsel regarding same; and begin preparing for pre-trail conference.	2	$ 550.00	$ 275.00	$ 275.00	$ 39.29	Allocate to 14 subs
1329	11/20/2017	CSM	Prepare for pre-trial conference with all counsel; and correspond to co-counsel regarding same.	1.8	$ 495.00	$ 247.50	$ 247.50	$ 35.36	Allocate to 14 subs
1330	11/20/2017	TF	Meeting with CSM to discuss status of litigation and preparation for calendar call and pretrial motions.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 subs
1331	11/20/2017	TF	Continue to prepare and review universe of documents provided by Mary Bacon, Esq. for supplemental discovery disclosures.	0.5	$ 62.50	$ 31.25	$ 31.25	$ 4.46	Allocate to 14 subs
1332	11/20/2017	TF	Assess, analyze and review of trial exhibits received from Helix Electric.	0.7	$ 87.50	$ 87.50	$ -		Not charged to NWP
1333	11/20/2017	TF	Draft and prepare email to clients and co-counsel regarding Helix Electric trial exhibits.	0.2	$ 25.00	$ 25.00	$ -		Not charged to NWP
1334	11/20/2017	CSM	Prepare for and attend calendar call.	1.4	$ 385.00	$ 192.50	$ 192.50	$ 27.50	Allocate to 14 subs
1335	11/20/2017	CSM	Assess, analyze and review trial documents list; and communicate with co-counsel regarding same.	0.8	$ 220.00	$ 110.00	$ 110.00	$ 15.71	Allocate to 14 subs
1336	11/20/2017	CSM	Assess, analyze and review trial documents disclosed from Helix; direct paralegal to download same and provide co-counsel and client; and discuss same with co-counsel.	0.7	$ 192.50	$ 192.50	$ -		Not charged to NWP
1337	11/21/2017	TF	Assess, analyze and review Helix Electric trial exhibits.	0.3	$ 37.50	$ 37.50	$ -		Not charged to NWP
1338	11/21/2017	TF	Assess, analyze and review universe of documents to be produced in APCO's eleventh supplemental disclosure of witnesses and imaged documents.	0.6	$ 75.00	$ 37.50	$ 37.50	$ 5.36	Allocate to 14 subs
1339	11/22/2017	TF	Draft and prepare APCO's eleventh supplemental disclosure of witnesses and imaged documents.	0.7	$ 87.50	$ 43.75	$ 43.75	$ 6.25	Allocate to 14 subs
1340	11/22/2017	TF	Format and prepare documents to be produced in APCO's eleventh supplemental disclosure of witnesses and imaged documents.	0.6	$ 75.00	$ 37.50	$ 37.50	$ 5.36	Allocate to 14 subs
1341	11/22/2017	TF	Conference call with Litigation Services regarding depository and forthcoming disclosures.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 subs
1342	11/22/2017	TF	Prepare and review disclosed Zitting Brother and Helix Electric documents for upcoming trial.	0.6	$ 75.00	$ 37.50	$ -		Not charged to NWP
1343	11/22/2017	CSM	Review various documents, draft supplements to APCO's 11th disclosure, and direct paralegal to finalize and serve.	0.8	$ 220.00	$ 110.00	$ 110.00	$ 15.71	Allocate to 14 subs
1344	11/26/2017	TF	Assess, analyze and review trial exhibit list provided by Mary Bacon, Esq.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 subs
1345	11/26/2017	TF	Prepare and review universe of documents produced in APCO's eleventh supplemental disclosure for depository upload.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 subs
1346	11/26/2017	TF	Email exchange with Litigation Services regarding APCO's eleventh supplemental disclosure.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79	Allocate to 14 subs
1347	11/27/2017	TF	Meeting with CSM to discuss status of litigation and preparation for upcoming trial.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 subs
1348	11/27/2017	CSM	Communicate with opposing counsel regarding trial exhibit list.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 3.93	Allocate to 14 subs
1349	11/27/2017	CSM	Conduct final review of supplements and direct filing of APCO's 11th disclosure.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 3.93	Allocate to 14 subs
1350	11/27/2017	CSM	Assess, analyze and review orders from the court on Helix and Zitting's motions for summary judgment; communicate with co-counsel regarding same; and communicate with client regarding orders and potential strategy moving forward.	1	$ 275.00	$ 137.50	$ 137.50	$ 19.64	Allocate to 14 subs
1351	11/28/2017	CSM	Strategize with co-counsel regarding addressing orders on Zitting and Helix's MSJ, and content of motion for reconsideration.	0.5	$ 137.50	$ 68.75	$ 68.75	$ 9.82	Allocate to 14 subs
1352	11/28/2017	AMH	Review order; analyze basis for writ and chances of success for motion for reconsideration.	0.5	$ 150.00	$ 75.00	$ 75.00	$ 10.71	Allocate to 14 subs
1353	11/30/2017	CSM	Communicate with co-counsel regarding procedural history of case and motion for reconsideration.	0.4	$ 110.00	$ 55.00	$ 55.00	$ 7.86	Allocate to 14 subs
1354	11/30/2017	TF	Assess, analyze and review universe of documents referenced in draft trial exhibit list.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 subs

APCO'S ATTORNEYS' FEES (MARQUIS AUERBACH)

1355	12/1/2017	CSM	Assess, analyze and review order setting civil non-jury trial.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 3.93	Allocate to 14 subs
1356	12/4/2017	TF	Email exchange with Litigation Services regarding universe of deposited documents.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79	Allocate to 14 subs
1357	12/4/2017	TF	Prepare and review universe of requested documents to be uploaded to electronic depository.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 subs
1358	12/4/2017	CSM	Assess, analyze and review Special Master letter to all counsel.	0.1	$ 27.50	$ 13.75	$ 13.75	$ 1.96	Allocate to 14 subs
1359	12/6/2017	TF	Assess, analyze and review universe of Helix Electric trial exhibits.	0.6	$ 75.00	$ 75.00	$ -		Not charged to NWP
1360	12/6/2017	TF	Prepare and review requested documents regarding motion for reconsideration for review by Mary Bacon, Esq.	0.6	$ 75.00	$ 75.00	$ -		Not charged to NWP
1361	12/6/2017	TF	Email exchange with Mary Bacon, Esq. regarding motion for reconsideration.	0.2	$ 25.00	$ 25.00	$ -		Not charged to NWP
1362	12/7/2017	TF	Assess, analyze and review Special Master orders.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 subs
1363	12/7/2017	TF	Assess, analyze and review Special Master orders.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 3.57	Allocate to 14 subs
1364	12/8/2017	TF	Email exchange with Mary Bacon, Esq. regarding motion for reconsideration.	0.2	$ 25.00	$ 25.00	$ -		Not charged to NWP
1365	12/11/2017	[redacted]							Deduct-APCO's motion denied.
1366	12/12/2017	[redacted]							Deduct-APCO's motion denied.
1367	12/13/2017	CSM	Communicate with co-counsel regarding order on Helix's MSJ and MILs, and analysis and strategy the pay-if-paid language and application.	0.8	$ 220.00	$ 220.00	$ -		Not charged to NWP
1368	12/13/2017	CSM	Telephone call with NCS regarding procedural status of case.	0.4	$ 110.00	$ 55.00	$ 55.00	$ 7.86	Allocate to 14 subs
1369	12/14/2017	CSM	Telephone conference with co-counsel regarding motions for reconsideration.	0.3	$ 82.50	$ 82.50	$ -		Not charged to NWP
1370	12/15/2017	CSM	Assess, analyze and review proposed order from Helix on its MSJ.	0.4	$ 110.00	$ 110.00	$ -		Not charged to NWP
1371	12/18/2017	CSM	Assess, analyze and review correspondence from co-counsel with issues concerning Helix order; review same; follow up with appeal counsel; and communicate with co-counsel regarding the same.	0.5	$ 137.50	$ 137.50	$ -		Not charged to NWP
1372	12/19/2017	CSM	Communicate with co-counsel on status of pending orders.	0.3	$ 82.50	$ 41.25	$ 41.25	$ 5.89	Allocate to 14 subs
1373	12/20/2017	[redacted]							Deduct-APCO unsuccessful
1374	12/20/2017	CSM	Communicate with co-counsel regarding language of motions for reconsideration; research issues with procedural timing of filing motions for reconsideration; strategies with appeal counsel; and draft correspondence to co-counsel and client regarding the sa	1.1	$ 302.50	$ 302.50	$ -		Not charged to NWP
1375	12/21/2017	TF	Assess, analyze and review universe of written discovery between APCO Construction and Helix Electric for review by Mary Bacon, Esq.	0.4	$ 50.00	$ 50.00	$ -		Not charged to NWP
1376	12/21/2017	TF	Assess, analyze and review universe of written discovery between APCO Construction and Helix Electric prepared by previous counsel for review by Mary Bacon, Esq.	0.3	$ 37.50	$ 37.50	$ -		Not charged to NWP
1377	12/21/2017	TF	Email exchange with Mary Bacon, Esq. regarding written discovery between APCO Construction and Helix Electric.	0.2	$ 25.00	$ 25.00	$ -		Not charged to NWP
1378	12/21/2017	[redacted]							APCO's motion denied.
1379	12/21/2017	TF	Assess, analyze and review proposed trial exhibits provided by Vivien Bowron.	0.8	$ 100.00	$ 50.00	$ 50.00	$ 7.14	Allocate to 14 subs
1380	12/21/2017	TF	Assess, analyze and review documents received from Martin Harris in response to subpoena in preparation of trial exhibits.	0.6	$ 75.00	$ 75.00	$ -		Not charged to NWP
1381	12/21/2017	TF	Meeting with CSM to discuss trial exhibits.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 2.68	Allocate to 14 subs
1382	12/21/2017	CSM	Assess, analyze and review trial exhibit lists for client, Helix, Zitting, and National Wood, and communicate with co-counsel regarding supplements to same.	2.2	$ 605.00	$ 201.67	$ 201.67	$ 201.67	Allocate to specified subs
1383	12/22/2017	CSM	Telephone call with co-counsel on supplements to draft orders.	0.4	$ 110.00	$ 55.00	$ 55.00	$ 7.86	Allocate to 14 subs
1384	12/27/2017	TF	Assess, analyze and review universe of proposed trial exhibits provided by Mary Bacon, Esq.	0.6	$ 75.00	$ 37.50	$ 37.50	$ 5.36	Allocate to 14 subs
1385	12/27/2017	TF	Email exchange with Mary Bacon, Esq. regarding proposed trial exhibits.	0.2	$ 25.00	$ 12.50	$ 12.50	$ 1.79	Allocate to 14 subs
1386	12/27/2017	CSM	Assess, analyze and review minute order and proposed order on National Wood's MIL; and discuss the same with co-counsel.	0.4	$ 110.00	$ -	$ 110.00	$ 110.00	NWP
1387	12/27/2017	CSM	Assess, analyze and review letter to Dept. 13 and proposed order granting Peel Brimley lien claimants' motion for partial summary judgment re: Pay-if-Paid.	0.2	$ 55.00	$ 55.00	$ -		Not charged to NWP
1388	12/27/2017	CSM	Assess, analyze and review letter to Department 13 along with proposed order granting Peel Brimley lien Claimants' motion for partial summary judgment re: Pay-if-Paid.	0.2	$ 55.00	$ 55.00	$ -		Not charged to NWP
1389	12/28/2017	CSM	Communicate with co-counsel regarding trial preparation; and draft response to same.	0.3	$ 82.50	$ 41.25	$ 41.25	$ 5.89	Allocate to 14 subs
1390	12/28/2017	CSM	Assess, analyze and review correspondence from co-counsel regarding exhibits to motions, declarations, and trial exhibits, direct paralegal to prepare same review documents, and provide the same to co-counsel for use in motions for reconsideration.	0.5	$ 137.50	$ 68.75	$ 68.75	$ 9.82	Allocate to 14 subs

APCO'S ATTORNEYS' FEES (MARQUIS AUERBACH)

1391	12/28/2017	JSR	Review all APCO filings beginning in 2015 and list all attachments to APCO filings to trial exhibit list.	1	$ 125.00	$ 62.50	$ 62.50	$ 8.93	Allocate to 14 subs
1392	12/29/2017	CSM	Assess, analyze and review correspondence from co-counsel; review various discovery responses from remaining subcontractors; and provide same to co-counsel for trial exhibits.	1.2	$ 330.00	$ 165.00	$ 165.00	$ 23.57	Allocate to 14 subs
1393	12/29/2017	CSM	Review correspondence from National Wood regarding trial exhibits; and review attached list.	0.4	$ 110.00	$ -	$ 110.00	$ 110.00	NWP
1394	12/29/2017	[redacted]							Deduct-APCO unsuccessful
1395	12/29/2017	CSM	Follow up on issues regarding noticed deposition by National Wood.	0.3	$ 82.50	$ -	$ 82.50	$ 82.50	NWP
1396	1/2/2018	CSM	Assess, analyze and review various orders and timeline for draft orders and returning same counsel; telephone conference with co-counsel regarding calendar call; and prepare notes for same.	1	$ 275.00	$ 137.50	$ 137.50	$ 19.64	Allocate to 14 subs
1397	1/2/2018	CSM	Prepare for and participate in calendar call for trial, and post hearing discussions.	2	$ 550.00	$ 275.00	$ 275.00	$ 39.29	Allocate to 14 subs
1398	1/2/2018	[redacted]							Deduct-not related to defense of claims by NWP
1399	1/2/2018	[redacted]							Deduct-not related to defense of claims by NWP
1400	1/2/2018	[redacted]							Deduct-not related to defense of claims by NWP
1401	1/3/2018	[redacted]							Deduct-not related to defense of claims by NWP
1402	1/3/2018	MSE	Review draft of APCO's motion for reconsideration as to Paul Brimley order.	0.4	$ 120.00	$ 120.00	$ -		Not charged to NWP
1403	1/3/2018	CSM	Review orders on Zitting's and Helix's motion for summary judgment in preparation for conference call with client and co-counsel.	0.8	$ 220.00	$ 110.00	$ -		Not charged to NWP
1404	1/3/2018	[redacted]							Deduct-not related to defense of claims by NWP
1405	1/3/2018	CSM	Assess, analyze and review motion for reconsideration with regard to National Wood; and conduct telephone call with co-counsel regarding application of same and alternative use as during or post trial motion.	0.8	$ 220.00	$ -	$ 220.00	$ 220.00	NWP
1406	1/3/2018	CSM	Research and analysis of issues regarding Gemstones' bankruptcy and effect on APCO's claims.	0.5	$ 137.50	$ 68.75	$ 68.75	$	Not relevant to defense of NWP's claims-related to Gemstone.
1407	1/3/2018	CSM	Research issues with relief against Gemstone on third-party complaint in Kasdon consolidated matters as requested by co-counsel; and draft updates email to co-counsel about same.	1.2	$ 330.00	$ 165.00	$ 165.00	$	Not relevant to defense of NWP's claims-related to Gemstone.
1408	1/3/2018	CSM	Assess, analyze and review client's motion for reconsideration on Helix issues; draft supplements to same; and assist with preparing exhibits for same as requested by co-counsel.	1.1	$ 302.50	$ 302.00	$ -		Not charged to NWP
1409	1/4/2018	CSM	Assess, analyze and review correspondence from co-counsel regarding order on judgment against Gemstone; research and analysis of same; and discuss same with co-counsel.	1.2	$ 330.00	$ 165.00	$ 165.00		Not relevant to defense of NWP's claims-related to Gemstone.
1410	1/4/2018	CSM	Assess, analyze and review correspondence from court regarding trial dates and start time.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 3.93	Allocate to 14 subs
1411	1/5/2018	CSM	Follow up with prior counsel and draft follow up email regarding Gemstone bankruptcy and order on judgment against Gemstone.	0.5	$ 137.50	$ 68.75	$ 68.75		Not relevant to defense of NWP's claims-related to Gemstone.
1412	1/5/2018	CSM	Communicate with co-counsel on motion to exceed page limit and provide language to be added to motion.	0.3	$ 82.50	$ 41.25	$ 41.25	$ 5.89	Allocate to 14 subs
1413	1/5/2018	CSM	Assess, analyze and review minutes from hearing on APCO's motion to lift stay; and follow up with prior counsel regarding same and order on APCO's motion for judgment against Gemstone.	0.5	$ 137.50	$ 68.75	$ 68.75		Not relevant to defense of NWP's claims-related to Gemstone.
1414	1/5/2018	CSM	Communicate with co-counsel regarding pre-trial disclosures; and provide co-counsel with requested documents.	0.4	$ 110.00	$ 55.00	$ 55.00	$ 55.00	
1415	1/5/2018	CSM	Assess, analyze and review correspondence from co-counsel regarding trial exhibit list; research and locate various documents and issues; and provide all requested information and documents to co-counsel for services of trial exhibits as directed by the c	1.6	$ 440.00	$ 220.00	$ 220.00	$ 220.00	
1416	1/8/2018	CSM	Prepare for and participate in conference call with counsel to address trial procedural issues.	0.7	$ 192.50	$ 96.25	$ 96.25	$ 96.25	
1417	1/8/2018	CSM	Analysis and strategy regarding original deposition transcripts for trial and potential stipulation between counsel, and communicate with Litigation Services regarding same.	0.5	$ 137.50	$ 68.75	$ 68.75	$ 68.75	
1418	1/8/2018	CSM	Draft status correspondence to client.	0.5	$ 137.50	$ 68.75	$ 68.75	$ 68.75	
1419	1/8/2018	CSM	Communicate with co-counsel regarding various issues and facts for pre-trial memorandum; and research and respond to all requested issues and facts to include in the same.	1.5	$ 412.50	$ 206.25	$ 206.25	$ 206.25	
1420	1/8/2018	CSM	Assess, analyze and review correspondence from co-counsel regarding language in settlement agreement; and draft response to the same.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 27.50	

APCO'S ATTORNEYS' FEES (MARQUIS AUERBACH)

1421	1/8/2018	CSM	Communicate with co-counsel regarding video exhibits.	0.3	$ 82.50	$ 41.25	$ 41.25	$ 41.25	
1422	1/9/2018	CSM	Communicate with co-counsel regarding supplement to joint pre-trial memorandum.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 27.50	
1423	1/9/2018	CSM	Assess, analyze and review correspondence from co-counsel regarding joint pretrial memorandum; assess, analyze and review the same; and conduct telephone conference with co-counsel.	1	$ 275.00	$ 137.50	$ 137.50	$ 137.50	
1424	1/9/2018	CSM	Assess, analyze and review correspondence from prior counsel regarding order on judgment against Gemstone.	0.2	$ 55.00	$ 27.50	$ 27.50		Not relevant to defense of NWP's claims-related to Gemstone.
1425	1/9/2018	CSM	Assess, analyze and review APCO Construction's proposed exhibit for trial.	0.3	$ 82.50	$ 41.25	$ 41.25	$ 41.25	
1426	1/10/2018								Deduct-APCO unsuccessful
1427	1/10/2018								Deduct-APCO unsuccessful
1428	1/10/2018	CSM	Assess, analyze and review correspondence from court regarding trial exhibits.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 27.50	
1429	1/10/2018	CSM	Assess, analyze and review trial exhibit list and documents from Helix.	1	$ 275.00	$ 275.00	$ -		Not charged to NWP
1430	1/11/2018	CSM	Prepare for and attend hearing on motions for reconsideration; and conduct post strategy meeting with co-counsel.	2.4	$ 660.00	$ 330.00	$ 330.00	$ 330.00	
1431	1/11/2018	CSM	Communicate with co-counsel on strategy moving forward regarding proposed order on judgment against Gemstone; and assess, analyze and review various documents surrounding proposed order.	0.7	$ 192.50	$ 96.25	$ 96.25		Not relevant to defense of NWP's claims-related to Gemstone.
1432	1/11/2018	CSM	Assess, analyze and review various emails from opposing counsels regarding joint pre-trial memorandum; and communicate with co-counsel regarding same to meet court deadline.	0.6	$ 165.00	$ 82.50	$ 82.50	$ 82.50	
1433	1/11/2018								Deduct-APCO unsuccessful
1434	1/12/2018	TF	Conference call with Litigation Services regarding universe of deposition transcripts in preparation of upcoming trial.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 18.75	
1435	1/12/2018	TF	Conference call with Esquire Solutions regarding universe of deposition transcripts in preparation of upcoming trial.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 18.75	
1436	1/12/2018	TF	Conference call with Mary Bacon, Esq. regarding joint pre-trial memorandum.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 18.75	
1437	1/12/2018	TF	Finalize and prepare exhibits to joint pre-trial memorandum.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 25.00	
1438	1/12/2018	TF	Meeting with CSM to discuss preparation for trial.	0.4	$ 50.00	$ 25.00	$ 25.00	$ 25.00	
1439	1/12/2018	CSM	Draft monthly status report client.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 27.50	
1440	1/12/2018	CSM	Communicate with co-counsel regarding APCO's motion to stay.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 27.50	
1441	1/12/2018	CSM	Communicate with co-counsel regarding joint pre-trail memorandum; coordinate with opposing counsel; supplement same; address issues with Helix's suggested revisions; and finalize and file same with the court.	1.5	$ 412.50	$ 206.25	$ 206.25	$ 206.25	
1442	1/15/2018	CSM	Assess, analyze and review Helix's revised exhibit list for trial.	0.3	$ 82.50	$ 82.50	$ -		Not charged to NWP
1443	1/16/2018	CSM	Assess, analyze and review trial bench memorandum; and communicate with counsel regarding same.	0.6	$ 165.00	$ 82.50	$ 82.50	$ 82.50	
1444	1/16/2018	CSM	Correspond with trial counsel for Helix and National Wood regarding witnesses and transcripts.	0.4	$ 110.00	$ 55.00	$ 55.00	$ 55.00	
1445	1/16/2018	CSM	Communicate with co-counsel regarding deposition transcripts, trial exhibits, assist with final preparation for trial, trial coverage; and communicate with client regarding trial coverage and associated issues.	2.2	$ 605.00	$ 302.50	$ 302.50	$ 302.50	
1446	1/17/2018	CSM	Communicate with client regarding trial issues.	0.3	$ 82.50	$ 41.25	$ 41.25	$ 41.25	
1447	1/18/2018	CSM	Communicate with co-counsel regarding trial issues related to NRS 108; provide relevant pleadings on point to client and co-counsel; and prepare list of relevant questions.	1.4	$ 385.00	$ 192.50	$ 192.50	$ 192.50	
1448	1/19/2019	CSM	Assess, analyze and review proposed order on APCO's motion for reconsideration, and discuss same with co-counsel.	0.3	$ 82.50	$ 41.25	$ 41.25	$ 41.25	
1449	2/6/2018	CSM	Draft monthly status report to client.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 27.50	
POST-TRIAL									
1450	2/8/2018	CSM	Communicate with opposing counsel regarding trial briefing.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 27.50	
1451	2/12/2018	CSM	Telephone call with client regarding status of case.	0.4	$ 110.00	$ 55.00	$ 55.00	$ 55.00	
1452	2/27/2018	CSM	Communicate with co-counsel regarding hearing coverage and post trial briefing; and draft correspondence to client regarding hearing coverage of settlement agreements.	0.4	$ 110.00	$ 55.00	$ 55.00	$ 55.00	
1453	3/1/2018	CSM	Assess, analyze and review letter to Judge Denton.	0.1	$ 27.50	$ 13.75	$ 13.75	$ 13.75	
1454	3/6/2018	TF	Email exchange with Mary Bacon, Esq. regarding declaration of Victor Fuchs.	0.2	$ 25.00	$ 25.00	$ -		Not charged to NWP
1455	3/6/2018	TF	Assess, analyze and review procedural history regarding motions filed by Helix Electric with declaration made by Victor Fuchs for review by Mary Bacon, Esq.	0.5	$ 62.50	$ 62.50	$ -		Not charged to NWP

APCO'S ATTORNEYS' FEES (MARQUIS AUERBACH)

1456	3/6/2018	CSM	Communicate with co-counsel regarding Victor Fuchs affidavit; pending pleadings before the court; and strategize regarding same.	0.5	$ 137.50	$ 137.50	$ -		Not charged to NWP
1457	3/7/2018	CSM	Communicate with co-counsel regarding draft statement of facts for post trial briefing and draft issues of law; draft supplements to same; and provide to co-counsel.	2.2	$ 605.00	$ 302.50	$ 302.50	$ 302.50	
1458	3/8/2018	CSM	Communicate with co-counsel and address documents and issues for client's post trial briefing.	1	$ 275.00	$ 137.50	$ 137.50	$ 137.50	
1459	3/8/2018	CSM	Assess, analyze and review various correspondences between counsel and the court regarding findings of facts and conclusions of law.	0.5	$ 137.50	$ 68.75	$ 68.75	$ 68.75	
1460	3/9/2018	CSM	Draft monthly status report to client.	0.3	$ 82.50	$ 41.25	$ 41.25	$ 41.25	
1461	3/9/2018	CSM	Communicate with co-counsel regarding final issues with Apco Construction, Inc.'s post-trial brief.	0.5	$ 137.50	$ 68.75	$ 68.75	$ 68.75	
1462	3/23/2018	CSM	Assess, analyze and review APCO Construction, Inc.'s Opposition to National Wood Products, LLC's Proposed Findings of Fact and Conclusions of Law, APCO Construction, Inc.'s Opposition to Helix Electric of Nevada, LLC's Proposed Findings of Fact and Conclu	0.7	$ 192.50	$ 96.25	$ 96.25	$ 96.25	
1463	3/26/2018	CSM	Assess, analyze and review plaintiff in intervention, National Wood Products, Inc.'s response to APCO Construction, Inc.'s post-trial brief.	0.2	$ 55.00	$ -	$ 55.00	$ 55.00	NWP
1464	3/26/2018	CSM	Assess, analyze and review Helix Electric of Nevada, LLC's response to APCO Construction's post-trial brief.	0.2	$ 55.00	$ 55.00	$ -		Not charged to NWP
1465	3/26/2018	CSM	Assess, analyze and review APCO Construction, Inc.'s Opposition to Cameo Pacific Construction Company's post-trial brief.	0.2	$ 55.00	$ 27.50	$ 27.50	$ 27.50	
1466	3/30/2018	TF	Email exchange and review with Mary Bacon, Esq. regarding minute orders regarding pre-trial disclosures.	0.3	$ 37.50	$ 18.75	$ 18.75	$ 18.75	
1467	3/30/2018	TF	Assess, analyze and review universe of orders regarding pre-trial disclosures requested by Mary Bacon, Esq.	0.8	$ 100.00	$ 50.00	$ 50.00	$ 50.00	
1468	4/10/2018	CSM	Draft monthly status report to client.	0.3	$ 82.50	$ 41.25	$ 41.25	$ 41.25	
1469	4/26/2018	CSM	Assess, analyze and review order from court on outcome of trial; communicate with client and co-counsel regarding the same and motions for fees and costs; assess, analyze and review other orders regarding Helix and National Wood for determination of poten	2	$ 550.00	$ 275.00	$ 275.00	$ 275.00	
1470	4/27/2018	CSM	Communicate with co-counsel regarding fees and cost motions; follow up with accounting regarding the same; and begin to review costs for motion for costs.	1.2	$ 330.00	$ 165.00	$ 165.00	$ 165.00	
			TOTAL:		$ 245,855.00	$ 109,560.50	$ 97,066.16	$ 29,948.37	
			SINCE 11/23/17:		$ 20,647.50	$ 11,138.67	$ 9,196.67	$ 5,007.02	

EXHIBIT “B”

EXHIBIT “B”

APCO CONSTRUCTION (SPENCER FANE)
TIME RECAP

Date Worked	Time Keeper	Description	Total Hours Billed	Total Amount Billed	Amount Allocated to Helix	Amount Allocated to National Wood	REVISED* ALLOCATION TO NATIONAL WOOD	National Wood Comments
9/7/2017	JRJ	Telephone conference with Joe Pelan regarding status of the case (.3).	0.30	$120.00	$15.00	$15.00	$8.57	Allocate to 14 subs
9/7/2017	JRJ	Telephone conference with Joe Pelan and Mark Mendenhall about the Helix litigation.	0.40	$160.00	$160.00	$0.00	$0.00	Not charged to NWP
9/24/2017	MEB	Research re: new Manhattan West case including court, dispositive motion hearings, status of case, and active defendants.	1.20	$342.00	$42.50	$42.50	$24.43	Allocate to 14 subs
9/25/2017	JRJ	Telephone conference with Joe Pelan to discuss strategy for the meeting with Marquis lawyers and prepare related email about status in John Mowbray and Mary Bacon (.5); exchange email with Mary Bacon about the current pleadings and pending motions (.2)	0.70	$280.00	$35.00	$35.00	$20.00	Allocate to 14 subs
9/25/2017	MEB	Exchange emails with R. Jefferies re: sending dispositive motions and trial timeline.	0.30	$85.50	$10.69	$10.69	$6.11	Allocate to 14 subs
9/26/2017	JRJ	Review all of the pleadings related to the Peel claimants' motion to strike the prompt pay defenses (2.5); attend meeting at Apco's office with Apco representatives and counsel to discuss status and strategy (2.5).	5.10	$2,040.00	$255.00	$255.00	$145.71	Allocate to 14 subs
9/26/2017	MEB	Research pay if paid provisions in preparation of APCO meeting.	0.80	$228.00	$28.50	$28.50	$16.29	Allocate to 14 subs
9/26/2017	MEB	Travel to and participate in all hands meeting at APCO Construction.	2.50	$712.50	$89.06	$89.06	$50.89	Allocate to 14 subs
9/27/2017	MEB	Analyze docket and case status, and begin analysis of potential motions and courses of action.	2.30	$655.50	$81.94	$81.94	$46.82	Allocate to 14 subs
9/29/2017	MEB	Call with Joe Pelan re: filing notice of appearance and notice of association of counsel.	0.20	$57.00	$7.13	$7.13	$4.07	Allocate to 14 subs
9/29/2017	MEB	Call to Judge Denton Law Clerk re: motion to associate and Judge Denton's JEA re: trial schedule.	0.4	$114.00	$14.25	$14.25	$8.14	Allocate to 14 subs
10/4/2017	MEB	Call with Cody re: prepare for dispositive motion deadline.	0.5	$142.50	$17.81	$17.81	$10.18	Allocate to 14 subs
10/4/2017	MEB	Start document review of APCO case documents.	6.70	$1,909.50	$238.69	$238.69	$136.39	Allocate to 14 subs
10/4/2017	JHM	Conference with Mary Bacon regarding hearing before the Hon. Mark Denton; review email transmittals regarding scope of engagement for hearing; review docket.	0.50	$262.50	$32.81	$32.81	$18.75	Allocate to 14 subs
10/5/2017	MEB	Prepare for and attend APCO summary judgment hearing; conference with Cody Mounteer and Jack Juan before and after hearing.	3.20	$912.00	$114.00	$114.00	$65.14	Allocate to 14 subs
10/5/2017	JHM	Attend status hearing with client before the Hon. Mark Denton.	1.70	$892.50	$111.56	$111.56	$63.75	Allocate to 14 subs
10/6/2017	MEB	Status update call with R. Jefferies re: dispositive motions.	0.30	$85.50	$10.69	$10.69	$6.11	Allocate to 14 subs
10/6/2017	MEB	Begin research on retainage.	2.60	$741.00	$92.63	$92.63	$52.93	Allocate to 14 subs
10/7/2017	MEB	Continue research on retention after GC walks off job for non-payment.	3.20	$912.00	$114.00	$114.00	$65.14	Allocate to 14 subs
10/8/2017	MEB	Continue APCO document review from of case documents from MAC.	5.20	$1,482.00	$185.25	$185.25	$105.86	Allocate to 14 subs
10/9/2017	MEB	Meeting at APCO's offices with Lisa Lynn and Mary Jo to go over documents in binders APCO assembled (4.0), and attend strategy meeting with J. Juan and C. Mounteer re: case moving forward (1.6)	5.60	$1,596.00	$199.50	$199.50	$114.00	Allocate to 14 subs
10/10/2017	MEB	Work out of APCO offices reviewing documents.	8.20	$2,337.00	$292.13	$292.13	$166.93	Allocate to 14 subs
10/11/2017	MEB	Continue document review at APCO offices (7.3); [redacted] (1.0), and revise list of motions in limine (1.3);	9.60	$2,736.00	$342.00	$342.00	$195.43	Allocate to 14 subs

Legend	
	Deduct
	Fees allocated to 14 subcontractors
	Not charged to NWP
	Should not be allocated to NWP or Helix. MSJ of Insulpro, Docket p. 306-307
	Deduct-related to Gemstone
	Charged to NWP
	Re-allocate to specified subs
	APCO served 10 depo notices; should be allocated to 10 subs
	Charged to Helix & NWP-disputed
	Recalculate fees charged to NWP due to excessive nature
	*/ NWP contends that APCO is not entitled to AF as set forth in the opposition. NWP reallocates in the event the court awards some fees.

APCO CONSTRUCTION (SPENCER FANE)
TIME RECAP

Date Worked	Time Keeper	Description	Total Hours Billed	Total Amount Billed	Amount Allocated to Helix	Amount Allocated to National Wood	REVISED* ALLOCATION TO NATIONAL WOOD	National Wood Comments	Legend
10/12/2017	MEB	Summarize brief NRS 624 research.	0.90	$256.50	$32.06	$32.06	$16.32	Allocate to 14 subs	
10/12/2017	MEB	Communication with opposing counsels to schedule depositions.	1.70	$484.50	$0.00	$60.58	$48.45	APCO served 10 depo notices; should be allocated	
10/12/2017	MEB	Research NRS 624, including legislative history, and prior decisions (4.2) and [redacted] with NRS 624 (1.2).	5.60	$1,596.00	$199.50	$199.50	$114.00	Allocate to 14 subs	
10/13/2017	MEB	Continue researching retention (3.5), and start researching ratification (5.2).	8.70	$2,479.50	$309.94	$309.94	$177.11	Allocate to 14 subs	
10/15/2017	JRJ	Review and revise the draft list of PMK topics for the subcontractor depositions.	0.20	$80.00	$10.00	$10.00	$8.00	APCO served 10 depo notices; should be allocated	
10/16/2017	MEB	Continue writing memo on factual status of case, incorporating timeline, ratification, retention, and draft memo re same.	8.20	$2,337.00	$292.13	$292.13	$166.93	Allocate to 14 subs	
10/17/2017	MEB	Communication with all opposing counsel regarding deposition scheduling, producing a PMK, and list of PMK topics (1.8). Confirm each subcontractor's deposition time, and draft status update regarding depositions and settlement (0.9); calls with C. Mountjoy and J. Pelon (0.6).	3.80	$1,083.00	$0.00	$467.40	$108.30	APCO served 10 depo notices; should be allocated to 10 subs	
10/18/2017	MEB	Read, review and respond to emails re: settlements, vacating depositions and R. Jefferies deposition preparation.	1.30	$370.50	$0.00	$216.80	$37.05	APCO served 10 depo notices; should be allocated	
10/20/2017	MEB	Coordinate moving National Wood's deposition per R. Reincke's request.	0.30	$85.50	$0.00	$85.50	$85.50	Charged NWP only.	
10/22/2017	MEB	Finish research and factual history memo and send to R. Jefferies.	3.70	$1,054.50	$351.33	$351.33	$75.97	Allocate to 14 subs	
10/26/2017	[redacted]							Deduct-APCO unsuccessful	
10/28/2017	JRJ	Consider additional motions to exclude evidence and exchange email with Mary and Joe regarding same (.3).	0.30	$120.00			$0.00		
10/28/2017	JRJ	Email to Mary on strategy for dealing with Helix (.3); email to Helix's counsel enclosing the draft stipulation (.2)	0.50	$200.00	$200.00	$0.00		Not charged to NWP	
10/30/2017	JRJ	Conference call with Joe, Mary and Cody to discuss status and strategies (.7); [redacted] (.3); telephone conference with Joe Pelon (.3)	1.30	$520.00	$171.60	$171.60	$37.14	Allocate to 14 subs	
10/30/2017	MEB	Status update call with R. Jefferies, C. Mountjoy, J. Pelon and L. Lynn.	0.70	$199.50	$65.84	$65.84	$14.25	Allocate to 14 subs	
10/30/2017	MEB	Prepare for update call with APCO; create chart summarizing responsibilities.	0.40	$114.00	$37.62	$37.62	$8.14	Allocate to 14 subs	
10/30/2017	MEB	Research Helix Electric of Nevada LLC, and Helix Electric, Inc. on docket to determine if Helix Electric, Inc. is a party.	0.50	$142.50	$142.50	$0.00		Not charged to NWP	
10/30/2017	MEB	Draft stipulation and order to dismiss unjust enrichment claim in Helix.	0.30	$85.50	$85.50	$0.00		Not charged to NWP	
10/30/2017	[redacted]							Deduct-APCO unsuccessful	
10/30/2017	[redacted]							APCO's former counsel obtained court order (11/29/12) that trial commenced on 10/30/12 so 5 year rule not applicable. NWP should not be charged.	
10/31/2017	[redacted]							APCO's former counsel obtained court order (11/29/12) that trial commenced on 10/30/12 so 5 year rule not applicable. NWP should not be charged.	

APCO CONSTRUCTION (SPENCER FANE)
TIME RECAP

Date Worked	Time Keeper	Description	Total Hours Billed	Total Amount Billed	Amount Allocated to Helix	Amount Allocated to National Wood	REVISED* ALLOCATION TO NATIONAL WOOD	National Wood Comments	Legend
10/31/2017								APCO's former counsel obtained court order (11/29/12) that trial commenced on 10/30/12 so 5 year rule not applicable. NWP should not be charged.	
10/31/2017								APCO's former counsel obtained court order (11/29/12) that trial commenced on 10/30/12 so 5 year rule not applicable. NWP should not be charged.	
10/31/2017	JRJ	Review email from Joe Polan with documents related to Helix Electric (.2); review the Helix deposition testimony on retention and email to Mary Bacon regarding same (.4).	0.6	$240.00	$240.00	$0.00		Not charged to NWP	
11/1/2017	JRJ	Review email and enclosed consolidation orders received from Cody regarding the five-year limitation (.4) telephone conference with Cody regarding the supplemental answers to discovery (.3) email to Mary Bacon regarding same (.1); email to Cody about further Camco depositions (.2)	1.0	$400.00	$132.00	$132.00	$53.33	Reduced amount since NWP should not pay AF re 5-year rule or charges concerning CAMCO depos.	
11/1/2017								APCO's former counsel obtained court order (11/29/12) that trial commenced on 10/30/12 so	
11/1/2017	JRJ	Review the Helix deposition and the related exhibits.	2.2	$880.00	$880.00	$0.00		Not charged to NWP	
11/2/2017								APCO's former counsel obtained court order (11/29/12) that trial commenced on 10/30/12 so	
11/3/2017								APCO's former counsel obtained court order (11/29/12) that trial commenced on 10/30/12 so 5-year rule not applicable.	
11/4/2017								Deduct-APCO unsuccessful	
11/4/2017	JRJ	Review the supplemental answers to the Helix request for admissions prepared by Cody.	0.5	$200.00	$200.00	$0.00		Not charged to NWP	
11/5/2017								Deduct-APCO unsuccessful	
11/6/2017	JRJ	Review and revise the motion to exclude evidence; telephone conference with Cody about the National Wood claims (.3); telephone conference with Joe Polan to discuss strategies for discovery (.3); conference call with Cody and counsel for National Wood (.3); lengthy telephone conference with Cody and Joe Polan regarding status of National Wood and strategies for discovery (.9); telephone conference with Steve Morris about the Camco deposition and Claims (.2); telephone conference with Joe Polan regarding same (.2; final revisions to the motion in limine (.9);	3.10	$1,240.00	$409.20	$409.20	$88.57	Allocate to 14 subs	
11/6/2017								Deduct-APCO unsuccessful	

APCO CONSTRUCTION (SPENCER FANE)
TIME RECAP

Date Worked	Time Keeper	Description	Total Hours Billed	Total Amount Billed	Amount Allocated to Helix	Amount Allocated to National Wood	REVISED ALLOCATION TO NATIONAL WOOD	National Wood Comments	Legend
11/7/2017	JRJ	Review and revise the supplemental answers to the Helix discovery requests (.6); email same to Cody (.1); telephone conference with Joe Pelan regarding same and Helix (.1); telephone conference with Cody to discuss the revisions (.1); telephone conference with Cody about the Helix supplemental answers (.2);	1.1	$440.00	$440.00	$0.00		Not charged to NWP	
11/7/2017	JRJ	Review the Cameo deposition (1.8); telephone conference with Joe Pelan regarding same (.2); review and respond to email from Cody about the National Wood depositions (.2).	2.2	$880.00	$290.40	$290.40	$80.00	NWP should be charged for email regarding NWP depo	
11/7/2017	MEB	Start reviewing and organizing trial exhibits.	4.30	$1,225.50	$404.42	$404.42	$87.54	Allocate to 14 subs	
11/8/2017	JRJ	Review and revise the draft answers to National Woods discovery requests (.5); telephone conference with Mary Bacon about the motions to exclude filed by the subcontractors (.2); telephone conference with Joe Pelan regarding status and potential offers of judgment (.3); review the pretrial disclosure filed by MAC on Apco's behalf (.8); telephone conference with Cody about the pending motions to exclude evidence (.2); prepare email to Joe Pelan regarding same (.3); complete review of the Cameo deposition transcript (.5); prepare email to Apco and Cody outlining the categories of exhibits to be marked for trial (.7); telephone conference with Mary Bacon and telephone conference with Joe Pelan and Lisa Lynn about the document review and exhibit designations (.8); review emailed document from Lisa relating to Gemstone's position on retention (2.4).	6.70	$2,680.00	$884.40	$884.40	$191.43	Allocate to 14 subs	
11/8/2017	MEB	Travel to and attend meeting at APCO's offices with R. Jefferies to select trial exhibits.	5.30	$1,510.50	$498.47	$498.47	$107.89	Allocate to 14 subs	
11/8/2017	[redacted]							Deduct-APCO unsuccessful	

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APCO CONSTRUCTION (SPENCER FANE)
TIME RECAP

Date Worked	Time Keeper	Description	Total Hours Billed	Total Amount Billed	Amount Allocated to Helix	Amount Allocated to National Wood	REVISED* ALLOCATION TO NATIONAL WOOD	National Wood Comments	Legend
11/8/2017	VLB	(Paralegal) Review Judge Denton's protocol and exhibit guidelines (.5); telephone conference with Mary Bacon and Lisa Lynn regarding trial preparation (.5); draft trial preparation/deadlines index (.5); create trial ShareFile folder link (.2); multiple email correspondence to T. Fong regarding official deposition transcripts and exhibits and other document issues (1.1); telephone call with T. Fong regarding same (.4); create trial/litigation folder on "F" drive and upload parties' pre-trial disclosures (.6); compose multiple email correspondence with R. Jefferies, M. Bacon and L. Lynn regarding trial preparation (.5); compose email correspondence to M. Knight (Clerk of the Court) regarding trial exhibit issues (.4); download deposition transcripts and exhibits provided by T. Fong (1.5); revise naming format of deposition exhibits to meet Trial Director requirements (.9).	7.10	$1,562.00	$516.46	$515.46	$111.57	Allocate to 14 subs	
11/9/2017	JRJ	Review and respond to email from Vivien about trial exhibits (.5); revise letter to all counsel about the scheduling conflicts (.3); review the letter from counsel for National Wood and prepare email to Joe regarding same (.3); review and respond to email from Cody about National's depositions (.2); telephone conference with Cody about National Wood (.3); telephone conference with Joe Polan regarding National Wood (.5); telephone conference with counsel for National Wood (.3).	2.50	$1,000.00	$200.00	$800.00	$71.43	Allocate to 14 subs	
11/9/2017	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	Deduct-APCO unsuccessful	
11/9/2017	VLB	(Paralegal) Review email correspondence from Randy Jefferies regarding exhibits and trial preparation; assemble National Wood documents provided by Taylor Fong for Randy Jefferies' review.	0.30	$66.00	$0.00	$66.00	$66.00	Charged NWP only.	
11/10/2017	JRJ	Begin review of the previously marked depo exhibits for potential trial exhibits (2.8); telephone conference with Judy S. about the National Wood depositions (.2); telephone conference with Tom C. about National Wood's Claims (.2); review termination documents received from Joe and email regarding same (.9).	4.10	$1,640.00	$640.00	$1,000.00	$653.33	Recalculated amount owed.	
11/10/2017	VLB	(Paralegal) Email correspondence with Judy Craig regarding TrialDirector for upcoming trial (.1); review email correspondence from Taylor Fong regarding deposition notes for National Wood (.1); begin drafting trial outline based on Randy Jefferies review our deposition transcripts (4.0).	4.20	$924.00	$304.92	$304.92	$304.92	Helix, Zitting & NWP	
11/11/2017	MEB	Research and start drafting APCO's opposition to Helix's motion in limine.	6.20	$1,767.00	$1,767.00	$0.00		Not charged to NWP	
11/12/2017	JRJ	Review the motions in limine filed by Helix (.2); review and revise the draft response to the Helix MIL (1.0).	1.2	$480.00	$480.00	$0.00		Not charged to NWP	
11/12/2017	JRJ	Review the motions in limine filed by National Wood (.2); review the various email from Mary Bacon to Cody regarding disclosure issues (.2).	0.40	$160.00	$0.00	$160.00		Not charged to NWP	
11/12/2017	MEB	Research and draft APCO's opposition to National Wood's motion in limine	8.30	$2,365.50	$0.00	$2,365.50		Not charged to NWP	
11/13/2017	JRJ	Begin review of the Allen deposition (1.5); complete review of the Allen deposition (.4); telephone conference with Joe Polan about offers of judgment to the remaining subcontractors (.3); review and revise the draft offer of judgment to National Wood (.3); review the response to National Wood MIL (.5); review and revise the draft email from Cody to National Wood's MIL (.5).	3.9	$1,560.00	$440.00	$1,120.00	$742.85	Recalculated amount owed.	

APCO CONSTRUCTION (SPENCER FANE)
TIME RECAP

Date Worked	Time Keeper	Description	Total Hours Billed	Total Amount Billed	Amount Allocated to Helix	Amount Allocated to National Wood	REVISED ALLOCATION TO NATIONAL WOOD	National Wood Comments	Legend
11/13/2017	[redacted]							Deduct-APCO unsuccessful	
11/13/2017	VLB	(Paralegal) Conference call with Mary Bacon and Lisa Lynn regarding trial exhibits preparation (.5); review documents uploaded by Lisa Lynn (.6); telephone conference with Josh Zepeda regarding potentially processing of Apco documents (.4); begin download of Apco documents from ShareFile (.4); review email correspondence from Lisa Lynn and video summary provided (.2); compose email correspondence to Lisa Lynn requesting summary of photos (.2)	2.20	$484.00	$159.72	$159.72	$34.57	Allocate to 14 subs	
11/13/2017	JRJ	Review and revise the response to Helix's MIL	2.1	$840.00	$840.00	$0.00		Not charged to NWP	
11/14/2017	JRJ	Review and revise the response to the National Wood MIL (1.1); review and revise the objection to the National Wood deposition notices (.5); review email from Mary summarizing the positions on the various responses to APCO's MIL (.5).	2.1	$840.00	$120.00	$720.00	$400.00	Recalculated amount owed.	
11/14/2017	[redacted]							Deduct-APCO unsuccessful	
11/14/2017	[redacted]							Deduct-APCO unsuccessful	
11/14/2017	VLB	(Paralegal) Email correspondence with Marwanda Knight (Clerk of the Court) regarding exhibits (.2); email correspondence with Randy Jefferies regarding Apco's not documents (Apco-General Documents) for review and outline of category of documents (.1); email correspondence with Lisa Lynn regarding Apco document and potential exhibits (.1).	0.40	$88.00	$29.04	$29.04	$29.04	Helix, Zitting & NWP	
11/15/2017	JRJ	Review documents for final selection of trial exhibits (3.6); review and revise the draft reply in support of the APCO motions in limine (.7); review the APCO motions in limine and the various responses to prepare for oral argument (3.0).	7.30	$2,920.00	$963.60	$963.60	$102.85	Deduct fees for MIL-APCO unsuccessful; Recalculate balance of fees - allocate to 14 subs	
11/15/2017	[redacted]							Deduct-APCO unsuccessful	
11/15/2017	VLB	(Paralegal) Begin assembling potential Apco trial exhibits (6.7); multiple email correspondence exchanges with Randy Jefferies, Lisa Lynn and Mary Bacon regarding exhibits and trial preparation issues (1.1).	7.80	$1,716.00	$566.28	$566.28	$122.57	Allocate to 14 subs	
11/16/2017	JRJ	Prepare for and attend the oral argument on the pending motions (1.8); conference with Joe Polan regarding status (1.0); telephone conference with Vivian about the document review and exhibit designations (.2); work on exhibits; return to Phoenix (2.0).	5.0	$2,000.00	$660.00	$660.00	$52.87	Deduct fees for motions-APCO unsuccessful; Recalculate balance of fees - allocate to 14 subs	
11/16/2017	VLB	(Paralegal) Continue assembling Apco trial exhibits (9.1); exchange of multiple email correspondence to Lisa Lynn, Randy Jefferies, Jim Holpuch and Josh Zepeda regarding trial exhibits, etc. (1.5); telephone conference with Randy Jefferies about the document review and exhibit designations (.2)	10.80	$2,376.00	$784.08	$784.08	$169.71	Allocate to 14 subs	
11/16/2017	JRJ	Conference with counsel for Helix about settlement.	0.3	$120.00	$120.00	$0.00		Not charged to NWP	
11/17/2017	JRJ	Review documents relating to Cabinetec for possible trial exhibits.	1.50	$600.00	$0.00	$600.00	$600.00	Charged NWP only.	

APCO CONSTRUCTION (SPENCER FANE)
TIME RECAP

Date Worked	Time Keeper	Description	Total Hours Billed	Total Amount Billed	Amount Allocated to Helix	Amount Allocated to National Wood	REVISED* ALLOCATION TO NATIONAL WOOD	National Wood Comments	Legend
11/17/2017	VLB	(Paralegal) Finish compiling Apco's preliminary set of trial exhibits (6.4); upload to ShareFile folder; compose email correspondence to Lisa Lynn regarding same (.2).	6.60	$1,452.00	$479.16	$479.16	$193.71	Allocate to 14 subs	
11/18/2017	JRJ	Review the prior deposition exhibits to select trial exhibits.	1.50	$600.00	$198.00	$198.00	$42.86	Allocate to 14 subs	
11/19/2017	JRJ	Travel to Las Vegas for the final pretrial conference.	2.00	$800.00	$264.00	$264.00	$57.14	Allocate to 14 subs	
11/20/2017	JRJ	Conference call with Joe Pelan and Mary Bacon to discuss the information required by the rules for the pretrial conference (.5); attend the pretrial conference with all parties and trial counsel (1.2); review and revise the draft pleading summarizing the Big D decision (1.1); attend the calendar call for trial in front of Judge Denlon (1.0); conference with Joe regarding same and return to Phoenix (2.2).	6.00	$2,400.00	$792.00	$792.00	$171.43	Allocate to 14 subs	
11/20/2017	VLB	Review email correspondence from Randy Jefferies regarding Helix trial exhibits.	0.1	$22.00	$22.00	$0.00		Not charged to NWP	
11/20/2017	MEB	Prepare for APCO's pre-trial conference.	2.40	$684.00	$229.72	$225.72	$48.86	Allocate to 14 subs	
11/20/2017	VLB	(Paralegal) Assemble additional Apco trial exhibits (2.5); continue drafting trial outline based on Randy Jefferies' review of deposition transcripts (2.6).	5.1	$1,122.00	$370.26	$370.26	$80.14	Allocate to 14 subs	
11/21/2017	VLB	(Paralegal) Begin assembling deposition exhibits identified as Randy Jefferies as potential trial exhibits.	3.0	$660.00	$217.80	$217.80	$47.14	Allocate to 14 subs	
11/21/2017	VLB	Compose email correspondence to Taylor Fong regarding status of disclosure of Apco documents and Helix exhibit list.	0.2	$44.00	$44.00	$0.00		Not charged to NWP	
11/22/2017	VLB	(Paralegal) Finish assembling identified deposition exhibits, adding to potential trial exhibits and updating trial exhibit index.	4.0	$880.00	$290.40	$290.40	$62.86	Allocate to 14 subs	
11/27/2017	JRJ	Telephone conference with Joe Pelan about status (.3).	0.30	$120.00	$39.60	$39.60	$8.57	Allocate to 14 subs	
11/27/2017	JRJ	Telephone conference with Vivian about the Helix trial exhibits (.3).	0.3	$120.00	$120.00	$0.00		Not charged to NWP	
11/27/2017	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	Deduct-APCO unsuccessful	
11/27/2017	VLB	(Paralegal) Conference call with Randy Jefferies regarding Helix exhibits (.3); assemble requested exhibits for R. Jefferies (.5); compose email correspondence to Tami Hartloff with link to specific Helix exhibits for R. Jefferies' review (.1); compose email correspondence to Josh Zepeda requesting copies of certain exhibits for R. Jefferies' review (.1); compose email correspondence to Lisa Lynn with link to Helix exhibits (.1); email correspondence with Lisa Lynn regarding Helix trial exhibits (.1).	1.20	$264.00	$264.00	$0.00		Not charged to NWP	
11/28/2017	MEB	Call with Lisa Lynn re: orders and status of case.	0.80	$228.00	$75.24	$75.24	$16.29	Allocate to 14 subs	
11/28/2017	MEB	Analyze orders and send summary including impact on case, trial, and appeal to R. Jefferies (1.8); review motions for summary judgment (.2); send summary to R. Jefferies and client (.4).	2.40	$684.00	$342.00	$0.00		Not charged to NWP	
11/28/2017	VLB	(Paralegal) Continue preparing trial outline based on Randy Jefferies' review of deposition transcripts.	2.6	$572.00	$188.76	$188.76	$40.86	Allocate to 14 subs	
11/29/2017	JRJ	Review and respond to email from Mary Bacon on th summary judgment orders.	0.20	$80.00	$40.00	$0.00		Not charged to NWP	
12/1/2017	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	APCO's former counsel obtained court order (11/29/12) that trial commenced on 10/30/12 so 5 year rule not applicable.	

APCO CONSTRUCTION (SPENCER FANE)
TIME RECAP

Date Worked	Time Keeper	Description	Total Hours Billed	Total Amount Billed	Amount Allocated to Helix	Amount Allocated to National Wood	REVISED* ALLOCATION TO NATIONAL WOOD	National Wood Comments	Legend
12/1/2017	VLB	(Paralegal) Review order setting non-jury trial (.1); calculate related deadlines and add to master case deadlines index (.2); compose email correspondence to Randy Jefferies, Mary Bacon, Joe Pelan and Lisa Lynn regarding same (.1); update litigation folder with recent pleadings filed by the parties and orders/decisions issued by the court (.2).	0.60	$132.00	$66.00	$66.00	$9.43	Allocate to 14 subs	
12/6/2017	VLB	(Paralegal) Revise trial exhibit index (.5); compose email correspondence to L. Lynn regarding trial exhibits (.1).	0.60	$132.00	$66.00	$66.00	$9.43	Allocate to 14 subs	
12/7/2017	VLB	(Paralegal) Conference call with Randy Jefferies and Mary Bacon regarding trial exhibits (.13); telephone call with Lisa Lynn regarding Apco trial exhibits (.05); upload Apco's revised trial exhibits to ShareFile (.1); compose email correspondence to Lisa Lynn regarding review and comparison of Helix and Apco trial exhibits (.05).	0.33	$72.50	$36.25	$36.25	$5.18	Allocate to 14 subs	
12/7/2017	VLB	Telephone call with Lisa Lynn regarding Helix trial exhibits (.05); compose email correspondence to Lisa Lynn regarding review and comparison of Helix and Apco trial exhibits (.05).	1.0	$220.00	$220.00	$0.00	$15.71	Allocate to 14 subs	
12/8/2017	MEB	Begin research for APCO's pre-trial brief.	6.70	$1,909.50	$954.75	$954.75	$136.39	Allocate to 14 subs	
12/12/2017	[redacted]							Deduct-APCO unsuccessful	
12/12/2017	VLB	Review email correspondence from Lisa Lynn regarding Helix documents (.1); replace certain Helix documents with clean copies (.2).	0.30	$66.00	$66.00	$0.00		Not charged to NWP	
12/14/2017	JRJ	Telephone conference with Mary Bacon about the trial calendar and motion for reconsideration.	0.30	$120.00	$60.00	$0.00		Not charged to NWP	
12/18/2017	JRJ	Review and revise the draft order from Helix on pay if paid (.3), email to Joe and Cody regarding same (.2).	0.5	$200.00	$200.00	$0.00		Not charged to NWP	
12/19/2017	[redacted]							Deduct-not filed	
12/19/2017	MEB	Review and analyze draft order granting pay if paid MSJ (.6). Compare to original motion, opposition and reply briefs (.5). Draft comments and proposed revisions to order (.5), and draft competing order. Send to R. Jefferies for review (3.0).	4.60	$1,311.00	$1,311.00	$0.00		Not charged to NWP	
12/20/2017	JRJ	Conference with Mary Bacon (.3) and review the draft orders received from Helix and the APCO order on its motions (1.5); telephone conference with Joe Pelan to discuss status (.5); review and respond to email from Vivian about the trial exhibits (.2).	2.50	$1,000.00	$1,000.00	$0.00		Not charged to NWP	
12/20/2017	VLB	(Paralegal) Compose email correspondence to Mary Bacon regarding APCO's exhibits and exhibit index (.1); upload revised APCO exhibits to ShareFile folder (1.0); compose email correspondence to Randy Jefferies regarding status of APCO's exhibits (.1).	1.20	$264.00	$132.00	$132.00	$18.86	Allocate to 14 subs	
12/20/2017	[redacted]							Deduct-APCO unsuccessful	
12/21/2017	JRJ	Email to Mary about [redacted] Helix.	0.20	$80.00	$80.00	$0.00		Not charged to NWP	

APCO CONSTRUCTION (SPENCER FANE)
TIME RECAP

Date Worked	Time Keeper	Description	Total Hours Billed	Total Amount Billed	Amount Allocated to Helix	Amount Allocated to National Wood	REVISED ALLOCATION TO NATIONAL WOOD	National Wood Comments	Legend
12/21/2017	VLB	(Paralegal) Compose email correspondence to Josh Zepeda (Axiom Discovery) regarding APCO's exhibits (.3); telephone conversation with J. Zepeda regarding instructions for branding exhibits, etc., per court's guidelines (1.5); compose email correspondence to opposing parties regarding APCO's exhibits and court guidelines regarding same (.6); review email from Eric Zimbelman regarding exhibits (.2); compose detailed email response to Mr. Zimbelman regarding APCO's exhibits, exhibit guidelines and desire to work on joint exhibits and exhibit lists (.8).	3.20	$704.00	$440.00	$264.00	$50.29	Allocate to 14 subs	
12/22/2017	TLT	Assist Ms. Bowron with preparing APCO Trial Exhibits binders for Mr. Jefferies.	1.20	$144.00	$72.00	$72.00	$10.29	Allocate to 14 subs	
12/26/2017	JRJ	Review the proposed form of order delivered by National Wood and email to Mary Bacon regarding same.	0.20	$80.00	$0.00	$80.00	$80.00	Charged NWP only.	
12/27/2017	JRJ	Review and respond to email from Mary Bacon about settling with National Wood (.2); prepare settlement email to National's counsel (.3).	0.50	$200.00	$0.00	$200.00	$200.00	Charged NWP only.	
12/27/2018	MEB	Review final exhibit list (3.3); create list of additional exhibits (.2); send to V. Bowron and R. Jefferies; call with with C. Mountcastle re: additional exhibits and reviewing discovery and previous exhibits to motions (1.6); email E. Zimbelman orders after reviewing with client and R. Jefferies (1.3).	6.70	$1,909.50	$1,140.00	$769.50	$136.39	Allocate to 14 subs	
12/28/2017	MEB	Review pleadings for APCO's motion for reconsideration of Peel Brimley's motion for summary judgment to preclude pay if paid provisions.	6.40	$1,824.00	$1,824.00	$0.00		Not charged to NWP	
12/29/2017	MEB	Start drafting motion for reconsideration of Peel Brimley's MSJ on pay if paid provisions.	8.40	$2,394.00	$2,394.00	$0.00		Not charged to NWP	
12/29/2017	VLB	(Paralegal) Download National Wood's trial exhibits onto F drive (.8); telephone conference with Mary Bacon and Randy Jefferies regarding trial exhibits(.3); begin assembling additional trial exhibits (3.1).	4.20	$924.00	$0.00	$924.00	$924.00	Charged NWP only.	
12/29/2017	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	Deduct-APCO unsuccessful	
12/30/2017	MEB	Continue working on motion for reconsideration of Peel Brimley Lien Claimant's motion for summary judgment.	6.30	$1,795.50	$1,795.50	$0.00		Not charged to NWP	
12/31/2017	MEB	Finalize APCO's motion for reconsideration of Peel Brimley MSJ and send to R. Jefferies.	4.30	$1,225.50	$1,225.50	$0.00		Not charged to NWP	
1/1/2018	JRJ	Begin review of the APCO marked exhibits and begin preparing witness and cross examination outlines for the anticipated witnesses.	6.40	$2,560.00	$1,280.00	$1,280.00	$1,280.00	Helix & NWP	
1/1/2018	MEB	Implement R. Jefferies changes to APCO's motion for reconsideration of Peel Brimley MSJ	3.90	$1,111.50	$1,111.50	$0.00		Not charged to NWP	
1/2/2018	VLB	(Paralegal) Serve court's recent orders on MIL rulings to litigation folder on the F drive (.8); begin assembling additional APCO exhibits, and revising exhibit index (2.5); telephone conference with Mary Jo Allen and Lisa Lynn regarding trial exhibits (.3).	3.60	$792.00	$396.00	$396.00	$56.57	Allocate to 14 subs	
1/2/2018	JRJ	Travel to Las Vegas and attend the calendar call (3.2); work on trial exhibits and return to Phoenix (2.0); prepare email to Cody about the claims against Gemstone (.3); email to Mary about the motions for reconsideration (.2).	5.7	$2,280.00	$1,200.00	$1,080.00	$162.86	Allocate to 14 subs	
1/2/2018	JRJ	Review and revise the draft motion for reconsideration on the Helix summary judgment on pay if paid (2.8);	2.8	$1,120.00	$1,120.00	$0.00		Not charged to NWP	

APCO CONSTRUCTION (SPENCER FANE)
TIME RECAP

Date Worked	Time Keeper	Description	Total Hours Billed	Total Amount Billed	Amount Allocated to Helix	Amount Allocated to National Wood	REVISED ALLOCATION TO NATIONAL WOOD	National Wood Comments	Legend
1/2/2018	MEB	Prepare and confirm trial exhibits (.3), exchange emails with opposing counsel re: trial and pre-trial memo (.3) and continue drafting pre-trial memo(4.0);	4.60	$1,311.00	$655.50	$655.50	$93.64	Allocate to 14 subs	
1/2/2018	MEB	Finalize motion for reconsideration of Peal Brimley MSJ (incorporating client comments).	3.80	$1,083.00	$1,083.00	$0.00		Not charged to NWP	
1/3/2018	VLB	Upload Helix exhibits to ShareFile folder (.4); compose email correspondence to Josh Zepeda (Axion Discovery) and Jim Holpuch (Holo Discovery) with instructions for printing Helix exhibits (.3);	0.7	$154.00	$154.00	$0.00		Not charged to NWP	
1/3/2018	VLB	(Paralegal) Continue assembling additional APCO exhibits, and revising exhibit index (2.9); upload National Wood exhibits to ShareFile folder (.4); compose email correspondence to Josh Zepeda (Axion Discovery) and Jim Holpuch (Holo Discovery) with instructions for printing National Wood exhibits (.3); begin assembling exhibits listed in Cody Mounteer's exhibit list based on APCO motions filed (1.5); telephone conference with Vivian Bowron about the trial exhibits (.3).	5.40	$1,188.00	$550.00	$638.00	$638.00	Helix & NWP	
1/3/2018	JRJ	Telephone conference with Vivian Bowron about the trial exhibits (.3); telephone conference with Joe Pelan about status and strategies for the motions for reconsideration (.5); review and revise draft motion for reconsideration on the National Wood motion in limine (.9); telephone conference with Joe Pelan to discuss same and email to Mary confirming we are not filing that motion (.5); review the email from Cody with case history and [redacted] (.5); email to Joe Pelan regarding same (.2); review APCO exhibits for trial and prepare trial outlines (2.2)	5.1	$2,040.00	$760.00	$1,280.00	$1,280.00		
1/3/2018	JRJ	Review and revise the draft Helix reconsideration motion (1.7)	1.7	$680.00	$680.00	$0.00		Not charged to NWP	
1/3/2018	MEB	Continue drafting joint-pretrial memo (3.7), approve with R. Jefferies and client (1.3), send to opposing counsel (.1).	5.10	$1,453 .50	$726.75	$726.75		Helix & NWP	
1/3/2018	TLT	Assist Ms. Bowron with preparing Trial Exhibits binders for Helix's documents.	1.0	$120.00	$120.00	$0.00		Not charged to NWP	
1/3/2018	TLT	Assist Ms. Bowron with preparing Trial Exhibits binders for NWP documents.	1.00	$120.00	$0.00	$120.00		Not charged to NWP	
1/4/2018	JRJ	Exchange email with Cody about [redacted] (.2); continue review of trial exhibits (2.5).	2.7	$1,080.00	$540.00	$540.00	$540.00	Helix & NWP	
1/4/2018	VLB	(Paralegal) Finish assembling exhibits listed in Cody Mounteer's index of documents attached to motions filed by APCO).	6.80	$1,496.00	$748.00	$748.00	$748.00	Helix & NWP	
1/5/2018	JRJ	Telephone conference with Vivian Bowron about the additional exhibits (.2); review trial exhibits and prepare related outlines (.5); several telephone conferences with Vivian Bowron about the exhibit lists (.3); exchange email with opposing counsel regarding trial issues (.2).	1.2	$480.00	$240.00	$240.00	$240.00	Helix & NWP	
1/5/2018	VLB	(Paralegal) Finish assembling APCO trial exhibits 209-309 (3.6); revise trial exhibit list (.99); telephone conference with Randy Jefferies about the additional exhibits (.2); several telephone conferences with Vivian Bowron about the exhibit lists (.3).	5.29	$1,163.80	$581.90	$581.90	$581.90	Helix & NWP	
1/5/2018	MEB	Continue working on pre-trial brief.	6.90	$1,966.50	$983.25	$983.25	$983.25	Helix & NWP	
1/6/2018	JRJ	Continue to review APCO trial exhibits and prepare direct and cross examination witness outlines (3.0); review the exhibits marked by National Wood and the original complaint filed by Cabinotec and prepare letter to National Wood's counsel about the merits of the claims (2.8).	5.8	$2,320.00	$0.00	$2,320.00	$1,720.00	3 hours should be allocated to NWP & Helix; balance to NWP	
1/6/2018	JRJ	Begin reviewing the exhibits marked by Helix Electric (1.5).	1.5	$600.00	$600.00	$0.00		Not charged to NWP	

APCO CONSTRUCTION (SPENCER FANE)
TIME RECAP

Date Worked	Time Keeper	Description	Total Hours Billed	Total Amount Billed	Amount Allocated to Helix	Amount Allocated to National Wood	REVISED* ALLOCATION TO NATIONAL WOOD	National Wood Comments	Legend
1/7/2018	JRJ	Continue review of the exhibits marked by Helix Electric (2.5); revise the Helix witness outlines (1.1); prepare email to Helix's counsel (.2).	3.8	$1,520.00	$1,520.00	$0.00		Not charged to NWP	
1/7/2018	JRJ	Email to Joe Pelan about staffing (.2); review APCO's motion to supplement against Gemstone (.3).	0.50	$200.00	$100.00	$100.00	$0.00	Deduct-related to Gemstone	
1/8/2018	MEB	Continue drafting pre-trial memo.	4.60	$1,311.00	$655.50	$655.50	$655.50	Helix & NWP	
1/8/2018	VLB	(Paralegal) Continue working on additional trial exhibits (2.4); compose email correspondence to all parties with links to APCO trial video, and exhibits 209-309 (.3); telephone conversations with Lisa Lynn and Mary Jo Allen regarding additional APCO trial exhibits (.2).	2.90	$638.00	$319.00	$319.00	$319.00	Helix & NWP	
1/8/2018	JRJ	Conference call with Mary Bacon about legal issues for the pretrial statement (.2); conference call with opposing counsel to discuss trial issues (.3); telephone conference with Eric Zimbelman about trial issues (.3); review and revise the pretrial statement (3.7).	4.50	$1,800.00	$980.00	$840.00	$840.00	Helix & NWP	
1/8/2018	MEB	Conference with R. Jefferies about legal issues.	0.20	$57.00	$28.50	$28.50	$28.50	Helix & NWP	
1/8/2018	MEB	Continue drafting issues of law section (ratification, novation, assignment, judicial admission) for pretrial memorandum.	14.80	$4,218.00	$2,109.00	$2,109.00	$2,109.00	Helix & NWP	
1/9/2018	JRJ	Review email from Mary Jo Allen about Helix billings and prepare a response thereto.	0.2	$80.00	$80.00	$0.00		Not charged to NWP	
1/9/2018	VLB	(Paralegal) Assemble final set of APCO trial exhibits (4.6); upload to ShareFile (.4); compose email to Jim Holpuch and Josh Zepeda with detailed instructions with printing instructions, court copy of exhibits, etc. (.4); add APCO exhibits to "internal" copy of trial exhibit list and notate any previously marked as deposition exhibits (.5); revise APCO proposed trial exhibit list (.4); compose email correspondence to Court Clerk, providing copy of proposed trial exhibit list (.2); compose email correspondence to all litigants' counsel with final set of APCO trial exhibits and updated exhibit list (.3).	6.8	$1,496.00	$748.00	$748.00	$748.00	Helix & NWP	
1/9/2018	JRJ	Prepare email to Joe Pelan about arguing the motion for reconsideration (.1); review and revise the draft pretrial statement (1.5); lengthy conference call with Joe, Lisa, and Mary Jo to discuss the over payment backcharges (.5); finalize pretrial statement comments (.5).	2.6	$1,040.00	$520.00	$520.00	$520.00	Helix & NWP	
1/9/2018	MEB	Continue researching issues of law for APCO's pretrial brief.	4.60	$1,311.00	$655.50	$655.50	$655.50	Helix & NWP	
1/9/2018	MEB	Draft reply in support of motion for reconsideration of pay-if-paid MSJ (Peel Brimley).	3.40	$969.00	$969.00	$0.00		Not charged to NWP	
1/10/2018	JAG	Revise the Reply in Support of Motion for Reconsideration.	1.24	$372.00	$372.00	$0.00		Not charged to NWP	
1/10/2018	[redacted]						$0.00	Deduct-APCO unsuccessful	
1/10/2018	MEB	Continue drafting issues of law for joint pre-trial brief.	2.60	$741.00	$370.50	$370.50	$370.50	Helix & NWP	
1/11/2018	JRJ	Review Helix changes to the pretrial statement (1.7).	0.85	$340.00	$340.00	$0.00		Not charged to NWP	
1/11/2018	JRJ	Review the draft pretrial with the final set and email to Mary with comments (.3); review the email from Cory and Dave Mullen and the proposed Order on Gemstone's Motion for Reconsideration (.2); prepare email to Cory and Joe regarding same (.2); review National's changes to the pretrial statement (.85).	1.55	$620.00	$80.00	$460.00	$540.00	Recalculate - majority of fees unrelated to defense of claims of NWP	

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APCO CONSTRUCTION (SPENCER FANE)
TIME RECAP

Date Worked	Time Keeper	Description	Total Hours Billed	Total Amount Billed	Amount Allocated to Helix	Amount Allocated to NationalWood	REVISED* ALLOCATION TO NATIONAL WOOD	National Wood Comments	Legend
1/11/2018	MEB	Prepare for pay if paid motion for reconsideration	1.5	$441.75	$441.75	$0.00		Not charged to NWP	
1/11/2018	MEB	Attend hearing and argue APCO's two motions for reconsideration.	2.10	$598.50	$299.25	$0.00		Not charged to NWP	
1/11/2018	MEB	Continue drafting issues of law for joint pre-trial memo.	3.60	$1,026.00	$513.00	$513.00	$513.00	Helix & NWP	
1/12/2018	JRJ	Review and revise the legal analysis for the pretrial statement and ultimately the pretrial brief (1.6); three telephone conferences with Mary Bacon to discuss the pretrial statement (.9); telephone conference with Joe Pelan regarding his trial preparation and the damages due to APCO (.5); review additionally marked exhibits for incorporation into the trial outlines; work on trial outlines (1.5).	4.60	$1,800.00	$900.00	$900.00	$900.00	Helix & NWP	
1/12/2018	VLB	(Paralegal) Telephone call with Jennifer Gorod (court recorder) regarding trial (.2); compose email correspondence to Cole Mountjoy regarding need for court reporter (.1); telephone conversation with Lorraine (Judge Denton's JOA) regarding availability for equipment testing prior to trial telephone conversation with Ken (court audio/visual department) regarding same (.2); telephone conversation with Lisa Lynn regarding equipment testing (.2); compose email correspondence to Ken regarding work order for equipment testing (.1).	0.80	$176.00	$88.00	$88.00	$88.00	Helix & NWP	
1/12/2018	MEB	Finish drafting issues of law for joint pre-trial memo (10.1); incorporate opposing counsels' changes to joint pre-trial memo confirm changes with client, and file (5.2).	15.30	$4,360.50	$2,180.25	$2,180.25	$2,180.25	Helix & NWP	
1/13/2018	JRJ	Continue review of final set of exhibits and revision of the trial outlines.	1.80	$720.00	$360.00	$360.00	$360.00	Helix & NWP	
1/15/2018	JRJ	Work on the Pelan outline and email to Joe Pelan (1.6); telephone conference with Mary Bacon about the bench memo (.2); review Joe and Lisa's changes to the trial outline (.5); review and continue to work on the bench memo (1.9).	4.20	$1,680.00	$840.00	$840.00	$840.00	Helix & NWP	
1/15/2018	VLB	(Paralegal) Prepare Andrew Rivera trial outline, and replace deposition exhibit citations with trial exhibit numbers.	6.60	$1,452.00	$1,452.00	$0.00		Not charged to NWP	
1/15/2018	MEB	Continue drafting factual and legal sections of APCO's pre-trial brief.	8.50	$2,422.50	$1,211.25	$1,211.25	$1,211.25	Helix & NWP	
1/16/2018	JRJ	Work on bench memo (.9); travel to Las Vegas and review outlines and exhibits to prepare for the trial against Helix and National Wood (7.7); telephone conference with Joe Pelan regarding his testimony (.2); exchange multiple emails with MaryJo Allen regarding the Helix and APCO damage calculations (.5).	9.30	$3,720.00	$1,960.00	$1,760.00	$1,760.00	Helix & NWP	
1/16/2018	VLB	(Paralegal) Finish drafting A. Rivera trial outline (2.7); compose email correspondence to Randy Jefferies regarding deposition exhibit 91 not being marked as trial exhibit (.1).	2.80	$616.00	$616.00	$0.00		Not charged to NWP	
1/16/2018	MEB	Day before trial preparation. Review trial outline while simultaneously confirming exhibit references (8.7); participate in tech check (1.3); multiple calls with client to confirm status of trial, order of witnesses, preparation of the same (.9); review documents to begin preparing M. Jo and B. Benson witness outlines (1.2)	12.10	$3,448.50	$1,724.25	$1,724.25	$1,724.25	Helix & NWP	
1/17/2018	JRJ	Prepare for and attend the trial (7.5); conference with Mary Bacon to discuss trial preparation for the Helix cross and the MaryJo Allen examination (1.9).	9.40	$3,760.00	$2,240.00	$1,520.00	$1,520.00	Helix & NWP	
1/17/2018	JAG	Research whether pleadings and discovery responses are admissible at trial.	1.15	$345.00	$345.00	$0.00		Not charged to NWP	

APCO CONSTRUCTION (SPENCER FANE)
TIME RECAP

Date Worked	Time Keeper	Description	Total Hours Billed	Total Amount Billed	Amount Allocated to Helix	Amount Allocated to National Wood	REVISED ALLOCATION TO NATIONAL WOOD	National Wood Comments	Legend
1/17/2018	VLB	(Paralegal) Assemble, and upload various exhibits onto ShareFile, for Brian Benson, at the direction of Mary Bacon.	0.70	$154.00	$77.00	$77.00	$77.00	Helix & NWP	
1/17/2018	MEB	Attend trial and prepare for second day of trial.	0.00	$0.00					
1/18/2018	JRJ	Prepare for cross examination of Bob Johnson and Andy Rivera of Helix and Cox of Cabinetec (1.5); attend trial (7.0); conference with Joe Pelan to discuss the evidence related to the set off issues (.3); conference call with Joe and Mark Mendenhall about status (.3); review the prehearing bench memo and prepare for Joe Pelan's testimony on the rebuttal case (1.7).	10.80	$4,320.00	$2,200.00	$2,120.00	$2,120.00	Helix & NWP	
1/18/2018	MEB	Prepare witness outlines for Mary Jo and Brian Benson (4.2); meet with Mary Jo to prepare for setoff testimony and create demonstratives for court (2.0).	6.20	$1,767.00	$1,197.00	$570.00	$570.00	Helix & NWP	
1/19/2018	JRJ	Prepare for and attend trial; conference with Joe Pelan and conference call with Mark Mendenhall; travel to Phoenix (2.0)	13.50	$5,400.00	$2,700.00	$2,700.00	$2,700.00	Helix & NWP	
1/19/2018	MEB	Prepare for and attend trial.	0.00	$0.00					
1/22/2018	JRJ	Exchange several email with opposing counsel about the trial schedule (.5); telephone conference with John Taylor about Cabinetec's final witness and possible settlement (.3); prepare related email to all counsel (.3); telephone conference with Joe Pelan regarding status (.6); email to opposing counsel on closing statements (.2); email to Mary Bacon about assignments and issues for the closing arguments (.6).	2.50	$1,000.00	$440.00	$560.00	$560.00	Helix & NWP	
1/22/2018	MEB	Exchange emails with opposing counsel re: trial scheduling, order of witnesses, trial schedule, and closing arguments.	0.50	$142.50	$71.25	$71.25	$71.25	Helix & NWP	
1/23/2018	[redacted]							Deduct-not related to defense of claims of NWP	
1/23/2018	MEB	Attend trial (2.3), draft closing argument (6.8) and start drafting post-trial brief (2.4).	11.50	$3,277.50	$1,638.75	$1,638.75	$1,638.75	Helix & NWP	
1/24/2018	JRJ	Prepare for and attend trial (6.5); return to Phoenix (2.0).	8.50	$3,400.00	$1,700.00	$1,700.00	$1,700.00	Helix & NWP	
1/24/2018	MEB	Revise closing argument (2.3) and finalize exhibits (1.1).	3.40	$969.00	$484.50	$484.50	$484.50	Helix & NWP	
1/25/2018	JRJ	Exchange email with counsel about the trial transcripts.	0.20	$80.00	$40.00	$40.00	$40.00	Helix & NWP	
2/5/2018	JRJ	Review and analyze the testimony from Day 1 of the trial.	2.00	$800.00	$400.00	$400.00	$400.00	Helix & NWP	
2/5/2018	MEB	Conference call with R. Jefferies re: post-trial brief.	0.10	$28.50	$14.25	$14.25	$14.25	Helix & NWP	
2/7/2018	JRJ	Continue review of the trial transcripts for purposes of the post trial briefing.	6.30	$2,520.00	$1,260.00	$1,260.00	$1,260.00	Helix & NWP	
2/8/2018	JRJ	Continue review of the trial transcripts.	1.20	$480.00	$240.00	$240.00	$240.00	Helix & NWP	
2/8/2018	MEB	Status call with R. Jefferies re: post trial brief and findings of fact and conclusions of law.	0.20	$49.45	$24.73	$24.73	$24.73	Helix & NWP	
2/9/2018	JRJ	Conclude review of the trial transcripts in order to prepare the post trial briefing.	2.50	$1,000.00	$500.00	$500.00	$500.00	Helix & NWP	
2/11/2018	MEB	Continue adding text and references to trial transcript to post trial brief.	9.20	$2,622.00	$1,311.00	$1,311.00	$1,311.00	Helix & NWP	

APCO CONSTRUCTION (SPENCER FANE)
TIME RECAP

Date Worked	Time Keeper	Description	Total Hours Billed	Total Amount Billed	Amount Allocated to Helix	Amount Allocated to National Wood	REVISED* ALLOCATION TO NATIONAL WOOD	National Wood Comments	Legend
2/13/2018	MEB	Continue adding exhibit references into FFCL.	8.20	$2,337.00	$1,168.50	$1,168.50	$584.25	Recalcute-Dispute excessive number of hours spent on FFCL	
2/14/2018	MEB	Continue adding in exhibit references to FFCL.	4.30	$1,225.50	$612.75	$612.75	$306.38	Recalcute-Dispute excessive number of hours spent on FFCL	
2/18/2018	JRJ	Review and revise the draft post trial brief and statement of facts.	1.50	$600.00	$300.00	$300.00	$300.00		
2/19/2018	MEB	Continue adding exhibits to findings of fact and conclusions of law.	2.30	$655.50	$327.75	$327.75	$163.88	Recalcute-Dispute excessive number of hours spent on FFCL	
2/19/2018	MEB	Call with R Jefferies on FFCL.	0.20	$57.00	$28.50	$28.50	$14.25	Recalcute-Dispute excessive number of hours spent on FFCL	
2/19/2018	MEB	Continue adding testimony in FFCL.	3.40	$969.00	$484.50	$484.50	$242.25	Recalcute-Dispute excessive number of hours spent on FFCL	
2/20/2018	MEB	Draft stip and order to extend deadlines for pretrial motion and for FFCL, call counsel to confirm stipulation.	0.40	$98.89	$49.45	$49.45	$49.45	Helix & NWP	
2/28/2018	MEB	Continue adding exhibits to findings of fact and conclusions of law.	4.50	$1,282.50	$641.25	$641.25	$320.63	Recalcute-Dispute excessive number of hours spent on FFCL	
3/3/2018	JRJ	Review and revise the post hearing brief.	2.60	$1,040.00	$520.00	$520.00	$520.00	Helix & NWP	
3/3/2018	MEB	Continue drafting APCO's Findings of Fact and conclusions of law.	5.20	$1,532.86	$766.43	$766.43	$383.22	Recalcute-Dispute excessive number of hours spent on FFCL	
3/5/2018	JRJ	Review and revise the post hearing brief, including the factual and legal sections.	6.50	$2,600.00	$1,300.00	$1,300.00	$1,300.00	Helix & NWP	
3/5/2018	MEB	Continue drafting APCO's Post Trial Brief.	8.30	$2,052.06	$1,026.03	$1,026.03	$1,026.03	Helix & NWP	
3/6/2018	JRJ	Continue review and revision of the post trial brief.	3.50	$1,400.00	$700.00	$700.00	$700.00	Helix & NWP	
3/6/2018	MEB	Continue drafting APCO's post-trial brief.	3.20	$791.16	$395.58	$395.58	$395.58	Helix & NWP	
3/7/2018	JRJ	Review and revise the legal section of the post-trial brief; continue review and revision of the factual section of the brief.	6.50	$2,600.00	$1,300.00	$1,300.00	$1,300.00	Helix & NWP	
3/7/2018	MEB	Continue drafting APCO's post-trial brief.	9.60	$2,373.47	$1,186.74	$1,186.74	$1,186.74	Helix & NWP	
3/8/2018	JRJ	Telephone conference with Mary Bacon about the trial brief and separate proposed findings of fact; review and revise the trial brief; review and revise the Helix conclusions of law; review and revise the draft conclusions of law and findings of fact.	7.60	$3,040.00	$1,520.00	$1,520.00	$760.00	Recalcute-Dispute excessive number of hours spent on FFCL	
3/8/2018	MEB	Continue drafting findings of fact and conclusions of law.	15.70	$3,881.60	$1,940.80	$1,940.80	$970.40	Recalcute-Dispute excessive number of hours spent on FFCL	
3/16/2018	JRJ	Review and analyze the post trial brief filed by Cameo and the proposed findings of fact and conclusions of law filed by National Wood.	2.50	$1,000.00	$320.00	$680.00	$340.00	Recalcute-Dispute excessive number of hours spent on FFCL	
3/18/2018	MEB	Start drafting APCO's opposition to National Wood's proposed findings of fact and conclusions of law.	8.20	$2,027.33	$0.00	$2,027.33	$1,013.67	Recalculate-Dispute excessive number of hours spent on opposition to FFCL	
3/19/2018	JRJ	Review Joe's comments on the National Wood proposed findings of fact and conclusions of law.	0.70	$280.00	$0.00	$280.00	$140.00	Recalculate-Dispute excessive number of hours spent on opposition to FFCL	
3/19/2018	MEB	Finish drafting opposition to National Wood's proposed findings of fact and conclusions of law.	12.10	$2,991.55	$0.00	$2,991.55	$1,495.78	Recalculate-Dispute excessive number of hours spent on opposition to FFCL	
3/19/2018	JRJ	Review and analyze the proposed findings of fact and conclusions of law submitted by Helix.	2.1	$840.00	$840.00	$0.00		Not charged to NWP	
3/20/2018	MEB	Start drafting opposition to Helix's proposed FFCL.	10.80	$2,670.15	$2,670.15	$0.00		Not charged to NWP	

APCO CONSTRUCTION (SPENCER FANE)
TIME RECAP

Date Worked	Time Keeper	Description	Total Hours Billed	Total Amount Billed	Amount Allocated to Helix	Amount Allocated to National Wood	REVISED* ALLOCATION TO NATIONAL WOOD	National Wood Comments	Legend
3/21/2018	JRJ	Review, draft, and revise the current version of the rebuttal to the National Wood proposed findings of fact and the proposed findings that Helix submitted to the court.	5.80	$2,320.00	$1,160.00	$1,160.00	$580.00	Recalculate-Dispute excessive number of hours spent on opposition to FFCL	
3/21/2018	MEB	Review and revise APCO's rebuttals to National Woods (2.1) and Helix's proposed Findings of Fact and Conclusions of Law (1.3).	3.40	$840.60	$321.41	$519.19	$259.60	Recalculate-Dispute excessive number of hours spent on opposition to FFCL	
3/21/2018	MEB	Continue drafting opposition to Helix's proposed FFCL.	7.90	$1,953.16	$1,953.16	$0.00		Charged Helix only.	
3/22/2018	JRJ	Continue review and revision of the rebuttal to the National Wood proposed findings and the Helix proposed findings.	3.80	$1,520.00	$760.00	$760.00	$380.00	Recalculate-Dispute excessive number of hours	
3/22/2018	MEB	Call Judge Denton's chambers to confirm extension.	0.20	$49.45	$24.73	$24.73	$24.73	Helix & NWP	
3/22/2018	MEB	Continue draft APCO's opposition to Helix's Findings of Fact and Conclusions of Law (implementing research on impossibility to meet conditions precedent and distinguishing NY case on termination).	8.40	$2,076.78	$2,076.78	$0.00		Not charged to NWP	
3/23/2018	JRJ	Review and revise the response to the Helix proposed findings of fact and conclusions of law.	3.1	$1,240.00	$1,240.00	$0.00		Not charged to NWP	
3/23/2018	[redacted]							NWP should not be charged.	
3/23/2018	MEB	Make final R. Jefferies and J. Pelan changes to rebuttal filings.	1.80	$395.55	$197.79	$197.79	$98.90	Recalculate-Dispute excessive number of hours spent on opposition to FFCL	
3/23/2018	MEB	Finish rebuttal to Helix's proposed findings of fact and conclusions of law.	6.30	$1,557.58	$1,557.58	$0.00		Not charged to NWP	
4/2/2018	MEB	Review status of case and draft email to R. Jefferies re: same.	0.10	$28.50	$14.25	$14.25	$14.25	Helix & NWP	
4/10/2018	MEB	Review status of case and draft email to R. Jefferies re: same.	0.3	$57.00	$28.50	$28.50	$28.50	Helix & NWP	
4/26/2018	JRJ	Review and analyze the court's decision on the Helix and Cabinet claims (1.3); telephone conference with Mary Bacon to discuss attorneys fee issues (.2); telephone conference with Joe Pelan regarding same (.2); preliminary review of the Spencer Fane attorneys fees and costs (.5); review the findings of fact regarding National Wood's claims against Cameo (.3); prepare related email to Joe Pelan (.2); review the findings of fact entered by the court in the claims of Helix Electric asserted against Cameo and prepare related email to Joe Pelan (.4); review [redacted] (.2); telephone conference with Lisa Lynn regarding the attorneys fees (.2); start review of fees (.4).	3.7	$1,480.00	$740.00	$740.00	$740.00	Helix & NWP	
4/26/2018	MEB	Review and analyze court's multiple FFCL.	3.1	$883.50	$441.75	$441.75	$441.75	Helix & NWP	
4/27/2018	MEB	Start drafting APCO's motion for attorney's fees	3.20	$912.00	$456.00	$456.00	$456.00	Helix & NWP	
4/28/2018	JRJ	Review time entries for the fee application against Helix and National Wood.	1.30	$520.00	$260.00	$260.00	$260.00	Helix & NWP	
4/28/2018	MEB	Continue drafting APCO's motion for attorney's fees	4.30	$1,225.50	$612.75	$612.75	$612.75	Helix & NWP	
4/29/2018	MEB	Continue drafting APCO's motion for attorney's fees	1.50	$4,275.00	$2,137.50	$2,137.50	$2,137.50	Helix & NWP	
4/30/2018	JRJ	Work on the fee application (.2); telephone conference with Joe Pelan (.3); exchange email with Cody and Lisa Lynn about the fee application	.6	$240.00	$120.00	$120.00	$120.00	Helix & NWP	
4/30/2018	MEB	Finish drafting form of motion for attorney's fees (with blanks for attorneys to fill in their segregated time)	2.10	$598.50	$299.25	$299.25	$299.25	Helix & NWP	
		TOTAL:		$280,478.72	$129,990.11	$111,193.16	$68,662.86		
		SINCE 11/23/17		$184,079.22	$102,409.38	$81,803.37	$80,945.83		

EXHIBIT "C"

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DISTRICT COURT
CLARK COUNTY, NEVADA

In Re Manhattan Mechanic's Lien Litigation	CASE NO.: A571228 DEPT. NO.: XXIX Consolidated with: 08A574391, 08A574792, 08A577623, 09A580889, 09A583289, 09A584730, 09A587168, A-09-589195-C, A-09-589677-C, A-09-590319-C, A-09-592826-C, A-09-596924-C, and A-09-597089-C **ORDER STAYING THE CASE, EXCEPT FOR THE SALE OF THE PROPERTY, PENDING RESOLUTION OF THE WRIT PETITION BEFORE THE NEVADA SUPREME COURT** **Date: November 6, 2012** **Time: 10:00 a.m.**
AND ALL RELATED CASES AND MATTERS	

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#2123636-v2

ORDER STAYING THE CASE, EXCEPT FOR THE SALE OF THE PROPERTY, PENDING RESOLUTION OF THE WRIT PETITION BEFORE THE NEVADA SUPREME COURT

This matter having come before the Court upon the joint oral motion for a stay of the case, except for any procedures necessary to complete the pending sale of the Property, made by APCO Construction, the Peel Brimley Lien Claimants and Scott Financial, the Court having heard no objections, and other good cause appearing:

THE COURT FINDS AS FOLLOWS:

1. A stay of the entire case, with the exception of any actions necessary for the sale of the Property as previously ordered by the Court, pending resolution of the Writ Petition currently before the Nevada Supreme Court, is appropriate pursuant to Nevada Rule of Civil Procedure 62 and Nevada Rule of Appellate Procedure 8.

2. No bond is necessary as the real parties in interest have jointly moved for the stay.

3. Trial of this consolidated matter commenced on October 30, 2012 upon the trial of the lien amount, lien validity and related claims of Ready Mix, Inc., and therefore, the five-year rule set forth in Nevada Rule of Civil Procedure 41(e) is no longer applicable.

4. To the extent that trial under Nevada Rule of Civil Procedure 41(e) has not commenced, the stay pursuant to Nevada Rule of Appellate Procedure 8, tolls the five-year rule of Nevada Rule of Civil Procedure 41(e).

Based upon the above findings by the Court and other good cause,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that all causes of action, counterclaims, third-party claims or otherwise are hereby stayed pending resolution of the Writ Petition currently pending before the Nevada Supreme Court, except for any actions necessary for the sale of the Property as previously ordered by this Court, and the establishment of an account for the proceeds of the sale, to which all lien claims shall attach.

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IT IS FURTHER ORDERED, ADJUDGED AND DECREED that no bond shall be required for the stay to become effective.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that nothing herein shall affect the on-going mediation of this case.

DATED this 28th day of November 2012.

DISTRICT COURT JUDGE

Submitted by:

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#2123636-v2

IN THE SUPREME COURT OF THE STATE OF NEVADA

Supreme Court Case No. 77320
***Consolidated with* 80508**

HELIX ELECTRIC OF NEVADA, LLC,

Appellant,

v.

APCO CONSTRUCTION, INC., A NEVADA CORPORATION,

Respondent.

JOINT APPENDIX
VOLUME 99

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Docket 77320 Document 2020-38063

CHRONOLOGICAL APPENDIX OF EXHIBITS

Date	Description	Bates Number	Volume(s)
06-24-09	**Helix Electric's Statement of Facts Constituting Lien and Third-Party Complaint**	**JA000001-JA000015**	**1**
08-05-09	**APCO's Answer to Helix's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint**	**JA000016 – JA000030**	**1**
04-26-10	**CAMCO and Fidelity's Answer and CAMCO's Counterclaim**	**JA000031-JA000041**	**1**
07-02-10	**Order Striking Defendant Gemstone Development West, Inc.'s Answer and Counterclaim and Entering Default**	**JA000042-JA000043**	**1**
06-06-13	**APCO's Limited Motion to Lift Stay for Purposes of this Motion Only; (2) APCO's Motion for Summary Judgment Against Gemstone Only; and (3) Request for Order Shortening Time**	**JA000044-JA000054**	**1**
	Exhibit 1 – Affidavit of Randy Nickerl in Support of (I) APCO's Limited Motion to Lift Sta for Purposes of this Motion Only; (2) APCO's Motion for Judgment Against Gemstone Only	JA000055-JA000316	1/2/4/5/6
	Exhibit 2 – Findings of Fact and Conclusions of Law and Judgment in Favor of APCO Construction Against Gemstone Development West, Inc. Only	JA000317-JA000326	6

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06-13-13	**Docket Entry and Minute Order Granting APCO's Motion for Summary Judgment Against Gemstone**	**JA000327**	**6**
08-02-17	**Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements and *Ex Parte* Application for Order Shortening Time**	**JA000328-JA000342**	**6**
	Exhibit 1 – APCO Construction's Answers to Helix Electric of Nevada, LLC's First Request for Interrogatories	JA000343-JA00379	6
	Exhibit 2 – Camco Pacific Construction Company, Inc.'s Responses to Helix Electric of Nevada, LLC's Interrogatories	JA000380-JA000392	6
08-21-17	**APCO Construction's Opposition to Peel Brimley Lien Claimants' Partial Motion for Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements**	**JA000393-JA000409**	**6/7**
	Exhibit A – Excerpt from 30(b)(6) Witness for Helix Electric of Nevada, LLC taken July 20, 2017	JA000410-JA000412	7
09-28-17	**Peel Brimley Lien Claimants' Reply to Oppositions to Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements**	**JA000413-JA00418**	**7**
11-06-17	**Peel Brimley Lien Claimants' Motion in Limine Nos. 1-6**	**JA000419-JA000428**	**7**

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	Exhibit 1 – Notice of Entry of Order	JA000429 JA000435	7
	Exhibit 2 – Amended Notices of 30(b)(6) Deposition of Camco Pacific Construction Company, Inc. from Cactus Rose Construction, Inc., Fast Glass, Inc.'s, Heinaman Contract Glazing, Inc. and Helix Electric of Nevada, LLC's	JA000436-JA000472	7/8
	Exhibit 3 – Excerpt from David E. Parry's Deposition Transcript taken June 20, 2017	JA000473 JA00489	8
	Exhibit 4 – Cactus Rose Construction, Inc.'s First Set of Request for Admissions to Camco Pacific Construction	JA00490 JA000500	8
	Exhibit 5 – Fast Glass, Inc.'s First Set of Request for Admissions to Camco Pacific Construction	JA000501-JA000511	8
	Exhibit 6 – Heinaman Contract Glazing, Inc.'s First Set of Request for Admissions to Camco Pacific Construction	JA000512-JA000522	8
	Exhibit 7 – Helix Electric of Nevada, LLC's First Set of Request for Admissions to Camco Pacific Construction	JA000523-JA000533	8
11-06-17	**Helix Electric of Nevada's Motion *in Limine* Nos. 1-4**	**JA000534-JA000542**	**8**
	Exhibit 1 – Notice of Entry of Order	JA000543-JA000549	8
	Exhibit 2 – Helix Electric of Nevada, LLC's Amended Notice of 30(b)(6) Deposition of APCO Construction	JA000550 JA000558	8/9

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	Exhibit 3 - Excerpts from Brian Benson Deposition Transcript taken June 5, 2017	JA000559 JA000574	9
	Exhibit 4 – Excerpts from Mary Jo Allen's Deposition Transcript taken July 18, 2017	JA000575-JA000589	9
11-06-17	**APCO Construction, Inc.'s Omnibus Motion *in Limine***	**JA000590 JA000614**	**9**
	Exhibit 1 – Second Amended Notice of taking NRCP Rule 30(b)(6) Deposition of Person Most Knowledgeable for Zitting Brothers Construction, Inc.	JA000615-JA000624	9
	Exhibit 2 – Zitting Brothers Construction, Inc.'s Motion for Partial Summary Judgment Against APCO Construction	JA000625-JA000646	9
	Exhibit 3 – Excerpts from Samuel Zitting's Deposition Transcript taken October 27, 2017	JA000647-JA000678	9/10
	Exhibit 4 – Statement of Facts Constituting Lien on Behalf of Buchele, Inc.	JA000679-JA000730	10
	Exhibit 5 – Subcontract Agreement dated April 17, 2007	JA000731-JA000808	10/11
	Exhibit 6 – Subcontract Agreement dated April 17, 2007	JA000809-JA000826	11/12
	Exhibit 7 – Email from Mary Bacon dated October 16, 2017	JA000827-JA000831	12
	Exhibit 8 – Email from Mary Bacon dated October 17, 2017	JA000832-JA000837	12
	Exhibit 9 – Email from Eric Zimbelman dated October 17, 2017	JA000838-JA000844	12
	Exhibit 10 – Special Master Report, Recommendation and District Court Order	JA00845-JA000848	12

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	Exhibit 11 – Plaintiff in Intervention, National Wood Products, Inc.'s Initial Disclosures Pursuant to NRCP 16.1	JA000849-JA000856	12
	Exhibit 12 – Plaintiff in Intervention, National Wood Products, Inc.'s First Supplemental Disclosures Pursuant to NRCP 16.1	JA000857-JA000864	12
	Exhibit 13 – Amended Notice of Taking NRCP Rule 30(b)(6) Deposition of Person Most Knowledgeable for Helix Electric of Nevada, LLC	JA000865-JA000873	12
	Exhibit 14 – Excerpts from Helix Electric of Nevada, LLC's 30(b)(6) Witness Deposition Transcript taken July 20, 2017	JA000874-JA000897	12
11-14-17	**Camco Pacific Construction Company, Inc.'s Opposition to Lien Claimants' Motions in Limine Nos. 1-6**	**JA000898-JA000905**	**12**
	Exhibit A – Nevada Construction Services Cost Plus GMP Contract Disbursement Agreement	JA000906-JA000907	12
	Exhibit B – Scott Financial Corporation's April 28, 2009 letter to the Nevada State Contractor's Board	JA000908-JA000915	2/13
	Exhibit C – E-mail from Alex Edelstein dated December 15, 2008 Re: Letter to Subs	JA000916-JA000917	13
	Exhibit D – Camco Pacific's letter dated December 22, 2008	JA000918-JA000920	13
	Exhibit E – Order Approving Sale of Property	JA000921-JA000928	13

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11-14-17	**APCO Construction, Inc.'s Opposition to Helix Electric of Nevada, LLC's Motions *in Limine* Nos. 1-4**	**JA000929-JA000940**	**13/14**
	Exhibit 1 – Excerpts from the Deposition Transcript of Mary Jo Allen taken July 18, 2017	JA000941-JA000966	14/15/16
	Exhibit 2 – Helix Electric's Manhattan West Billing/Payment Status through August 2008	JA000967-JA000969	16/17
	Exhibit 3 – Excerpts from the Deposition Transcript of Andrew Rivera taken July 20, 2017	JA000970-JA000993	17/18/19
11-14-17	**Helix Electric of Nevada's Opposition to APCO Construction's Omnibus Motion *in Limine***	**JA000994-JA001008**	**20**
	Exhibit 1 – Excerpts from the Deposition Transcript of Brian Benson taken June 5, 2017	JA001009-JA001042	20
	Exhibit 2 - Excerpts from the Deposition Transcript of Brian Benson taken June 5, 2017	JA001043-JA001055	20
	Exhibit 3 – Special Master Order Requiring Completion of Questionnaire	JA001056-JA001059	20
	Exhibit 4 – Excerpts from the Deposition Transcript of the 30(b)(6) Witness for Helix Electric of Nevada taken July 20, 2017	JA001060-JA001064	20
	Exhibit 5 - Excerpts from the Deposition Transcript of David E. Parry taken June 20, 2017	JA001065 JA001132	20/21
11-15-17	**APCO Construction, Inc.'s Reply in Support of its Omnibus *Motion in Limine***	**JA001133 JA001148**	**21**

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	Exhibit 1 – Special Master Report Regarding Discovery Status	JA001149-JA001151	21
	Exhibit 2 – Notice of Taking NRCP Rule 30(b)(6) Deposition of the Person Most Knowledgeable for Zitting Brothers Construction, Inc.	JA001152-JA001160	21
12-29-17	**Notice of Entry of Order Granting Peel Brimley Lien Claimants' Motion *in Limine* 1-6**	**JA001161-JA001169**	**22**
12-29-17	**Notice of Entry of Order Granting in Part and Denying in Part Helix Electric of Nevada, LLC's Motion *in Limine* 1-4**	**JA001170-JA001177**	**22**
12-29-17	**Notice of Entry of Order Granting in Part and Denying in Part APCO Construction's Omnibus Motion *in Limine***	**JA001178-JA001186**	**22**
01-03-18	**Notice of Entry of Order Granting Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements**	**JA001187-JA001198**	**22**
01-04-18	**Motion for Reconsideration of Court's Order Granting Peel Brimley Lien Claimants' Partial Motion for Summary Judgment to Preclude Defenses based on Pay-if-Paid provision on an Order Shortening Time**	**JA001199-JA001217**	**22**
	Exhibit 1 – Subcontract Agreement (Helix Electric of Nevada, LLC)	JA001218-JA001245	22/23/24
	Exhibit 2 – Subcontract Agreement (Zitting Brothers)	JA001246-JA001263	24

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	Exhibit 4 – Amended Notice of Lien	JA001282-JA001297	25
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	Exhibit 6 – Notice of Lien	JA001310-JA001313	25
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	Exhibit 8 – Order Releasing Sale Proceeds from Court Controlled Escrow Account	JA001377-JA001380	26
	Exhibit 9 – Order Denying *En Banc* Reconsideration	JA001381-JA001385	26
	Exhibit 10 – Order Granting Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA001386-JA001392	26
	Exhibit 11 – Notice of Entry of Findings of Fact and Conclusions of Law and Judgment	JA001393-JA001430	26
	Exhibit 12 – Order Big D Construction Corp.'s Motion for Attorney's Fees, Costs and Interest Pursuant to Judgment	JA001431-JA001435	26
	Exhibit 13 – Appellant's Opening Brief (Padilla v. Big D)	JA001436-JA001469	26
	Exhibit 14 – Respondent's Answering Brief	JA001470-JA001516	26/27
	Exhibit 15 – Appellant's Reply Brief (Padilla v. Big D)	JA001517-JA001551	27
01-09-18	**Peel Brimley Lien Claimants' Opposition to APCO Construction's Motion for Reconsideration of Order**	**JA001552-JA001560**	**27**

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01-10-18	**Reply in Support of Motion for Reconsideration of Court's Order Granting Peel Brimley Lien Claimants' Partial Motion for Summary Judgment to Preclude Defenses Based on Pay-if-Paid Provisions on an Order Shortening Time**	**JA001561-JA001573**	**27**
01-12-18	**Joint Pre-Trial Memorandum [for APCO Construction, Inc., the Peel Brimley Lien Claimants and National Wood Products, LLC ONLY]**	**JA001574-JA001594**	**27/28**
	Exhibit 1 – Exhibit List APCO	JA001595-JA001614	28
	Exhibit 2 – Helix Trial Exhibits	JA001615-JA001616	28
	Exhibit 3 – Exhibit List Plaintiff in Intervention National Wood Products, Inc.	JA001617-JA001635	28
	Exhibit 4 – Cactus Rose Trial Exhibits	JA001636-JA001637	28
	Exhibit 5 – Heinaman Trial Exhibits	JA001638-JA001639	28
	Exhibit 6 – Fast Glass Trial Exhibits	JA001640-JA001641	28
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	Exhibit 8 - Order Granting in Part and Denying in Part APCO Construction's Omnibus Motion *in Limine*	JA001644-JA001647	28

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	Exhibit 9 - Amended *nunc pro tunc* order regarding APCO Construction, Inc.'s Omnibus Motion *in Limine* No. 7	JA001648-JA001650	28
	Exhibit 10 - Order Granting in Part and Denying in part Helix Electric of Nevada, LLC's Motions *in Limine* 1-4 (Against APCO Construction)	JA001651-JA001653	28
	Exhibit 11 - order granting Peel Brimley Lien Claimants' Motion in Limine Nos.1-6 (against Camco Pacific Construction, Inc.)	JA001654-JA001657	28
	Exhibit 12 - Order Granting Plaintiff in Intervention, National Wood Products, Inc.'s Motion *in Limine*	JA001658-JA001660	28
	Exhibit 13 - Order Granting Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA001661-JA00167	28/9/29
01-17-18	**Transcript Bench Trial (Day 1)**[1]	**JA001668-JA001802**	**29/30**
	Trial Exhibit 1 - Grading Agreement ***(Admitted)***	JA001803-JA001825	30
	Trial Exhibit 2 – APCO/Gemstone General Construction Agreement ***(Admitted)***	JA001826-JA001868	30
	Trial Exhibit 3 - Nevada Construction Services /Gemstone Cost Plus/GMP Contract Disbursement Agreement ***(Admitted)***	JA001869-JA001884	30

[1] Filed January 31, 2018

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	Trial Exhibit 4 - APCO Pay Application No. 9 Submitted to Gemstone ***(Admitted)***	JA001885-JA001974	30/31/32
	Trial Exhibit 5 - Letter from J. Barker to A. Edelstein re: APCO's Notice of Intent to Stop Work ***(Admitted)***	JA001975-JA001978	32
	Trial Exhibit 6 - Letter from J. Barker to A. Edelstein re: APCO's Notice of Intent to Stop Work ***(Admitted)***	JA001979-JA001980	32
	Trial Exhibit 10 - Letter from J. Barker to A. Edelstein Re: Notice of Intent to Stop Work (Second Notice) ***(Admitted)***	JA001981-JA001987	32
	Trial Exhibit 13 - Letter from A. Edelstein to Re. Nickerl Re: Termination for Cause (Gemstone) ***(Admitted)***	JA001988-JA002001	32
	Trial Exhibit 14 - Letter from W. Gochnour to Sean Thueson Re: [APCO's] Response to [Gemstone's] Termination for Cause ***(Admitted)***	JA002002-JA002010	33
	Trial Exhibit 15 - Letter from R. Nickerl to A. Edelstein Re: 48-Hour Notices ***(Admitted)***	JA002011-JA002013	33
	Trial Exhibit 16 - Email from J. Horning to A. Berman and J. Olivares re: Joint Checks ***(Admitted)***	JA002014	33
	Trial Exhibit 23 - APCO Subcontractor Notice of Stopping Work and Letter from J. Barker to A. Edelstein Re: Notice of Stopping Work and Notice of Intent to Terminate Contract ***(Admitted)***	JA002015-JA002016	33

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	Trial Exhibit 24 - Letter from R. Nickerl to Clark County re: Notification of APCO's withdrawal as General Contractor of Record ***(Admitted)***	JA002017-JA002023	33
	Trial Exhibit 26 - Email from J. Gisondo to Subcontractors re: June checks ***(Admitted)***	JA002024	34
	Trial Exhibit 27 - Letter from A. Edelstein to R. Nickerl re: June Progress Payment ***(Admitted)***	JA002025-JA002080	34
	Trial Exhibit 28 - Letter from J. Barker to A. Edelstein Re: Termination of Agreement for GMP ***(Admitted)***	JA002081	34
	Trial Exhibit 31 - Transmission of APCO's Pay Application No. 11 as Submitted to Owner ***(Admitted)***	JA002082-JA002120	34/35
	Trial Exhibit 45 - Subcontractor Agreement ***(Admitted)***	JA002121-JA002146	35
	Trial Exhibit 162 - Amended and Restated General Construction Agreement between Gemstone and CAMCO ***(Admitted)***	JA002147-JA002176	35/36
	Trial Exhibit 212 - Letter from Edelstein to R. Nickerl re: NRS 624 Notice ***(Admitted)***	JA002177-JA002181	36
	Trial Exhibit 215 - Email from C. Colligan to Subcontractors re: 48-hour Termination Notice ***(Admitted)***	JA002182-JA002185	36
	Trial Exhibit 216 - Email from C. Colligan re: Meeting with Subcontractors ***(Admitted)***	JA002186-JA002188	36
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01-18-18	**Stipulation and Order Regarding Trial Exhibit Admitted into Evidence**	**JA002199-JA002201**	**36**
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	Exhibit 2 – Helix Trial Exhibits	JA002222-JA002223	36
	Exhibit 3 – Exhibit List Plaintiff in Intervention National Wood Products, Inc.	JA002224-JA002242	36/37
	APCO TRIAL EXHIBITS:		
	APCO Related Exhibits:		
	Trial Exhibit 7 - Letter from Scott Financial to APCO re: Loan Status	JA002243	37
	Trial Exhibit 8 - APCO Pay Application No. 10 as submitted to Owner	JA002244-JA002282	37/38
	Trial Exhibit 12 and 107 - Email from C. Colligan to Subcontractors re: Subcontractor Concerns	JA002283-JA002284	38
	Trial Exhibit 17 – Video (Construction Project)	JA002285	N/A
	Trial Exhibit 18 – Video (Construction Project)	JA002286	N/A
	Trial Exhibit 19 – Video (Construction Project)	JA002287	N/A
	Trial Exhibit 20 – Video (Construction Project)	JA002288	N/A
	Trial Exhibit 21 – Video (Construction Project)	JA002289	N/A
	Trial Exhibit 22 – Video (Construction Project)	JA002290	N/A

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	Trial Exhibit 29 - Email from J. Robbins to Subcontractors re: Billing Cut-Off for August Billing	JA002285	39
	Trial Exhibit 30 - Camco Pay Application No. 11 NCS-Owner Approved with NCS Draw Request	JA002286-JA002306	39
	Trial Exhibit 32 and 125 - Photo re: Building 8 & 9, Interior (Showing drywall still not completed and no electrical trim or fixture installed)	JA002307-JA002308	39
	Trial Exhibits 33 and 126 - Photo re: Building 8 & 9, Interior (Showing drywall still not completed)	JA002309-JA002310	39
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	Exhibit 36 and 130 -Photo re: Building 8 & 9, Interior (Showing drywall still not completed and no electrical trim or fixtures installed)	JA002315-JA002316	40
	Trial Exhibits 37 and 131 -Photo re: Building 8 & 9, Interior (Showing drywall still not completed and no electrical trim or fixtures installed)	JA002317-JA002318	40
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	Trial Exhibit 49 -Helix Pay Application No. 16713-010R2 with Proof of Payment	JA002359-JA002364	41/42
	Trial Exhibit 50 - Unconditional Waiver and Release re: Pay Application No. 8 with Copy of Payment	JA002365-JA002366	42
	Trial Exhibit 51 - Photo re: Building 8 & 9, South (No Exterior fixtures installed. Helix billed out at 90%)	JA002367-JA002368	42
	Trial Exhibit 52 -Photo re: Building 8 & 9, North (No Exterior fixtures installed. Helix billed out at 90%)	JA002369-JA002370	42
	Trial Exhibit 53 -Photo re: Building - 2 & 3, West (No Exterior fixtures installed. Helix billed out at 90%)	JA002371-JA002372	42

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	Trial Exhibit 55 - Photo re: Building 2 & 3, East (No Exterior fixtures installed. Helix billed out at 90%)	JA002375-JA002376	42
	Trial Exhibit 56 - Photo re: Building 8 & 9, North (No Exterior fixtures installed. Helix billed out at 90%)	JA002377-JA002378	42
	Trial Exhibit 57 - Photo re: Building 2 & 3, and 8 & 9, North (No Exterior fixtures installed. Helix billed out at 90%)	JA002379-JA002381	42
	Trial Exhibit 58 - Helix Pay Application No. 16713-011R1 submitted to Owner	JA002382-JA002391	42
	Trial Exhibit 59 - Helix Pay Application No. 16713-011R1 given to Camco with Proof of Payment	JA002392-JA002405	43
	Trial Exhibit 60 - Helix Retention Rolled to Camco	JA002406-JA002415	43
	Trial Exhibit 61 - Unconditional Waiver and Release re: all Invoices through June 30, 2008 with Proof of Payment	JA002413-JA002415	43
	Trial Exhibit 62 - Photo re: Building 8 & 9, South	JA002416-JA002417	43
	Trial Exhibit 63 - Photo re: Building 2 & 3, West	JA002418-JA002419	43
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	Trial Exhibit 66 - Letter of transmittal from Helix to APCO re: Helix Pay Application No. 16713-011R1	JA002424-JA002433	43
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	Trial Exhibit 69 - Photo re: Building 2 & 3, East (No exterior fixtures installed. Helix billed out 90%)	JA002439-JA002440	43
	Trial Exhibit 70 - Photo re: Building 8 & 9, South (No exterior fixtures installed. Helix billed out 90%)	JA002441-JA002442	43
	Trial Exhibit 71 - Photo re: Building 8 & 9, West (No exterior fixtures installed. Helix billed out 90%)	JA002443-JA002444	43
	Trial Exhibit 72 - Photo re: Building 2 & 3, East (No exterior fixtures installed. Helix billed out 90%)	JA002445-JA002446	43
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	Trial Exhibit 74 - Photo re: Building 2 & 3, East (No exterior fixtures installed. Helix billed out 90%)	JA002448-JA002449	43

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	Trial Exhibit 75 - Unconditional Release re: Pay Application No. 16713-011R1 with Proof of Payment	JA002450-JA002456	43
	Exhibit 77 - Helix Statement of Facts Constituting Notice of Lien and Third-Party Complaint	JA002457-JA002494	43
	Zitting Brothers Related Exhibits:		
	Trial Exhibit 100 - Check No. 14392 payable to Zitting ($27,973.80); Progress Payment No. 7	JA002495-JA002497	44
	Trial Exhibit 101 - Email from R. Nickerl to R. Zitting re: Change Orders	JA002498-JA002500	44
	Trial Exhibit 102 -Email from L. Lynn to J. Griffith, et al. re: Change Order No. 00011 "pending"	JA002501-JA002503	44
	Trial Exhibit 103- Email from R. Zitting to R. Nickerl re: change orders adjusted to $30 per hour	JA002504-JA002505	44
	Trial Exhibit 104 - Email from R. Zitting to R. Nickerl re: change orders adjusted to $30 per hour with copies of change orders	JA002506-JA002526	44
	Trial Exhibit 105 - Ex. C to the Ratification – Zitting Quotes	JA002527-JA002528	44
	Trial Exhibit 106 - Unconditional Lien Release – Zitting ($27,973.80)	JA002529	44
	Trial Exhibit 108 - Photo of Video (Construction Project)	JA002530-JA002531	44
	Trial Exhibit 109 - Photo of Video (Construction Project)	JA002532-JA002533	44

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	Trial Exhibit 110 - Photo of Video (Construction Project)	JA002534-JA002535	44
	Trial Exhibit 111 - Photo of Video (Construction Project)	JA002536-JA002537	44
	Trial Exhibit 112 - Photo of Video (Construction Project)	JA002538-JA002539	44
	Trial Exhibit 113 -Photo of Video (Construction Project)	JA002550-JA002541	44
	Trial Exhibit 114 -Photo of Video (Construction Project)	JA002542-JA002543	44
	Trial Exhibit 115 - Progress Payment No. 9 Remitted to Zitting	JA002544-JA002545	44
	Trial Exhibit 116 - Ratification and Amendment of Subcontract Agreement between Buchele and Camco	JA002546-JA002550	44
	Trial Exhibit 117 - C to the Ratification	JA002551-JA002563	44
	Trial Exhibit 118 - Q&A from Gemstone to subcontracts	JA002564-JA002567	44
	Trial Exhibit 119 - Check No. 528388 payable to APCO ($33,847.55) – Progress Payment No. 8.1 and 8.2	JA002568-JA002571	44
	Trial Exhibit 120 - Tri-City Drywall Pay Application No. 7 to APCO as submitted to Owner. Show percentage complete for Zitting	JA002572-JA002575	44/45
	Trial Exhibit 127 - Photo of Video (Construction Project)	JA002576-JA002577	45/46
	Trial Exhibit 128 - Photo of Video (Construction Project)	JA002578-JA002579	46
	Trial Exhibit 129 - Photo of Video (Construction Project)	JA002580-JA002581	46

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	Trial Exhibit 138 - Memo from Scott Financial to Nevada State Contractors Board Re: Explanation of Project Payment Process	JA002582-JA002591	46
	Trial Exhibit 152 -Terms & Conditions modified by APCO, Invoices and Check Payment	JA002592-JA002598	46
	National Wood Products Related Exhibits:		
	Trial Exhibit 160 - Documents provided for settlement	JA002599-JA002612	46
	CAMCO Related Exhibits:		
	Trial Exhibit 163 - Camco Pay Application No. 12 to Gemstone	JA002613-JA002651	46/47
	Trial Exhibit 165 - Letter from D. Parry to A. Edelstein re: Gemstone losing funding for project	JA002652-JA002653	47
	Trial Exhibit 166 - Letter from D. Parry to G. Hall re: withdrawal of funding	JA002654 JA002656	47
	Helix Related Exhibits:		47
	Trial Exhibit 169 - Helix Exhibit to Standard Subcontract Agreement with Camco	JA 002665 JA002676	47/48
	Trial Exhibit 170 - Subcontract Agreement between Helix and Camco (unsigned)	JA002677-JA002713	48
	Trial Exhibit 171 - Work Order No. 100	JA002714-JA002718	48
	Trial Exhibit 172 - Letter from J. Griffith to Victor Fuchs Re: Gemstone's intention to continue retention of Helix w/copy of Ratification and Amendment of Subcontract Agreement	JA002719-JA002730	48

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	Trial Exhibit 173 - Helix Pay Application No. 16713-012 to Camco with proof of payment	JA002731-JA002745	48
	Trial Exhibit 174 - Helix Change Order Request No. 28	JA002746-JA002747	48
	Trial Exhibit 175 - Change Notice No. 41	JA002748-JA002751	48
	Trial Exhibit 176 - Helix Pay Application No. 16713-013 to Camco	JA002752-JA002771	48/49
	Trial Exhibit 177 - Helix Pay Application No. 16713-014 to Camco	JA002772-JA002782	49
	Trial Exhibit 178 - Camco's letter to Helix rejecting Pay Application No. 16713-015 with attached copy of Pay Application	JA002783 JA002797	49
	National Wood/Cabinetec Related Exhibits:		
	Trial Exhibit 184 - Ratification and Amendment of Subcontract Agreement between CabineTec and Camco (fully executed copy)	JA002798-JA002825	49
	General Related Exhibits:		
	Trial Exhibit 218 - Camco/Owner Pay Application No. 11 w/Backup	JA002826-JA003028	50/51/52
	Trial Exhibit 220 - Camco/Owner Pay Application No. 12 w/Backup	JA003029-JA003333	52/53/54/55
	Trial Exhibit 313 - Letter from A. Edelstein to R. Nickerl re: NRS 624 Notice	JA003334-JA003338	55
	Helix Trial Exhibits:		
	Trial Exhibit 501 - Payment Summary	JA003339 – JA003732	55/56/57 /58/59/60
	Trial Exhibit 508 – Helix Pay Application	JA003733-JA003813	60/61

Date	Description	Bates Number	Volume(s)
	Trial Exhibit 510 - Unsigned Subcontract	JA003814-JA003927	61/62
	Trial Exhibit 512 - Helix's Lien Notice	JA003928-JA004034	62/63
	Trial Exhibit 522 - Camco Billing	JA004035-JA005281	63/64/65/66/67/68/69/70/71/72/73/74/75/76/77
01-19-18	**Order Denying APCO Construction's Motion for Reconsideration of Order Granting Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements**	**JA005282-JA005283**	**78**
01-18-18	**Transcript – Bench Trial (Day 2)[2]**	JA005284-JA005370	78
	Trial Exhibit 535 – Deposition Transcript of Andrew Rivera (Exhibit 99) ***(Admitted)***	JA005371-JA005623	78/79/80
01-19-18	**Transcript – Bench Trial (Day 3)[3]**	JA005624-JA005785	80
	Trial Exhibit 231 – Helix Electric's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint ***(Admitted)***	JA005786-JA005801	80
	Trial Exhibit 314 - Declaration of Victor Fuchs in support of Helix's Motion for Partial Summary Judgment against Gemstone ***(Admitted)***	JA005802-JA005804	80

[2] Filed January 31, 201879
[3] Filed January 31, 2018

Date	Description	Bates Number	Volume(s)
	Trial Exhibit 320 – June-August Billings—not paid to APCO ***(Admitted)***	JA005805	80
	Trial Exhibit 321 – Overpayments to Cabinetec ***(Admitted)***	JA005806-	80
	Trial Exhibit 536 – Lien math calculations (handwritten) ***(Admitted)***	JA005807-JA005808	80
	Trial Exhibit 804 – Camco Correspondence ***(Admitted)***	JA005809-JA005816	80
	Trial Exhibit 3176 – APCO Notice of Lien ***(Admitted)***	JA005817-JA005819	81
01-24-18	**Transcript – Bench Trial (Day 5)[4]**	**JA005820-JA005952**	81
03-08-18	**Letter to Judge Denton submitting Helix Electric of Nevada, LLC's (Proposed) Findings of Fact and Conclusions of Law**	**JA005953-JA005985**	**81**
03-08-18	**Letter to Judge Denton submitting APCO Construction, Inc.'s Proposed Findings of Fact and Conclusions of Law**	**JA005986-JA006058**	**8/821**
03-08-18	**APCO Construction Inc.'s Post-Trial Brief**	**JA006059-JA006124**	**82/83**
03-23-18	**APCO Opposition to Helix Electric of Nevada, LLC's Findings of Fact and Conclusions of Law**	**JA006125-JA006172**	**83/84**
03-23-18	**Helix Electric of Nevada, LLC's Responses to APCO Construction's Post-Trial Brief**	**JA006173-JA006193**	**84**
04-25-18	**Findings of Fact and Conclusions of Law and Order as the Claims of Helix Electric and Cabinetec Against APCO**	**JA006194-JA006264**	**84/85**

[4] Filed January 31, 201883

Date	Description	Bates Number	Volume(s)
05-08-18	**APCO Construction, Inc.'s Motion for Attorneys' Fees and Costs Against Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc**.	**JA006265-JA006284**	**85**
	Exhibit 1 – Findings of Fact and Conclusions of Law as to the Claims of Helix Electric and Cabenetec Against APCO	JA006285-JA006356	85/86
	Exhibit 2 – National Wood Products, Inc.'s Notice of Motion and Motion to Intervene and Memorandum of Points and Authorities in Support Thereof	JA006357-JA006369	86
	Exhibit 3 – Plaintiff in Intervention, National Wood Products, Inc.'s Findings of Fact and Conclusions of Law (Proposed)	JA006370-JA006385	86/87
	Exhibit 4 – Plaintiff in Intervention, National Wood Productions, Inc.'s Findings of Fact and Conclusions of Law Re Camco	JA006386-JA006398	87
	Exhibit 5 – Offer of Judgment to Helix Electric of Nevada, LLC	JA006399-JA006402	87
	Exhibit 6 – Offer of Judgment to Plaintiff in Intervention National Wood Products, Inc.	JA006403-JA006406	87
	Exhibit 7 – Declaration of John Randall Jefferies, Esq. in Support of APCO Construction, Inc.'s Motion for Attorney's Fees and Costs	JA006407-JA006411	87
	Exhibit 7A – Billing Entries	JA006412-JA006442	87/88

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	Exhibit 7B – Time Recap	JA006443-JA006474	88
	Exhibit 8 – Declaration of Cody S. Mounteer, Esq. in Support of Motion for Attorney's Fees and Costs	JA006475-JA006478	88
	Exhibit 9 – APCO Construction, Inc.'s Memorandum of Costs and Disbursements [Against Helix Electric of Nevada, LLC, and Plaintiff in Intervention National Wood Products, LLC]	JA006479-JA006487	88
	Exhibit 10 – Depository Index	JA006488-JA006508	88/89
05-08-18	**Helix Electric of Nevada, LLC's Motion to Retax Costs Re: Defendant APCO Construction's Memorandum of Costs and Disbursements**	**JA006509-JA006521**	**89**
05-31-18	**Notice of Entry of Judgment [As to the Claims of Helix Electric of Nevada, LLC Against Camco Construction, Co., Inc.]**	**JA006522 JA006540**	**89**
06-01-18	**Notice of Entry of Judgment [As to the Claims of Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc.'s Against APCO Construction, Inc.]**	**JA006541 JA006550**	**90**
06-01-18	**Helix Electric of Nevada, LLC's Motion for Attorneys' Fees, Interest and Costs**	**JA006551-JA006563**	**90**
	Exhibit 1 – Findings of Fact and Conclusions of Law and Order as to the Claims of Helix Electric of Nevada, LLC Against Camco Pacific Construction, Inc.	JA006564-JA006574	90

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	Exhibit 2 – Memorandum of Costs and Disbursements (Helix Electric of Nevada, LLC)	JA006575-JA006580	90
	Exhibit 3 – Prime Interest Rate	JA006581-JA006601	90
	Exhibit 4 – Declaration of Eric B. Zimbelman in Support of Helix Electric of Nevada, LLC's Motion for Attorneys' Fees, Interest and Costs	JA006583-JA006588	90
	Exhibit 5 – Summary of Fees	JA006589-JA006614	90
06-15-18	**APCO Construction, Inc.'s Opposition to Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc.'s Motions to Retax Costs**	**JA006615-JA006637**	**90/9**1
	Exhibit 1-A Declaration of Mary Bacon in Support of APCO's Supplement to its Motion for Attorney's Fees	JA006635 JA006638	91
	Exhibit 1-B – Declaration of Cody Mounteer in Support of APCO's Supplement to its Motion for Attorney's Fees	JA006639-JA006916	91/92/93 94/95/96
06-15-18	**Helix Electric of Nevada, LLC's Opposition to APCO Construction's Motion for Attorneys' Fees and Costs**	**JA006917 – JA006942**	**96**
	Exhibit 1 – Notice of Entry of Staying the Case, Except for the Sale of the Property, Pending Resolution of the Petition before the Nevada Supreme Court	JA006943-JA006948	96

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	Exhibit 2 – Notice of Entry of Denying APCO Construction's Motion for Partial Summary Judgment Re: Lien Foreclosure Claims	JA006949-JA006954	96
	Exhibit 3 – Supreme Court filing notification Joint Petition for Writ of Mandamus filed	JA006955-JA006958	96
	Exhibit 4 – Order Denying *En Banc* Reconsideration	JA006959-JA006963	96
	Exhibit 5 – Notice of Entry of Order Granting Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA006964-JA006978	96
	Exhibit 6A – Interstate Plumbing and Air Conditioning, LLC's Response to Special Master Questionnaire	JA006977-JA006980	96
	Exhibit 6B – Nevada Prefab Engineers, Inc.'s Response to Special Master Questionnaire	JA006981-JA006984	96
	Exhibit 6C – Zitting Brothers Construction, Inc.'s Response to Special Master Questionnaire	JA006985-JA006993	96/97
	Exhibit 6D – Noorda Sheet Metal's Notice of Compliance	JA006994 JA007001	97
	Exhibit 6 E – Unitah Investments, LLC's Special Master Questionnaire	JA007002-JA007005	97
	Exhibit 7A – Motion to Appoint Special Master	JA007006-JA007036	97
	Exhibit 7B – Letter from Floyd A. Hale dated August 2, 2016	JA007037-JA007060	97

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	Exhibit 7C – Special Master Report Regarding Remaining Parties to the Litigation, Special Master Recommendation and District Court Order Amended Case Agenda	JA007042-JA007046	97
	Exhibit 8 – Notice of Entry of Order Granting Plaintiff's Motion to Dismiss	JA007047 JA007053	97
	Exhibit 9 – Stipulation and Order for Dismissal with Prejudice	JA007054-JA007056	97
	Exhibit 10 – Stipulation and Order to Dismiss Third-Party Complaint of Interstate Plumbing & Air Conditioning, LLC Against APCO Construction, Inc. with Prejudice	JA007057-JA007059	97
	Exhibit 11 – Notice of Entry of Order Granting in Part and Denying in Part APCO Construction's Omnibus Motion *in Limine*	JA007060-JA007088	97
	Exhibit 12 – Notice of Entry of Order Granting in Part and Denying in Part Helix Electric of Nevada, LLC's Motion in Limine (against APCO Construction)	JA007070-JA007078	97
	Exhibit 13 – Notice of Entry of Order Denying APCO Constructions' Motion for Partial Summary Judgment Re: Lien Foreclosure Claims	JA007079-JA007084	97
	Exhibit 14 – Notice of Entry of Order Denying APCO Construction's Motion for Reconsideration of Order Granting Partial Summary	JA007085-JA007087	97

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	Judgment Precluding Defenses Based on Pay-if-Paid Agreements		
	Exhibit 15 – Notice of Association of Counsel	JA007088-JA007094	97
06-15-18	**Plaintiff in Intervention National Wood Products, Inc.'s Opposition to APCO Construction's Motion for Attorneys' Fees and Costs**	**JA007095-JA007120**	**97/98**
06-15-18	**Declaration of S. Judy Hirahara in support of National Woods's Opposition to APCO Construction's Motion for Attorneys' Fees and Costs**	**JA007121-JA007189**	**98**
06-18-18	**Plaintiff in Intervention National Wood Products, Inc.'s Joinder to Helix Electric of Nevada, LLC's Opposition to APCO Construction's Motion for Attorneys' Fees and Costs**	**JA007190-JA007192**	**99**
06-21-18	**Helix Electric of Nevada, LLC's Notice of Non-Opposition to its Motion for Attorney's Fees, Interest and Costs**	**JA007193-JA007197**	**99**
06-29-18	**APCO Construction, Inc.'s Reply in Support of its Motion for Attorney's Fees and Costs Against Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc.**	**JA007198-JA007220**	**99**
	Exhibit 1 – Invoice Summary by Matter Selection	JA007221-JA007222	99
	Exhibit 2 – Marquis Aurbach Coffing Invoice to APCO dated April 30, 2018	JA007223-JA007224	99

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06-29-18	Helix Electric of Nevada, LLC's Reply Re: Motion to Retax	JA007225-JA007237	100
07-02-18	Notice of Entry of Order Granting Helix Electric of Nevada, LLC's Motion for Attorneys' Fees, Interest and Costs	JA007238-JA007245	100
07-19-18	Plaintiff-in-Intervention National Wood Products, Inc.'s Surreply to APCO Construction's Reply to Plaintiff-in-Intervention National Wood Products, Inc.'s Opposition to Motion for Attorney's Fees and Costs	JA007246-JA007261	100
08-08-18	Court's Decision on Attorneys' Fees and Cost Motions	JA007262-JA007280	100
09-28-18	Notice of Entry of (1) Granting APCO Construction, Inc.'s Motion for Attorneys' Fees and Costs (2) Granting APCO Construction, Inc.'s Memorandum of Costs in Part (3) Granting Helix Electric of Nevada, LLC's Motion to Retax in Part and Denying in Part (4) Granting Plaintiff in Intervention National Wood Products, LLC's Motion to Retax in Part and Denying in Part and (5) Granting National Wood Products, Inc.'s Motion to File a Surreply	JA007281-JA007299	100
01-24-19	Transcript for All Pending Fee Motions on July 19, 2018	JA007300-JA007312	100/101
07-12-19	Order Dismissing Appeal (Case No. 76276)	JA007313-JA007315	101

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08-06-19	**Helix Electric of Nevada LLC's Motion to (I) Re-Open Statistically Closed Case, (II) Dismiss All Unresolved Claims and/or (III) In the Alternative for a Rule 54(B) Certification as to Helix and APCO**	**JA007316-JA007331**	**101**
	Exhibit 1 – Judgment [As to the Claims of Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc.'s Against APCO Construction, Inc.	JA007332-JA007335	101
	Exhibit 2 – ORDER: (1) Granting APCO Construction, Inc. Motion for Attorneys Fees and Costs (2) Granting APCO Construction, Inc.'s Memorandum of Costs in Part (3) Granting Helix Electric of Nevada LLC's Motion to Retax in Part and Denying in Part and all related matters (4) Granting Plaintiff in Intervention National Wood Products LLC's Motion to Retax in Part and Denying in Part -and-(5) Granting National Wood Products, Inc.'s Motion to File a Surreply	JA007336-JA007344	101
	Exhibit 3 - Notice of Appeal	JA007345-JA007394	101/102
	Exhibit 4 – Amended Notice of Appeal	JA007395-JA007400	102
	Exhibit 5A – 5F -Notices of Entry of Order as to the Claims of Cactus Rose Construction, Fast Glass, Inc., Heinaman Contract Glazing, Helix Electric of Nevada, LLC, SWPPP Compliance	JA007401-JA007517	102/103

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	Solutions, Inc., E&E Fire Protection		
	Exhibit 6 – Order Dismissing Appeal in Part (Case No. 76276)	JA007518-JA007519	103
	Exhibit 7 – Order to Show Cause	JA007520-JA007542	103
	Exhibit 8 -Order Dismissing Appeal (Case No. 76276)	JA007524-JA007527	103
	Exhibit 9 – Notice of Entry of Order to Consolidate this Action with Case Nos. A574391, A574792, A57623. A58389, A584730, A58716, A580889 and A589195	JA 007528-JA007541	103
	Exhibit 10 (Part One)	JA007537-JA007542	103
	Exhibit 10A – Docket 09A587168 (Accuracy Glass & Mirror v. APCO)	JA007543-JA007585	103
	Exhibit 10B -Docket 08A571228 (APCO v. Gemstone)	JA007586-JA008129	103/104/105/106/107/108/109
	Exhibit 10C – Notice of Entry of Order to Consolidate this Action with Cases Nos A57. 4391, A574792, A577623, A583289, A584730, A587168, A580889 and A589195	JA008130-JA008138	109
	Exhibit 10D – Notice of Entry of Joint Order Granting, in Part, Various Lien Claimants' Motions for Partial Summary Judgment Against Gemstone Development West	JA008139-JA008141	109
	Exhibit 10 (Part Two)	JA008142-JA008149	109

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	Exhibit 10E – 131 Nev. Advance Opinion 70	JA008150-JA008167	109
	Exhibit 10F – Special Master Report Regarding Remaining Parties to the Litigation and Discovery Status	JA008168-JA008170	109
	Exhibit 10EG – Notice of Entry of Granting Plaintiff's Motion to Dismiss	JA008171-JA008177	109
	Exhibit 10H – Complaint re Foreclosure	JA008178-JA008214	109
	Exhibit 10I – First Amended Complaint re Foreclosure	JA008215-JA008230	109
	Exhibit 10J – APCO Construction's Answer to Accuracy Glass & Mirror Company's First Amended Complaint re Foreclosure	JA008231-JA008265	109/110
	Exhibit 10K –Answer to Accuracy Glass & Mirror Company, Inc.'s Complaint and Camco Pacific Construction, Inc.'s Counterclaim	JA008266-JA008285	110
	Exhibit 10L – Accuracy Glass & Mirror Company, Inc.'s Answer to Camco Pacific Construction Company's Counterclaim	JA008286-JA008290	110
	Exhibit 10M – Helix Electric's Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008291-JA008306	110
	Exhibit 10N – APCO Construction's Answer to Helix Electric's Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008307-JA008322	110
	Exhibit 10O – Answer to Helix Electric's Statement of Facts	JA008323-JA008338	110

Date	Description	Bates Number	Volume(s)
	Constituting Lien and Third-Party Complaint and Camco Pacific Construction Company Inc.'s Counterclaim		
	Exhibit 10P – Notice of Entry of Helix Electric of Nevada, LLC's Motion for Attorney's Fees, Interest and Costs	JA008339 JA008347	110
	Exhibit 10Q – Notice of Entry of Judgment [As to the claims of Helix Electric of Nevada, LLC Against Camco Construction Co., Inc.]	JA008348-JA008367	110
	Exhibit 10R – Notice of Entry of Judgment [As to the Claims of Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc. Against APCO Construction, Inc.]	JA008368-JA008378	110
	Exhibit 10S – Findings of Fact and Conclusions of Law and Order as to the Claims of Helix Electric and Cabenetec Against APCO	JA008379-JA008450	110/111
	Exhibit 10T -WRG Design, Inc.'s Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint	JA008451-JA008486	111
	Exhibit 10U – APCO Construction's Answer to WRG Design Inc.'s amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008468-JA008483	111
	Exhibit 10V -Answer to WRG Design, Inc.'s Statement of Facts Constituting Lien, Third-Party Complaint and Camco Pacific Construction, Inc's Counterclaim	JA008484-JA008504	111

Date	Description	Bates Number	Volume(s)
	Exhibit 10W – Notice of Entry of Stipulation and Order Dismissal	JA008505-JA008512	111
	Exhibit 10X – WRG Design, Inc.'s Answer to Camco Pacific Construction Company, Inc.'s Counterclaim	JA008513 JA008517	111
	Exhibit 10Y – Heinaman Contract Glazing's Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008518-JA008549	111
	Exhibit 10Z – Answer to Heinaman Contract Glazing's Statement of Facts Constituting Lien and Third-Party Complaint, and Camco Pacific Construction's Counterclaim	JA008531-JA008551	111
	Exhibit 10AA – Notice of Entry of Granting Heinaman Glazing's Motion for Attorneys's Fees, Interest and Costs	JA008552-JA008579	111/112
	Exhibit 10BB -Notice of Entry of Judgment [As to the Claims of Heinaman Contract Glazing Against Camco Construction Co., Inc.]	JA008561-JA008582	112
	Exhibit 10CC – Heinaman Contract Glazing's Answer to Camco Pacific Construction Company's Counterclaim	JA008583 JA008588	112
	Exhibit 10DD - Bruin Painting Corporation's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint	JA008589-JA00861	112
	Exhibit 10EE – Answer to Bruin Painting Corporation's Amended Statement of Facts Constituting Notice of Lien and Third-Party	JA008602-JA008621	112

Date	Description	Bates Number	Volume(s)
	Complaint and Camco Pacific Construction, Inc.'s Counterclaim		
	Exhibit 10FF – 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	JA008622-JA008624	112
	Exhibit 10GG – HD Supply Waterworks' Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008625-JA008642	112
	Exhibit 10HH – APCO Construction's Answer to HD Supply Waterworks' Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008643-JA008657	112
	Exhibit 10II – Amended Answer to HD Supply Waterworks' Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008658-JA008664	112
	Exhibit 10JJ -Defendants Answer to HD Supply Waterworks' Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008665-JA008681	112
	Exhibit 10KK – Stipulation and Order to Dismiss E & E Fire Protection, LLC Only Pursuant to the Terms State Below	JA008682-JA008685	112
	Exhibit 10LL – HD Supply Waterworks, LP's Voluntary Dismissal of Platte River Insurance Company Only Without Prejudice	JA008686-JA008693	112

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	Exhibit 10MM – Scott Financial Corporation's Answer to HD Supply Waterworks' Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008694-JA008717	112/113
	Exhibit 10NN-Notice of Appeal	JA008718 JA008723	113
	Exhibit 10OO – Amended Notice of Appeal	JA008724-JA008729	113
	Exhibit 10PP – Notice of Cross Appeal	JA008730-JA008736	113
	Exhibit 10QQ – Motion to Suspend Briefing Pending Outcome of Order to Show Cause in Supreme Court Case No. 76276	JA008737-JA008746	113
	Exhibit 11 – Order to Consolidate this Action with Case Nos. A574391, A574792, A57623. A58389, A584730, A58716, A580889 and A589195	JA008747-JA008755	113
	Exhibit 12 – Stipulation and Order to Dismiss Third-Party Complaint of Interstate Plumbing & Air Conditioning, LLC Against APCO Construction, Inc. with Prejudice	JA00875-JA008758	113
	Exhibit 13 – Stipulation and Order with Prejudice	JA008759-JA008780	113
	Exhibit 14 – Docket/United Subcontractors, Inc. dba Skyline Insulation's Motion to Enforce Settlement Agreement and Enter Judgment	JA008762-JA008788	113
	Exhibit 15 – Notice of Entry of Order Granting Motion for 54(b) Certification and for Stay Pending Appeal	JA008789-JA008798	113

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	Exhibit 16 – Notice of Appeal	JA008799-JA008810	113
08-16-19	**APCO's Opposition to Helix Electric of Nevada LLC's Motion to (I) Re-Open Statistically Closed Case, (II) Dismiss All Unresolved Claims and/or (III) In the Alternative for a Rule 54(B) Certification as to Helix and APCO**	**JA008811-JA008821**	**114**
	Exhibit 1 – Order to File Amended Docketing Statement	JA008822-JA008824	114
	Exhibit 2 – Order to Show Cause	JA008825-JA008828	114
	Exhibit 3 – Appellant/Cross-Respondent's Response to Order to Show Cause	JA008829-JA008892	114/115/116
	Exhibit 4 – Order Dismissing Appeal	JA008893-JA008896	116
	Exhibit 5 – Chart of Claims	JA008897-JA008924	116
	Exhibit 6 – Answer to Helix Electric's Statement of Facts Constituting Lien and Third-Party Complaint and Camco Pacific Construction Company, Inc.'s Counterclaim	JA008925-JA008947	116/117
	Exhibit 7 – Answer to Cactus Rose's Statement of Facts Constituting Notice of Lien and Complaint and Camco Pacific Construction Company Inc.'s Counterclaim	JA008948-JA008965	117
	Exhibit 8 – Answer to Heinaman Contract Glazing's Statement of Facts Constituting Lien and Third-Party Complaint and Camco	JA008966-JA008986	117/118

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	Pacific Construction's Counterclaim		
	Exhibit 9 – Findings of Fact and Conclusions of Law as to the Claims of Helix Electric of Nevada, LLC Against Camco Pacific Construction, Inc.	JA008987-JA008998	118
	Exhibit 10 – Findings of Fact and Conclusions of Law as to the Claims of Cactus Rose Construction Co., Inc.	JA008998-JA009010	118
	Exhibit 11 – Findings of Fact and Conclusions of Law as to the Claims of Heinaman Contract Glazing	JA009011-JA009024	118
	Exhibit 12 – Notice of Entry of Decision, Order and Judgment on Defendant Scott Financial Corporation's Motion for Summary Judgment as to Priority of Liens	JA009025-JA009038	118
	Exhibit 13 – Findings of Fact and Conclusions of Law as to the Claims of Helix Electric and Cabenetec Against APCO	JA009039-JA009110	118/119
	Exhibit 14 – Order Granting Motion to Deposit Bond Penal Sum with Court, Exoneration of Bond and Dismissal	JA009111-JA009113	119
	Exhibit 15 – Order Approving Distribution of Fidelity and Deposit Company of Maryland's Bond	JA009114-JA009116	119
08-29-19	**Helix Electric of Nevada LLC's Reply to APCO's Opposition to Helix Electric of Nevada LLC's Motion to (I) Re-Open Statistically Closed Case, (II)**	**JA009117-JA009123**	**119**

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	Dismiss All Unresolved Claims and/or (III) In The Alternative for a Rule 54(B) Certification as to Helix and APCO		
01-03-20	**Notice of Entry of Order Granting Helix Electric of Nevada, LLC's Motion for Rule 54(b) Certification**	**JA009124-JA009131**	**119**
01-29-20	**Notice of Appeal**	**JA009132-JA009136**	**119/120**
	Exhibit A – Notice of Entry of Judgment [As to the Claims of Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc.'s Against APCO Construction, Inc.]	JA009137-JA009166	120
	Exhibit [C] – Notice of Entry of Order Granting Helix Electric of Nevada's Rule 54(b) Certification	JA009148-JA009156	120
02-11-20	**Case Appeal Statement**	**JA009157-JA009163**	120
02-11-20	**APCO's Notice of Cross Appeal**	**JA009164-JA010310**	120
	Exhibit 1 – Notice of Entry of Order (1) Granting APCO Construction, Inc.'s Motion for Attorney's Fees and Costs; (2) Granting APCO Construction, Inc.'s Memorandum of Costs in Part (3) Granting Helix Electric of Nevada, LLC's Motion to Retax in Party (4) Granting Plaintiff-in-Intervention National Wood Productions, LLC's Motion to Retax in Part and Denying in Part and (5) Granting National Wood Products, Inc.'s Motion to File a Surreply	JA009168-JA009182	120

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	Exhibit 2 – Notice of Entry of Order Granting Helix Electric of Nevada's Motion for Rule 54(b) Certification	JA009183-JA00991	120

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05-08-18	**APCO Construction, Inc.'s Motion for Attorneys' Fees and Costs Against Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc**.	**JA006265-JA006284**	**85**
	Exhibit 1 – Findings of Fact and Conclusions of Law as to the Claims of Helix Electric and Cabenetec Against APCO	JA006285-JA006356	85/86
	Exhibit 2 – National Wood Products, Inc.'s Notice of Motion and Motion to Intervene and Memorandum of Points and Authorities in Support Thereof	JA006357-JA006369	86
	Exhibit 3 – Plaintiff in Intervention, National Wood Products, Inc.'s Findings of Fact and Conclusions of Law (Proposed)	JA006370-JA006385	86/87
	Exhibit 4 – Plaintiff in Intervention, National Wood Productions, Inc.'s Findings of Fact and Conclusions of Law Re Camco	JA006386-JA006398	87
	Exhibit 5 – Offer of Judgment to Helix Electric of Nevada, LLC	JA006399-JA006402	87
	Exhibit 6 – Offer of Judgment to Plaintiff in Intervention National Wood Products, Inc.	JA006403-JA006406	87
	Exhibit 7 – Declaration of John Randall Jefferies, Esq. in Support of APCO Construction, Inc.'s Motion for Attorney's Fees and Costs	JA006407-JA006411	87
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	Exhibit 7B – Time Recap	JA006443-JA006474	88
	Exhibit 8 – Declaration of Cody S. Mounteer, Esq. in Support of Motion for Attorney's Fees and Costs	JA006475-JA006478	88
	Exhibit 9 – APCO Construction, Inc.'s Memorandum of Costs and Disbursements [Against Helix Electric of Nevada, LLC, and Plaintiff in Intervention National Wood Products, LLC]	JA006479-JA006487	88
	Exhibit 10 – Depository Index	JA006488-JA006508	88/89
06-06-13	**APCO's Limited Motion to Lift Stay for Purposes of this Motion Only; (2) APCO's Motion for Summary Judgment Against Gemstone Only; and (3) Request for Order Shortening Time**	**JA000044-JA000054**	**1**
	Exhibit 1 – Affidavit of Randy Nickerl in Support of (I) APCO's Limited Motion to Lift Sta for Purposes of this Motion Only; (2) APCO's Motion for Judgment Against Gemstone Only	JA000055-JA000316	1/2/4/5/6
	Exhibit 2 – Findings of Fact and Conclusions of Law and Judgment in Favor of APCO Construction Against Gemstone Development West, Inc. Only	JA000317-JA000326	6
02-11-20	**APCO's Notice of Cross Appeal**	**JA009164-JA010310**	120
	Exhibit 1 – Notice of Entry of Order (1) Granting APCO Construction, Inc.'s Motion for Attorney's Fees and Costs; (2) Granting APCO Construction, Inc.'s Memorandum of Costs in Part (3) Granting Helix Electric of Nevada, LLC's	JA009168-JA009182	114

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	Motion to Retax in Party (4) Granting Plaintiff-in-Intervention National Wood Productions, LLC's Motion to Retax in Part and Denying in Part and (5) Granting National Wood Products, Inc.'s Motion to File a Surreply		
	Exhibit 2 – Notice of Entry of Order Granting Helix Electric of Nevada's Motion for Rule 54(b) Certification	JA009183-JA00991	120
11-06-17	**APCO Construction, Inc.'s Omnibus Motion *in Limine***	**JA000590 JA000614**	**9**
	Exhibit 1 – Second Amended Notice of taking NRCP Rule 30(b)(6) Deposition of Person Most Knowledgeable for Zitting Brothers Construction, Inc.	JA000615-JA000624	9
	Exhibit 2 – Zitting Brothers Construction, Inc.'s Motion for Partial Summary Judgment Against APCO Construction	JA000625-JA000646	9
	Exhibit 3 – Excerpts from Samuel Zitting's Deposition Transcript taken October 27, 2017	JA000647-JA000678	9/10
	Exhibit 4 – Statement of Facts Constituting Lien on Behalf of Buchele, Inc.	JA000679-JA000730	10
	Exhibit 5 – Subcontract Agreement dated April 17, 2007	JA000731-JA000808	10/11
	Exhibit 6 – Subcontract Agreement dated April 17, 2007	JA000809-JA000826	11/12
	Exhibit 7 – Email from Mary Bacon dated October 16, 2017	JA000827-JA000831	12
	Exhibit 8 – Email from Mary Bacon dated October 17, 2017	JA000832-JA000837	12
	Exhibit 9 – Email from Eric Zimbelman dated October 17, 2017	JA000838-JA000844	12
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	Exhibit 12 – Plaintiff in Intervention, National Wood Products, Inc.'s First Supplemental Disclosures Pursuant to NRCP 16.1	JA000857-JA000864	12
	Exhibit 13 – Amended Notice of Taking NRCP Rule 30(b)(6) Deposition of Person Most Knowledgeable for Helix Electric of Nevada, LLC	JA000865-JA000873	12
	Exhibit 14 – Excerpts from Helix Electric of Nevada, LLC's 30(b)(6) Witness Deposition Transcript taken July 20, 2017	JA000874-JA000897	12
03-23-18	**APCO Opposition to Helix Electric of Nevada, LLC's Findings of Fact and Conclusions of Law**	**JA006125-JA006172**	**83/84**
08-16-19	**APCO's Opposition to Helix Electric of Nevada LLC's Motion to (I) Re-Open Statistically Closed Case, (II) Dismiss All Unresolved Claims and/or (III) In the Alternative for a Rule 54(B) Certification as to Helix and APCO**	**JA008811-JA008821**	**114**
	Exhibit 1 – Order to File Amended Docketing Statement	JA008822-JA008824	114
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	Exhibit 9 – Findings of Fact and Conclusions of Law as to the Claims of Helix Electric of Nevada, LLC Against Camco Pacific Construction, Inc.	JA008987-JA008998	118
	Exhibit 10 – Findings of Fact and Conclusions of Law as to the Claims of Cactus Rose Construction Co., Inc.	JA008998-JA009010	118
	Exhibit 11 – Findings of Fact and Conclusions of Law as to the Claims of Heinaman Contract Glazing	JA009011-JA009024	118
	Exhibit 12 – Notice of Entry of Decision, Order and Judgment on Defendant Scott Financial Corporation's Motion for Summary Judgment as to Priority of Liens	JA009025-JA009038	118
	Exhibit 13 – Findings of Fact and Conclusions of Law as to the Claims of Helix Electric and Cabenetec Against APCO	JA009039-JA009110	118/119
	Exhibit 14 – Order Granting Motion to Deposit Bond Penal Sum with Court, Exoneration of Bond and Dismissal	JA009111-JA009113	119
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06-15-18	**APCO Construction, Inc.'s Opposition to Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc.'s Motions to Retax Costs**	**JA006615-JA006637**	**90/9**1
	Exhibit 1-A Declaration of Mary Bacon in Support of APCO's Supplement to its Motion for Attorney's Fees	JA006635 JA006638	91
	Exhibit 1-B – Declaration of Cody Mounteer in Support of APCO's Supplement to its Motion for Attorney's Fees	JA006639-JA006916	91/92/93 94/95/96
11-14-17	**APCO Construction, Inc.'s Opposition to Helix Electric of Nevada, LLC's Motions *in Limine* Nos. 1-4**	**JA000929-JA000940**	**13/14**
	Exhibit 1 – Excerpts from the Deposition Transcript of Mary Jo Allen taken July 18, 2017	JA000941-JA000966	14/15/16
	Exhibit 2 – Helix Electric's Manhattan West Billing/Payment Status through August 2008	JA000967-JA000969	16/17
	Exhibit 3 – Excerpts from the Deposition Transcript of Andrew Rivera taken July 20, 2017	JA000970-JA000993	17/18/19
08-21-17	**APCO Construction's Opposition to Peel Brimley Lien Claimants' Partial Motion for Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements**	**JA000393-JA000409**	**6/7**
	Exhibit A – Excerpt from 30(b)(6) Witness for Helix Electric of Nevada, LLC taken July 20, 2017	JA000410-JA000412	7
03-08-18	**APCO Construction Inc.'s Post-Trial Brief**	**JA006059-JA006124**	**82/83**
11-15-17	**APCO Construction, Inc.'s Reply in Support of its Omnibus *Motion in Limine***	**JA001133 JA001148**	**21**

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06-29-18	**APCO Construction, Inc.'s Reply in Support of its Motion for Attorney's Fees and Costs Against Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc.**	**JA007198-JA007220**	**99**
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04-26-10	**CAMCO and Fidelity's Answer and CAMCO's Counterclaim**	**JA000031-JA000041**	**1**
11-14-17	**Camco Pacific Construction Company, Inc.'s Opposition to Lien Claimants' Motions in Limine Nos. 1-6**	**JA000898-JA000905**	**12**
	Exhibit A – Nevada Construction Services Cost Plus GMP Contract Disbursement Agreement	JA000906-JA000907	12
	Exhibit B – Scott Financial Corporation's April 28, 2009 letter to the Nevada State Contractor's Board	JA000908-JA000915	2/13
	Exhibit C – E-mail from Alex Edelstein dated December 15, 2008 Re: Letter to Subs	JA000916-JA000917	13
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06-13-13	**Docket Entry and Minute Order Granting APCO's Motion for Summary Judgment Against Gemstone**	**JA000327**	**6**
04-25-18	**Findings of Fact and Conclusions of Law and Order as the Claims of Helix Electric and Cabinetec Against APCO**	**JA006194-JA006264**	**84/85**
11-06-17	**Helix Electric of Nevada's Motion *in Limine* Nos. 1-4**	**JA000534-JA000542**	**8**
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	Exhibit 3 - Excerpts from Brian Benson Deposition Transcript taken June 5, 2017	JA000559 JA000574	9
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06-01-18	**Helix Electric of Nevada, LLC's Motion for Attorneys' Fees, Interest and Costs**	**JA006551-JA006563**	**90**
	Exhibit 1 – Findings of Fact and Conclusions of Law and Order as to the Claims of Helix Electric of Nevada, LLC Against Camco Pacific Construction, Inc.	JA006564-JA006574	90
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	Exhibit 5 – Summary of Fees	JA006589-JA006614	90
08-06-19	**Helix Electric of Nevada LLC's Motion to (I) Re-Open Statistically Closed Case, (II) Dismiss All Unresolved Claims and/or (III) In the Alternative for a Rule 54(B) Certification as to Helix and APCO**	**JA007316-JA007331**	**101**
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	Exhibit 3 - Notice of Appeal	JA007345-JA007394	101/102
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	Exhibit 10A – Docket 09A587168 (Accuracy Glass & Mirror v. APCO)	JA007543-JA007585	103
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	Exhibit 10D – Notice of Entry of Joint Order Granting, in Part, Various Lien Claimants' Motions for Partial Summary Judgment Against Gemstone Development West	JA008139-JA008141	109
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	Exhibit 10E – 131 Nev. Advance Opinion 70	JA008150-JA008167	109
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	Exhibit 10J – APCO Construction's Answer to Accuracy Glass & Mirror Company's First Amended Complaint re Foreclosure	JA008231-JA008265	109/110
	Exhibit 10K –Answer to Accuracy Glass & Mirror Company, Inc.'s Complaint and Camco Pacific Construction, Inc.'s Counterclaim	JA008266-JA008285	110
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	Exhibit 10M – Helix Electric's Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008291-JA008306	110
	Exhibit 10N – APCO Construction's Answer to Helix Electric's Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008307-JA008322	110
	Exhibit 10O – Answer to Helix Electric's Statement of Facts Constituting Lien and Third-Party Complaint and Camco Pacific Construction Company Inc.'s Counterclaim	JA008323-JA008338	110
	Exhibit 10P – Notice of Entry of Helix Electric of Nevada, LLC's Motion for Attorney's Fees, Interest and Costs	JA008339 JA008347	110
	Exhibit 10Q – Notice of Entry of Judgment [As to the claims of Helix Electric of Nevada, LLC Against Camco Construction Co., Inc.]	JA008348-JA008367	110

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	Exhibit 10R – Notice of Entry of Judgment [As to the Claims of Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc. Against APCO Construction, Inc.]	JA008368-JA008378	110
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	Exhibit 10V -Answer to WRG Design, Inc.'s Statement of Facts Constituting Lien, Third-Party Complaint and Camco Pacific Construction, Inc's Counterclaim	JA008484-JA008504	111
	Exhibit 10W – Notice of Entry of Stipulation and Order Dismissal	JA008505-JA008512	111
	Exhibit 10X – WRG Design, Inc.'s Answer to Camco Pacific Construction Company, Inc.'s Counterclaim	JA008513 JA008517	111
	Exhibit 10Y – Heinaman Contract Glazing's Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008518-JA008549	111
	Exhibit 10Z – Answer to Heinaman Contract Glazing's Statement of Facts Constituting Lien and Third-Party Complaint, and Camco Pacific Construction's Counterclaim	JA008531-JA008551	111

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	Exhibit 10DD - Bruin Painting Corporation's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint	JA008589-JA00861	112
	Exhibit 10EE – Answer to Bruin Painting Corporation's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint and Camco Pacific Construction, Inc.'s Counterclaim	JA008602-JA008621	112
	Exhibit 10FF – 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	JA008622-JA008624	112
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	Exhibit 10HH – APCO Construction's Answer to HD Supply Waterworks' Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008643-JA008657	112
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	Exhibit 10LL – HD Supply Waterworks, LP's Voluntary Dismissal of Platte River Insurance Company Only Without Prejudice	JA008686-JA008693	112
	Exhibit 10MM – Scott Financial Corporation's Answer to HD Supply Waterworks' Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008694-JA008717	112/113
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	Exhibit 11 – Order to Consolidate this Action with Case Nos. A574391, A574792, A57623. A58389, A584730, A58716, A580889 and A589195	JA008747-JA008755	113
	Exhibit 12 – Stipulation and Order to Dismiss Third-Party Complaint of Interstate Plumbing & Air Conditioning, LLC Against APCO Construction, Inc. with Prejudice	JA00875-JA008758	113
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	Exhibit 15 – Notice of Entry of Order Granting Motion for 54(b) Certification and for Stay Pending Appeal	JA008789-JA008798	113
	Exhibit 16 – Notice of Appeal	JA008799-JA008810	113
05-08-18	**Helix Electric of Nevada, LLC's Motion to Retax Costs Re: Defendant APCO Construction's Memorandum of Costs and Disbursements**	**JA006509-JA006521**	**89**
06-21-18	**Helix Electric of Nevada, LLC's Notice of Non-Opposition to its Motion for Attorney's Fees, Interest and Costs**	**JA007193-JA007197**	**99**
06-15-18	**Helix Electric of Nevada, LLC's Opposition to APCO Construction's Motion for Attorneys' Fees and Costs**	**JA006917 – JA006942**	**96**
	Exhibit 1 – Notice of Entry of Staying the Case, Except for the Sale of the Property, Pending Resolution of the Petition before the Nevada Supreme Court	JA006943-JA006948	96
	Exhibit 2 – Notice of Entry of Denying APCO Construction's Motion for Partial Summary Judgment Re: Lien Foreclosure Claims	JA006949-JA006954	96
	Exhibit 3 – Supreme Court filing notification Joint Petition for Writ of Mandamus filed	JA006955-JA006958	96
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	Exhibit 5 – Notice of Entry of Order Granting Peel Brimley Lien Claimants' Motion for Partial Summary Judgment	JA006964-JA006978	96

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	Exhibit 8 – Notice of Entry of Order Granting Plaintiff's Motion to Dismiss	JA007047 JA007053	97
	Exhibit 9 – Stipulation and Order for Dismissal with Prejudice	JA007054-JA007056	97
	Exhibit 10 – Stipulation and Order to Dismiss Third-Party Complaint of Interstate Plumbing & Air Conditioning, LLC Against APCO Construction, Inc. with Prejudice	JA007057-JA007059	97
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	Exhibit 12 – Notice of Entry of Order Granting in Part and Denying in Part Helix Electric of Nevada, LLC's Motion in Limine (against APCO Construction)	JA007070-JA007078	97
	Exhibit 13 – Notice of Entry of Order Denying APCO Constructions' Motion for Partial Summary Judgment Re: Lien Foreclosure Claims	JA007079-JA007084	97
	Exhibit 14 – Notice of Entry of Order Denying APCO Construction's Motion for Reconsideration of Order Granting Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA007085-JA007087	97
	Exhibit 15 – Notice of Association of Counsel	JA007088-JA007094	97
11-14-17	**Helix Electric of Nevada's Opposition to APCO Construction's Omnibus Motion *in Limine***	**JA000994-JA001008**	**20**
	Exhibit 1 – Excerpts from the Deposition Transcript of Brian Benson taken June 5, 2017	JA001009-JA001042	20
	Exhibit 2 - Excerpts from the Deposition Transcript of Brian Benson taken June 5, 2017	JA001043-JA001055	20
	Exhibit 3 – Special Master Order Requiring Completion of Questionnaire	JA001056-JA001059	20
	Exhibit 4 – Excerpts from the Deposition Transcript of the 30(b)(6) Witness for Helix Electric of Nevada taken July 20, 2017	JA001060-JA001064	20
	Exhibit 5 - Excerpts from the Deposition Transcript of David E. Parry taken June 20, 2017	JA001065 JA001132	20/21
08-29-19	**Helix Electric of Nevada LLC's Reply to APCO's Opposition to Helix Electric of Nevada LLC's Motion to (I) Re-**	**JA009117-JA009123**	**119**

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	Open Statistically Closed Case, (II) Dismiss All Unresolved Claims and/or (III) In The Alternative for a Rule 54(B) Certification as to Helix and APCO		
06-29-18	**Helix Electric of Nevada, LLC's Reply Re: Motion to Retax**	**JA007225-JA007237**	**100**
03-23-18	**Helix Electric of Nevada, LLC's Responses to APCO Construction's Post-Trial Brief**	**JA006173-JA006193**	**84**
06-24-09	**Helix Electric's Statement of Facts Constituting Lien and Third-Party Complaint**	**JA000001-JA000015**	**1**
01-12-18	**Joint Pre-Trial Memorandum [for APCO Construction, Inc., the Peel Brimley Lien Claimants and National Wood Products, LLC ONLY]**	**JA001574-JA001594**	**27/28**
	Exhibit 1 – Exhibit List APCO	JA001595-JA001614	28
	Exhibit 2 – Helix Trial Exhibits	JA001615-JA001616	28
	Exhibit 3 – Exhibit List Plaintiff in Intervention National Wood Products, Inc.	JA001617-JA001635	28
	Exhibit 4 – Cactus Rose Trial Exhibits	JA001636-JA001637	28
	Exhibit 5 – Heinaman Trial Exhibits	JA001638-JA001639	28
	Exhibit 6 – Fast Glass Trial Exhibits	JA001640-JA001641	28
	Exhibit 7 – SWPPP Trial Exhibits	JA001642-JA001643	28
	Exhibit 8 - Order Granting in Part and Denying in Part APCO Construction's Omnibus Motion *in Limine*	JA001644-JA001647	28

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	Exhibit 9 - Amended *nunc pro tunc* order regarding APCO Construction, Inc.'s Omnibus Motion *in Limine* No. 7	JA001648-JA001650	28
	Exhibit 10 - Order Granting in Part and Denying in part Helix Electric of Nevada, LLC's Motions *in Limine* 1-4 (Against APCO Construction)	JA001651-JA001653	28
	Exhibit 11 - order granting Peel Brimley Lien Claimants' Motion in Limine Nos.1-6 (against Camco Pacific Construction, Inc.)	JA001654-JA001657	28
	Exhibit 12 - Order Granting Plaintiff in Intervention, National Wood Products, Inc.'s Motion *in Limine*	JA001658-JA001660	28
	Exhibit 13 - Order Granting Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA001661-JA00167	28/9/29
03-08-18	**Letter to Judge Denton submitting APCO Construction, Inc.'s Proposed Findings of Fact and Conclusions of Law**	**JA005986-JA006058**	**8/821**
03-08-18	**Letter to Judge Denton submitting Helix Electric of Nevada, LLC's (Proposed) Findings of Fact and Conclusions of Law**	**JA005953-JA005985**	**81**
01-04-18	**Motion for Reconsideration of Court's Order Granting Peel Brimley Lien Claimants' Partial Motion for Summary Judgment to Preclude Defenses based on Pay-if-Paid provision on an Order Shortening Time**	**JA001199-JA001217**	**22**
	Exhibit 1 – Subcontract Agreement (Helix Electric of Nevada, LLC)	JA001218-JA001245	22/23/24
	Exhibit 2 – Subcontract Agreement (Zitting Brothers)	JA001246-JA001263	24

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	Exhibit 3 – Subcontract Agreement (CabineTec)	JA001264-JA001281	24/25
	Exhibit 4 – Amended Notice of Lien	JA001282-JA001297	25
	Exhibit 5 - Amended NOL	JA001298-JA001309	25
	Exhibit 6 – Notice of Lien	JA001310-JA001313	25
	Exhibit 7 – Order Approving Sale of Property	JA001314-JA001376	25/26
	Exhibit 8 – Order Releasing Sale Proceeds from Court Controlled Escrow Account	JA001377-JA001380	26
	Exhibit 9 – Order Denying *En Banc* Reconsideration	JA001381-JA001385	26
	Exhibit 10 – Order Granting Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA001386-JA001392	26
	Exhibit 11 – Notice of Entry of Findings of Fact and Conclusions of Law and Judgment	JA001393-JA001430	26
	Exhibit 12 – Order Big D Construction Corp.'s Motion for Attorney's Fees, Costs and Interest Pursuant to Judgment	JA001431-JA001435	26
	Exhibit 13 – Appellant's Opening Brief (Padilla v. Big D)	JA001436-JA001469	26
	Exhibit 14 – Respondent's Answering Brief	JA001470-JA001516	26/27
	Exhibit 15 – Appellant's Reply Brief (Padilla v. Big D)	JA001517-JA001551	27
01-29-20	**Notice of Appeal**	**JA009132-JA009136**	**119/120**
	Exhibit A – Notice of Entry of Judgment [As to the Claims of Helix Electric of Nevada, LLC and Plaintiff in Intervention	JA009137-JA009166	120

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	National Wood Products, Inc.'s Against APCO Construction, Inc.]		
	Exhibit [C] – Notice of Entry of Order Granting Helix Electric of Nevada's Rule 54(b) Certification	JA009148-JA009156	120
05-31-18	**Notice of Entry of Judgment [As to the Claims of Helix Electric of Nevada, LLC Against Camco Construction, Co., Inc.]**	**JA006522 JA006540**	**89**
06-01-18	**Notice of Entry of Judgment [As to the Claims of Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc.'s Against APCO Construction, Inc.]**	**JA006541 JA006550**	**90**
09-28-18	**Notice of Entry of Order (1) Granting APCO Construction, Inc.'s Motion for Attorneys' Fees and Costs (2) Granting APCO Construction, Inc.'s Memorandum of Costs in Part (3) Granting Helix Electric of Nevada, LLC's Motion to Retax in Part and Denying in Part (4) Granting Plaintiff in Intervention National Wood Products, LLC's Motion to Retax in Part and Denying in Part and (5) Granting National Wood Products, Inc.'s Motion to File a Surreply**	**JA007281-JA007299**	**100**
12-29-17	**Notice of Entry of Order Granting in Part and Denying in Part APCO Construction's Omnibus Motion *in Limine***	**JA001178-JA001186**	**22**
07-02-18	**Notice of Entry of Order Granting Helix Electric of Nevada, LLC's Motion for Attorneys' Fees, Interest and Costs**	**JA007238-JA007245**	**100**
01-03-20	**Notice of Entry of Order Granting Helix Electric of Nevada, LLC's Motion for Rule 54(b) Certification**	**JA009124-JA009131**	**119**

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01-03-18	**Notice of Entry of Order Granting Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements**	**JA001187-JA001198**	**22**
12-29-17	**Notice of Entry of Order Granting in Part and Denying in Part Helix Electric of Nevada, LLC's Motion *in Limine* 1-4**	**JA001170-JA001177**	**22**
12-29-17	**Notice of Entry of Order Granting Peel Brimley Lien Claimants' Motion *in Limine* 1-6**	**JA001161-JA001169**	**22**
01-19-18	**Order Denying APCO Construction's Motion for Reconsideration of Order Granting Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements**	**JA005282-JA005283**	**78**
07-12-19	**Order Dismissing Appeal (Case No. 76276)**	**JA007332-JA007334**	**101**
07-02-10	**Order Striking Defendant Gemstone Development West, Inc.'s Answer and Counterclaim and Entering Default**	**JA000042-JA000043**	**1**
08-02-17	**Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements and *Ex Parte* Application for Order Shortening Time**	**JA000328-JA000342**	**6**
	Exhibit 1 – APCO Construction's Answers to Helix Electric of Nevada, LLC's First Request for Interrogatories	JA000343-JA00379	6
	Exhibit 2 – Camco Pacific Construction Company, Inc.'s Responses to Helix Electric of Nevada, LLC's Interrogatories	JA000380-JA000392	6
11-06-17	**Peel Brimley Lien Claimants' Motion in Limine Nos. 1-6**	**JA000419-JA000428**	**7**
	Exhibit 1 – Notice of Entry of Order	JA000429	7

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		JA000435	
	Exhibit 2 – Amended Notices of 30(b)(6) Deposition of Camco Pacific Construction Company, Inc. from Cactus Rose Construction, Inc., Fast Glass, Inc.'s, Heinaman Contract Glazing, Inc. and Helix Electric of Nevada, LLC's	JA000436-JA000472	7/8
	Exhibit 3 – Excerpt from David E. Parry's Deposition Transcript taken June 20, 2017	JA000473 JA00489	8
	Exhibit 4 – Cactus Rose Construction, Inc.'s First Set of Request for Admissions to Camco Pacific Construction	JA00490 JA000500	8
	Exhibit 5 – Fast Glass, Inc.'s First Set of Request for Admissions to Camco Pacific Construction	JA000501-JA000511	8
	Exhibit 6 – Heinaman Contract Glazing, Inc.'s First Set of Request for Admissions to Camco Pacific Construction	JA000512-JA000522	8
	Exhibit 7 – Helix Electric of Nevada, LLC's First Set of Request for Admissions to Camco Pacific Construction	JA000523-JA000533	8
09-28-17	**Peel Brimley Lien Claimants' Reply to Oppositions to Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements**	**JA000413-JA00418**	**7**
01-09-18	**Peel Brimley Lien Claimants' Opposition to APCO Construction's Motion for Reconsideration of Order Granting Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements**	**JA001552-JA001560**	**27**
06-18-18	**Plaintiff in Intervention National Wood Products, Inc.'s Joinder to Helix Electric of Nevada, LLC's Opposition**	**JA007190-JA007192**	**99**

Date	Description	Bates Number	Volume(s)
	to APCO Construction's Motion for Attorneys' Fees and Costs		
06-15-18	**Plaintiff in Intervention National Wood Products, Inc.'s Opposition to APCO Construction's Motion for Attorneys' Fees and Costs**	**JA007095-JA007120**	**97/98**
07-19-18	**Plaintiff-in-Intervention National Wood Products, Inc.'s Surreply to APCO Construction's Reply to Plaintiff-in-Intervention National Wood Products, Inc.'s Opposition to Motion for Attorney's Fees and Costs**	**JA007246-JA007261**	**100**
01-10-18	**Reply in Support of Motion for Reconsideration of Court's Order Granting Peel Brimley Lien Claimants' Partial Motion for Summary Judgment to Preclude Defenses Based on Pay-if-Paid Provisions on an Order Shortening Time**	**JA001561-JA001573**	**27**
01-18-18	**Stipulation and Order Regarding Trial Exhibit Admitted into Evidence**	**JA002199-JA002201**	**36**
	Exhibit 1 – Exhibit List APCO	JA002208-JA002221	36
	Exhibit 2 – Helix Trial Exhibits	JA002222-JA002223	36
	Exhibit 3 – Exhibit List Plaintiff in Intervention National Wood Products, Inc.	JA002224-JA002242	36/37
	APCO TRIAL EXHIBITS:		
	APCO Related Exhibits:		
	Trial Exhibit 7 - Letter from Scott Financial to APCO re: Loan Status	JA002243	37
	Trial Exhibit 8 - APCO Pay Application No. 10 as submitted to Owner	JA002244-JA002282	37/38
	Trial Exhibit 12 and 107 - Email from C. Colligan to Subcontractors re: Subcontractor Concerns	JA002283-JA002284	38

Date	Description	Bates Number	Volume(s)
	Trial Exhibit 17 – Video (Construction Project)	JA002285	N/A
	Trial Exhibit 18 – Video (Construction Project)	JA002286	N/A
	Trial Exhibit 19 – Video (Construction Project)	JA002287	N/A
	Trial Exhibit 20 – Video (Construction Project)	JA002288	N/A
	Trial Exhibit 21 – Video (Construction Project)	JA002289	N/A
	Trial Exhibit 22 – Video (Construction Project)	JA002290	N/A
	Trial Exhibit 29 - Email from J. Robbins to Subcontractors re: Billing Cut-Off for August Billing	JA002285	39
	Trial Exhibit 30 - Camco Pay Application No. 11 NCS-Owner Approved with NCS Draw Request	JA002286-JA002306	39
	Trial Exhibit 32 and 125 - Photo re: Building 8 & 9, Interior (Showing drywall still not completed and no electrical trim or fixture installed)	JA002307-JA002308	39
	Trial Exhibits 33 and 126 - Photo re: Building 8 & 9, Interior (Showing drywall still not completed)	JA002309-JA002310	39
	Exhibit 34 and 128 - Photo re: Building 8 & 9, Interior (Showing drywall still not completed)	JA002311-JA002312-	40
	Trial Exhibit 35 - Photo re: Building 8 & 9, Interior (Showing drywall still not completed and no electrical trim or fixtures installed)	JA002313-JA002314	40
	Exhibit 36 and 130 -Photo re: Building 8 & 9, Interior (Showing drywall still not completed and no electrical trim or fixtures installed)	JA002315-JA002316	40

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	Trial Exhibits 37 and 131 -Photo re: Building 8 & 9, Interior (Showing drywall still not completed and no electrical trim or fixtures installed)	JA002317-JA002318	40
	Trial Exhibits 38 and 132 - Photo re: Building 8 & 9, Interior (Showing drywall still not completed and no electrical trim or fixtures installed)	JA002319-JA002320	41
	Trial Exhibit 39 -Email from K. Costen to Subcontractors informing that Manhattan West Project no longer open	JA002321-JA002322	41
	Trial Exhibit 40- Letter from D. Parry to Subcontractors Re: Funding Withdrawn	JA002323 JA002326	41
	HELIX Related Exhibits:		41
	Trial Exhibit 46 - Helix Pay Application No. 16713-008R1 with Proof of Payment	JA002327-JA002345	41
	Trial Exhibit 47 - Helix Pay Application No. 16713-009R1 with Proof of Payment	JA002346-JA002356	41
	Trial Exhibit 48 - Email from R. Nickerl to B. Johnson Re: Work Suspension Directive	JA002357-JA002358	41
	Trial Exhibit 49 -Helix Pay Application No. 16713-010R2 with Proof of Payment	JA002359-JA002364	41/42
	Trial Exhibit 50 - Unconditional Waiver and Release re: Pay Application No. 8 with Copy of Payment	JA002365-JA002366	42
	Trial Exhibit 51 - Photo re: Building 8 & 9, South (No Exterior fixtures installed. Helix billed out at 90%)	JA002367-JA002368	42
	Trial Exhibit 52 -Photo re: Building 8 & 9, North (No Exterior fixtures installed. Helix billed out at 90%)	JA002369-JA002370	42
	Trial Exhibit 53 -Photo re: Building - 2 & 3, West (No Exterior fixtures installed. Helix billed out at 90%)	JA002371-JA002372	42

Date	Description	Bates Number	Volume(s)
	Trial Exhibit 54 - Photo re: Building - 2 & 3, East (No Exterior fixtures installed. Helix billed out at 90%)	JA002373-JA002374	42
	Trial Exhibit 55 - Photo re: Building 2 & 3, East (No Exterior fixtures installed. Helix billed out at 90%)	JA002375-JA002376	42
	Trial Exhibit 56 - Photo re: Building 8 & 9, North (No Exterior fixtures installed. Helix billed out at 90%)	JA002377-JA002378	42
	Trial Exhibit 57 - Photo re: Building 2 & 3, and 8 & 9, North (No Exterior fixtures installed. Helix billed out at 90%)	JA002379-JA002381	42
	Trial Exhibit 58 - Helix Pay Application No. 16713-011R1 submitted to Owner	JA002382-JA002391	42
	Trial Exhibit 59 - Helix Pay Application No. 16713-011R1 given to Camco with Proof of Payment	JA002392-JA002405	43
	Trial Exhibit 60 - Helix Retention Rolled to Camco	JA002406-JA002415	43
	Trial Exhibit 61 - Unconditional Waiver and Release re: all Invoices through June 30, 2008 with Proof of Payment	JA002413-JA002415	43
	Trial Exhibit 62 - Photo re: Building 8 & 9, South	JA002416-JA002417	43
	Trial Exhibit 63 - Photo re: Building 2 & 3, West	JA002418-JA002419	43
	Trial Exhibit 64 - Photo re: Building 2 & 3, West	JA002420-JA002421	43
	Trial Exhibit 65 - Photo re: Building 2 & 3, South	JA002422-JA002423	43
	Trial Exhibit 66 - Letter of transmittal from Helix to APCO re: Helix Pay Application No. 16713-011R1	JA002424-JA002433	43
	Trial Exhibit 67 - Photo re: Building 8 & 9, West (No exterior fixtures installed. Helix billed out 90%)	JA002435-JA002436	43

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	Trial Exhibit 68 -Photo re: Building 8 & 9, West (No exterior fixtures installed. Helix billed out 90%)	JA002437-JA002438	43
	Trial Exhibit 69 - Photo re: Building 2 & 3, East (No exterior fixtures installed. Helix billed out 90%)	JA002439-JA002440	43
	Trial Exhibit 70 - Photo re: Building 8 & 9, South (No exterior fixtures installed. Helix billed out 90%)	JA002441-JA002442	43
	Trial Exhibit 71 - Photo re: Building 8 & 9, West (No exterior fixtures installed. Helix billed out 90%)	JA002443-JA002444	43
	Trial Exhibit 72 - Photo re: Building 2 & 3, East (No exterior fixtures installed. Helix billed out 90%)	JA002445-JA002446	43
	Trial Exhibit 73 - Photo re: Building 8 & 9, West (No exterior fixtures installed. Helix billed out 90%)	JA002447-JA002448	43
	Trial Exhibit 74 - Photo re: Building 2 & 3, East (No exterior fixtures installed. Helix billed out 90%)	JA002448-JA002449	43
	Trial Exhibit 75 - Unconditional Release re: Pay Application No. 16713-011R1 with Proof of Payment	JA002450-JA002456	43
	Exhibit 77 - Helix Statement of Facts Constituting Notice of Lien and Third-Party Complaint	JA002457-JA002494	43
	Zitting Brothers Related Exhibits:		
	Trial Exhibit 100 - Check No. 14392 payable to Zitting ($27,973.80); Progress Payment No. 7	JA002495-JA002497	44
	Trial Exhibit 101 - Email from R. Nickerl to R. Zitting re: Change Orders	JA002498-JA002500	44
	Trial Exhibit 102 -Email from L. Lynn to J. Griffith, et al. re: Change Order No. 00011 “pending”	JA002501-JA002503	44

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	Trial Exhibit 103- Email from R. Zitting to R. Nickerl re: change orders adjusted to $30 per hour	JA002504-JA002505	44
	Trial Exhibit 104 - Email from R. Zitting to R. Nickerl re: change orders adjusted to $30 per hour with copies of change orders	JA002506-JA002526	44
	Trial Exhibit 105 - Ex. C to the Ratification – Zitting Quotes	JA002527-JA002528	44
	Trial Exhibit 106 - Unconditional Lien Release – Zitting ($27,973.80)	JA002529	44
	Trial Exhibit 108 - Photo of Video (Construction Project)	JA002530-JA002531	44
	Trial Exhibit 109 - Photo of Video (Construction Project)	JA002532-JA002533	44
	Trial Exhibit 110 - Photo of Video (Construction Project)	JA002534-JA002535	44
	Trial Exhibit 111 - Photo of Video (Construction Project)	JA002536-JA002537	44
	Trial Exhibit 112 - Photo of Video (Construction Project)	JA002538-JA002539	44
	Trial Exhibit 113 -Photo of Video (Construction Project)	JA002550-JA002541	44
	Trial Exhibit 114 -Photo of Video (Construction Project)	JA002542-JA002543	44
	Trial Exhibit 115 - Progress Payment No. 9 Remitted to Zitting	JA002544-JA002545	44
	Trial Exhibit 116 - Ratification and Amendment of Subcontract Agreement between Buchele and Camco	JA002546-JA002550	44
	Trial Exhibit 117 - C to the Ratification	JA002551-JA002563	44
	Trial Exhibit 118 - Q&A from Gemstone to subcontracts	JA002564-JA002567	44
	Trial Exhibit 119 - Check No. 528388 payable to APCO ($33,847.55) – Progress Payment No. 8.1 and 8.2	JA002568-JA002571	44

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	Trial Exhibit 120 - Tri-City Drywall Pay Application No. 7 to APCO as submitted to Owner. Show percentage complete for Zitting	JA002572-JA002575	44/45
	Trial Exhibit 127 - Photo of Video (Construction Project)	JA002576-JA002577	45/46
	Trial Exhibit 128 - Photo of Video (Construction Project)	JA002578-JA002579	46
	Trial Exhibit 129 - Photo of Video (Construction Project)	JA002580-JA002581	46
	Trial Exhibit 138 - Memo from Scott Financial to Nevada State Contractors Board Re: Explanation of Project Payment Process	JA002582-JA002591	46
	Trial Exhibit 152 -Terms & Conditions modified by APCO, Invoices and Check Payment	JA002592-JA002598	46
	National Wood Products Related Exhibits:		
	Trial Exhibit 160 - Documents provided for settlement	JA002599-JA002612	46
	CAMCO Related Exhibits:		
	Trial Exhibit 163 - Camco Pay Application No. 12 to Gemstone	JA002613-JA002651	46/47
	Trial Exhibit 165 - Letter from D. Parry to A. Edelstein re: Gemstone losing funding for project	JA002652-JA002653	47
	Trial Exhibit 166 - Letter from D. Parry to G. Hall re: withdrawal of funding	JA002654 JA002656	47
	Helix Related Exhibits:		47
	Trial Exhibit 169 - Helix Exhibit to Standard Subcontract Agreement with Camco	JA 002665 JA002676	47/48
	Trial Exhibit 170 - Subcontract Agreement between Helix and Camco (unsigned)	JA002677-JA002713	48

Date	Description	Bates Number	Volume(s)
	Trial Exhibit 171 - Work Order No. 100	JA002714-JA002718	48
	Trial Exhibit 172 - Letter from J. Griffith to Victor Fuchs Re: Gemstone's intention to continue retention of Helix w/copy of Ratification and Amendment of Subcontract Agreement	JA002719-JA002730	48
	Trial Exhibit 173 - Helix Pay Application No. 16713-012 to Camco with proof of payment	JA002731-JA002745	48
	Trial Exhibit 174 - Helix Change Order Request No. 28	JA002746-JA002747	48
	Trial Exhibit 175 - Change Notice No. 41	JA002748-JA002751	48
	Trial Exhibit 176 - Helix Pay Application No. 16713-013 to Camco	JA002752-JA002771	48/49
	Trial Exhibit 177 - Helix Pay Application No. 16713-014 to Camco	JA002772-JA002782	49
	Trial Exhibit 178 - Camco's letter to Helix rejecting Pay Application No. 16713-015 with attached copy of Pay Application	JA002783 JA002797	49
	National Wood/Cabinetec Related Exhibits:		
	Trial Exhibit 184 - Ratification and Amendment of Subcontract Agreement between CabineTec and Camco (fully executed copy)	JA002798-JA002825	49
	General Related Exhibits:		
	Trial Exhibit 218 - Camco/Owner Pay Application No. 11 w/Backup	JA002826-JA003028	50/51/52
	Trial Exhibit 220 - Camco/Owner Pay Application No. 12 w/Backup	JA003029-JA003333	52/53/54/55
	Trial Exhibit 313 - Letter from A. Edelstein to R. Nickerl re: NRS 624 Notice	JA003334-JA003338	55
	Helix Trial Exhibits:		

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	Trial Exhibit 501 - Payment Summary	JA003339 – JA003732	55/56/57/ 58/59/60
	Trial Exhibit 508 – Helix Pay Application	JA003733- JA003813	60/61
	Trial Exhibit 510 - Unsigned Subcontract	JA003814- JA003927	61/62
	Trial Exhibit 512 - Helix's Lien Notice	JA003928- JA004034	62/63
	Trial Exhibit 522 - Camco Billing	JA004035- JA005281	63/64/65/66/67/ 68/69/70 /71/72 /73/74/75/ 76/77
01-17-18	**Transcript Bench Trial (Day 1)**[5]	**JA001668- JA001802**	**29/30**
	Trial Exhibit 1 - Grading Agreement ***(Admitted)***	JA001803- JA001825	30
	Trial Exhibit 2 – APCO/Gemstone General Construction Agreement ***(Admitted)***	JA001826- JA001868	30
	Trial Exhibit 3 - Nevada Construction Services /Gemstone Cost Plus/GMP Contract Disbursement Agreement ***(Admitted)***	JA001869- JA001884	30
	Trial Exhibit 4 - APCO Pay Application No. 9 Submitted to Gemstone ***(Admitted)***	JA001885- JA001974	30/31/32
	Trial Exhibit 5 - Letter from J. Barker to A. Edelstein re: APCO's Notice of Intent to Stop Work ***(Admitted)***	JA001975- JA001978	32
	Trial Exhibit 6 - Letter from J. Barker to A. Edelstein re: APCO's Notice of Intent to Stop Work ***(Admitted)***	JA001979- JA001980	32
	Trial Exhibit 10 - Letter from J. Barker to A. Edelstein Re: Notice of Intent to Stop Work (Second Notice) ***(Admitted)***	JA001981- JA001987	32

[5] Filed January 31, 2018

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	Trial Exhibit 13 - Letter from A. Edelstein to Re. Nickerl Re: Termination for Cause (Gemstone) ***(Admitted)***	JA001988-JA002001	32
	Trial Exhibit 14 - Letter from W. Gochnour to Sean Thueson Re: [APCO's] Response to [Gemstone's] Termination for Cause ***(Admitted)***	JA002002-JA002010	33
	Trial Exhibit 15 - Letter from R. Nickerl to A. Edelstein Re: 48-Hour Notices ***(Admitted)***	JA002011-JA002013	33
	Trial Exhibit 16 - Email from J. Horning to A. Berman and J. Olivares re: Joint Checks ***(Admitted)***	JA002014	33
	Trial Exhibit 23 - APCO Subcontractor Notice of Stopping Work and Letter from J. Barker to A. Edelstein Re: Notice of Stopping Work and Notice of Intent to Terminate Contract ***(Admitted)***	JA002015-JA002016	33
	Trial Exhibit 24 - Letter from R. Nickerl to Clark County re: Notification of APCO's withdrawal as General Contractor of Record ***(Admitted)***	JA002017-JA002023	33
	Trial Exhibit 26 - Email from J. Gisondo to Subcontractors re: June checks ***(Admitted)***	JA002024	34
	Trial Exhibit 27 - Letter from A. Edelstein to R. Nickerl re: June Progress Payment ***(Admitted)***	JA002025-JA002080	34
	Trial Exhibit 28 - Letter from J. Barker to A. Edelstein Re: Termination of Agreement for GMP ***(Admitted)***	JA002081	34
	Trial Exhibit 31 - Transmission of APCO's Pay Application No. 11 as Submitted to Owner ***(Admitted)***	JA002082-JA002120	34/35
	Trial Exhibit 45 - Subcontractor Agreement ***(Admitted)***	JA002121-JA002146	35

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	Trial Exhibit 162 - Amended and Restated General Construction Agreement between Gemstone and CAMCO ***(Admitted)***	JA002147-JA002176	35/36
	Trial Exhibit 212 - Letter from Edelstein to R. Nickerl re: NRS 624 Notice ***(Admitted)***	JA002177-JA002181	36
	Trial Exhibit 215 - Email from C. Colligan to Subcontractors re: 48-hour Termination Notice ***(Admitted)***	JA002182-JA002185	36
	Trial Exhibit 216 - Email from C. Colligan re: Meeting with Subcontractors ***(Admitted)***	JA002186-JA002188	36
	Trial Exhibit 506 – Email and Contract Revisions ***(Admitted)***	JA002189 – JA002198	36
01-18-18	**Transcript – Bench Trial (Day 2)**[6]	JA005284-JA005370	78
	Trial Exhibit 535 – Deposition Transcript of Andrew Rivera (Exhibit 99) ***(Admitted)***	JA005371-JA005623	78/79/80
01-19-18	**Transcript – Bench Trial (Day 3)**[7]	JA005624-JA005785	80
	Trial Exhibit 231 – Helix Electric's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint ***(Admitted)***	JA005786-JA005801	80
	Trial Exhibit 314 - Declaration of Victor Fuchs in support of Helix's Motion for Partial Summary Judgment against Gemstone ***(Admitted)***	JA005802-JA005804	80
	Trial Exhibit 320 – June-August Billings—not paid to APCO ***(Admitted)***	JA005805	80
	Trial Exhibit 321 – Overpayments to Cabinetec ***(Admitted)***	JA005806-	80

[6] Filed January 31, 201879
[7] Filed January 31, 2018

Date	**Description**	**Bates Number**	**Volume(s)**
	Trial Exhibit 536 – Lien math calculations (handwritten) ***(Admitted)***	JA005807-JA005808	80
	Trial Exhibit 804 – Camco Correspondence ***(Admitted)***	JA005809-JA005816	80
	Trial Exhibit 3176 – APCO Notice of Lien ***(Admitted)***	JA005817-JA005819	81
01-24-18	**Transcript – Bench Trial (Day 5)**[8]	**JA005820-JA005952**	81
01-24-19	**Transcript for All Pending Fee Motions on July 19, 2018**	**JA007300-JA007312**	**100/101**

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DISTRICT COURT

CLARK COUNTY, NEVADA

APCO CONSTRUCTION, a Nevada corporation, Plaintiff, vs. GEMSTONE DEVELOPMENT WEST, INC., a Nevada corporation; et al., Defendants. AND RELATED MATTERS.	CASE NO. A571228 DEPT. NO.: XIII *Consolidated with:* *A574391;A574792; A577623; A583289; A587168; A580889; A584730; A589195; A595552; A597089; A592826; A589677; A596924; A584960; A608717; A608718; and A590319* **PLAINTIFF IN INTERVENTION, NATIONAL WOOD PRODUCTS, INC.'S JOINDER TO HELIX ELECTRIC OF NEVADA, LLC'S OPPOSITION TO APCO CONSTRUCTION'S MOTION FOR ATTORNEY'S FEES AND COSTS** **Hearing Date: July 19, 2018** **Heating Tine: 9:00 A.M.**

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Case Number: 08A571228

Plaintiff in Intervention National Wood Products, Inc. ("National Wood"), by and through its counsel of record, the Law Offices of Richard L. Tobler, Ltd. and Cadden & Fuller LLP, hereby respectfully submits its Joinder to Helix Electric of Nevada, LLC ("Helix")'s Opposition to APCO Construction's Motion for Attorney's Fees and Costs.

Because APCO Construction seeks recovery of substantially the same attorney's fees and costs from National Wood as from Helix, National Wood joins in Helix's Opposition to APCO Construction's Motion for Attorney's Fees and Costs and adopts the same as its own position in addition to the grounds identified in National Wood's own Opposition to APCO Construction's Motion for Attorney's Fees and Costs previously filed herein.

Respectfully submitted this 18th day June, 2018.

RICHARD L. TOBLER, LTD.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of Richard L. Tobler, Ltd., and that on this 18th day of June, 2018 and pursuant NRCP 5(b), I caused to be served a true and correct copy of the foregoing **PLAINTIFF IN INTERVENTION, NATIONAL WOOD PRODUCTS, INC.'S JOINDER TO HELIX ELECTRIC OF NEVADA, LLC'S OPPOSITION TO APCO CONSTRUCTION'S MOTION FOR ATTORNEY'S FEES AND COSTS** in the following manner:

(ELECTRONIC SERVICE) Pursuant to Administrative Order 14-2, the above-referenced document was electronically filed on the date hereof and served through the Notice of Electronic Filing automatically generated by the Court's facilities to those parties listed on the Court's Master Service List.

An employee of Richard L. Tobler, Ltd.

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DISTRICT COURT

CLARK COUNTY, NEVADA

APCO CONSTRUCTION, a Nevada corporation, Plaintiff, vs GEMSTONE DEVELOPMENT WEST, INC., Nevada corporation; NEVADA CONSTRUCTION SERVICES, a Nevada corporation; SCOTT FINANCIAL CORPORATION, a North Dakota corporation; COMMONWEALTH LAND TITLE INSURANCE COMPANY; FIRST AMERICAN TITLE INSURANCE COMPANY and DOES I through X, Defendants. AND ALL RELATED MATTERS.	CASE NO.: A571228 DEPT. NO.: XIII *Consolidated with:* A571792, A574391, A577623, A580889, A583289, A584730, and A587168 **HELIX ELECTRIC OF NEVADA, LLC'S NOTICE OF NON OPPOSITION TO ITS MOTION FOR ATTORNEY'S FEES, INTEREST AND COSTS**

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Helix Electric of Nevada, LLC ("Helix") by and through its counsel of record, the law firm of PEEL BRIMLEY LLP, hereby respectfully advises the Court as follows:

1. Helix filed and served its Motion for Attorney's Fees and Costs on June 1, 2018;
2. Pursuant to EDCR 2.20(e), any opposition or other response to Helix's Motion was due "within 10 days after service of the motion."
3. As of the date of this Notice, which is more than 10 days after Helix's Motion was filed, no opposition has been filed or served;

Case Number: 08A571228

4. Pursuant to EDCR 2.20(e), "failure of the opposing party to serve and file written opposition may be construed as an admission that the motion and/or joinder is meritorious and a consent to granting the same;" and

5. Helix therefore requests that the Court deem the lack of timely opposition as consent that Helix's Motion may be granted in its entirety and grant Helix leave to submit an Order Granting Motion without the need for an appearance at the hearing scheduled for July 2, 2018.

Respectfully submitted this 21st day of June, 2018.

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of PEEL BRIMLEY LLP and that on this 21 day of June 2018, I caused the above and foregoing document entitled **HELIX ELECTRIC OF NEVADA, LLC'S NOTICE OF NON OPPOSITOIN TO ITS MOTION FOR ATTORNEY'S FEES, INTEREST AND COSTS** 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 to the party(ies) and/or attorney(s) listed below; and/or

☒ to registered parties via Wiznet, the Court's electronic filing system;

☐ pursuant to EDCR 7.26, to be sent **via facsimile;**

☐ to be hand-delivered; and/or

☐ other _____

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DISTRICT COURT

CLARK COUNTY, NEVADA

APCO CONSTRUCTION, a Nevada corporation, Plaintiff, v. GEMSTONE DEVELOPMENT WEST, INC., A Nevada corporation, Defendant.	Case No.: A571228 Dept. No.: XIII *Consolidated with:* *A574391; A574792; A577623; A583289; A587168; A580889; A584730; A589195; A595552; A597089; A592826; A589677; A596924; A584960; A608717; A608718; and A590319* **APCO CONSTRUCTION, INC.'S REPLY IN SUPPORT OF ITS MOTION FOR ATTORNEY'S FEES AND COSTS AGAINST HELIX ELECTRIC OF NEVADA, LLC AND PLAINTIFF IN INTERVENTION NATIONAL WOOD PRODUCTS, INC.** Hearing Date: July 19, 2018 Hearing Time: 9:00 a.m.
AND ALL RELATED MATTERS	

Case Number: 08A571228

APCO Construction, Inc. ("APCO") hereby submits its reply in support of its motion for attorney's fees and will address each response in this reply. Respectfully, Helix Electric of Nevada's ("Helix") and National Wood Products, Inc.'s ("National Wood") oppositions miss the point. Each cite general assignment law, without citing a single case holding that APCO cannot recover attorney's fees under the subcontracts after Helix and National Wood sued APCO. Each argues that APCO does not have standing to "pursue a claim" after it assigned the subcontracts to Gemstone/Camco. But APCO did not pursue a claim; *it successfully defended against Helix and National Wood's wrongful claims*.

Simply stated, APCO is entitled to fees as a matter of law because: (1) the subcontract's fee provision controls and does not require APCO to be a current party to the agreement, (2) equitable estoppel prohibits Helix and CabineTec from claiming the subcontract does not control when they sued to enforce that very agreement, (3) APCO has standing as the assignor and its fees are reasonable, (4) the offers of judgment were timely and reasonable under the *Beattie* factors, and (5) fees are permitted against Helix under NRS 108.

I. The plain language of the subcontract allows APCO's fees.

"It has long been the policy in Nevada that absent some countervailing reason, contracts will be construed from the written language and enforced as written."[1] Even after the subcontracts were assigned, the fee provision still granted APCO the right to fees as the prevailing party because (1) Helix and CabineTec initiated this lawsuit against APCO, and (2) this action arose out of the subcontract work:

> 18.5 In the event **either party** employs an attorney to institute a lawsuit or to demand arbitration for any cause **arising out of the Subcontract Work, or any of the Contract Documents**, the prevailing party shall be entitled to all costs, attorney's fees and other reasonable expenses incurred therein.[2]

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[1] *Ellison v. California State Auto. Ass'n*, 106 Nev. 601, 603, 797 P.2d 975, 977 (1990). *Cf. Southern Trust Mort. Co. v. K & B Door Co.*, 104 Nev. 564, 568, 763 P.2d 353, 355 (1988) (where a document is clear on its face, the court will construe it according to its language).

[2] Trial Exhibit 45, Helix Subcontract at Section 18.5; Trial Exhibit 149 CabineTec Subcontract at Section 18.5 (emphasis added).

Helix's Complaint and CabineTec's Complaint both allege APCO breached the subcontract.[3] In fact, Helix and CabineTec even sought fees under the Subcontract's fee provision against APCO when APCO was not a party to the subcontract.[4] But as noted above, the provision does not require APCO to be a current party to the subcontract in order to prevail. The subcontract could have limited the recovery of attorney's fees to the "other party" to the subcontract or to cases "between the parties," but it did not.[5] It grants fees generally to the "prevailing party" after one party initiates litigation. The Court cannot impose any other requirements on this language.

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[3] See Trial Exhibit 45 at ¶¶ 9-16 and Trial Exhibit 149 at ¶¶12-20 And courts liberally construe phrases like "arising out of the subcontract work/contract documents." *Blickman Turkus, LP v. MF Downtown Sunnyvale, LLC,* 162 Cal. App. 4th 858, 895, 76 Cal. Rptr. 3d 325, 354 (2008) (internal citations omitted).

[4] Trial Exhibit 45, Helix's Complaint at ¶16 for requesting attorney's fees for its breach of contract claim against APCO; Trial Exhibit 149, CabineTec's Complaint , ¶20 (requesting fees for its breach of contract claim against APCO). See also Helix's Proposed Findings of Fact and Conclusions of Law at ¶ 42, on file herein ("Helix is the prevailing party and/or prevailing lien claimant as to APCO and Helix and is entitled to an award of reasonable attorney's fees pursuant to NRS 108.23 7 and/or the APCO Subcontract and/or the Camco Subcontract."); National Wood's Proposed FFCL at ¶10, on file herein ("If any party to the APCO Contract "institute[s] a lawsuit . . . for any cause arising out of the Subcontract . . .," the APCO Contract expressly authorizes the prevailing party to recover "all costs, attorney's fee[s] and any other reasonable expenses incurred" in connection with the lawsuit) and ¶ 13 of National Wood's FFCL (conclusions of law) ("Pursuant to the Contracts, specifically Section 18.5 of the APCO Contract, National Wood is entitled to all costs, attorney's fees and any other reasonable expenses incurred.")

[5] See more specific attorney's fees provisions: *Cargill, Inc. v. Souza*, 201 Cal. App. 4th 962, 968, 134 Cal. Rptr. 3d 39, 43 (2011) citing *Blickman Turkus, supra,* 162 Cal.App.4th at page 896, 76 Cal.Rptr.3d 325 (an attorney fees provision permitting fees in " 'any litigation ***between the parties*** *hereto* to enforce any provision of this Agreement ...' " by its plain terms limited fees to litigation between the signatories to the contract); *Real Prop. Servs. Corp. v. City of Pasadena,* 25 Cal. App. 4th 375, 377–78, 30 Cal. Rptr. 2d 536, 538 (1994) (*Attorneys' Fees provision* read "[i]n the event of any action or proceeding **brought by either party against the other under** this Lease, the prevailing party shall be entitled to recover for the fees of its attorneys in such action or proceeding ... in such amount as the court may adjudge reasonable."

In *Blickman Turkus, LP v. MF Downtown Sunnyvale, LLC*,[6] the court analyzed a fee provision that allowed fees "'[i]f either party becomes *involved in* ... litigation arising out of this Contract or the performance of it ... to the party justly entitled to them.'" Recognizing the broad language of the attorney's fees provision, the court found that the language of the provision "could readily be understood to extend to any contract-related litigation in which either party was 'involved.'"

There is nothing in Section 18.5 that requires APCO to be a present party to the subcontract. In fact, the provision references litigation filed by either party and the action arises out of the subcontract. APCO never filed a counterclaim to enforce the subcontract. It merely defended against these contractual claims. It is patently unfair for these subcontractors to sue to enforce the subcontract and then deny APCO the right to fees when it is successful.

Notably, neither Helix nor National Wood have cited one case where an assignor was not allowed to recover its fees when it was sued as a defendant to enforce the assigned contract. Instead, they cite two cases to argue APCO is prohibited from recovering fees: (1) *Boarman v. Boarman*,[7] and (2) *Oral Roberts University v. Anderson*.[8] *Boarman* is inapplicable because the court found that a former wife in a divorce action could assign to her attorney a judgment that awarded included attorney fees. *Boarman* did not analyze or discuss whether an attorney's fees provision is valid after an assignment.

Helix then cites *Oral Roberts* for the proposition that "a party can assign away its contractual right to receive an award of attorneys' fees but cannot, by assignment, delegate the obligation away." The citation is puzzling since APCO is not attempting to delegate any duty to pay fees, and the case does not analyze an award of attorneys' fees after an assignor successfully defends an action brought against it over an assigned contract. In

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[6] 162 Cal. App. 4th 858, 900, 76 Cal. Rptr. 3d 325, 358–59 (2008) (internal citations and quotations omitted)

[7] 210 W. Va. 155, 556 S.E.2d 800 (2001)

[8] 11 F. Supp.2d 1336 (1997).

fact, in *Oral Roberts,* plaintiff Oral Roberts University prevailed in its action seeking a declaratory judgment that an option agreement had expired. It sought fees as the prevailing party under the expired agreement. The district court granted Oral Roberts fees, finding the termination of the option contract did not prevent it from recovering attorney's fees. Similarly, APCO's assignment does not prevent APCO from recovering attorney's fees since Helix and National Wood initiated litigation against APCO.

II. Equitable estoppel prohibits National Wood/ Helix from contesting the fee provision.

The United States Supreme Court has found that "traditional principles of state law allow a contract to be enforced by or against nonparties to the contract through assumption, piercing the corporate veil, alter ego, incorporation by reference, third-party beneficiary theories, waiver and estoppel."[9] The Nevada Supreme Court has adopted this same principle[10] and held that "[e]quitable estoppel precludes a party from asserting rights 'he otherwise would have had against another' when his own conduct renders assertion of those rights contrary to equity."[11] In fact, the Nevada Supreme Court has found that "[u]nder a theory of estoppel, a nonsignatory [to a contract] is estopped from refusing to comply with an arbitration clause when it receives a 'direct benefit' from a contract containing an arbitration clause."[12] That means that a nonsignatory to a contract may recover attorneys' fees when the nonsignatory is sued on the contract as if he or she were a party, and the contract contains an attorneys' fees provision. *See Reynolds Metals Co. v. Alperson,*[13] (a nonsignatory who successfully defends against a breach-of-contract action

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[9] *Arthur Andersen LLP v. Carlisle,* 556 U.S. 624, 631, 129 S. Ct. 1896, 1902, 173 L. Ed. 2d 832 (2009) citing 21 R. Lord, Williston on Contracts § 57:19, p. 183 (4th ed. 2001) (internal quotations omitted).

[10] See *Truck Ins. Exch. v. Palmer J. Swanson, Inc.,* 124 Nev. 629, 634–35, 189 P.3d 656, 660 (2008) (confirming a non-signatory may be bound to an agreement if so dictated by the ordinary principles of contract and agency and may do so under theories of incorporation by reference, assumption, agency, veil-piercing, and estoppel).

[11] *Ahlers v. Ryland Homes Nevada, LLC,* 126 Nev. 688, 367 P.3d 743 (2010)

[12] *Truck Ins. Exch. v. Palmer J. Swanson, Inc.,* 124 Nev. 629, 636, 189 P.3d 656, 661 (2008) (internal quotations omitted).

[13] 25 Cal. 3d 124, 128, 599 P.2d 83, 85 (1979).

may recover his or her attorneys' fees pursuant to a fee provision in the contract, despite the fact that he or she was not a party to the contract); *Jones v. Drain*,[14] ("We believe that it is extraordinarily inequitable to deny a party who successfully defends an action on a contract, which claims attorney's fees, the right to recover its attorney's fees and costs simply because the party initiating the case has filed a frivolous lawsuit. As a consequence, we find that a prevailing defendant sued for breach of contract containing an attorney's fees provision and having had to defend the contract cause of action, is entitled to recover its own attorney's fees and costs therefor, even though the trial court finds no contract existed."); *Int'l Billing Servs., Inc. v. Emigh*,[15] (recognizing that the individual defendants, though nonsignatories to a note with an attorney fees clause, were nevertheless entitled to recover attorney fees because defendants would have been liable for attorney fees had plaintiff prevailed and thus were themselves entitled to an award of fees as the prevailing party); *Yuan v. Chow*,[16] (where the defendant successfully demonstrated that he was not bound by a promissory note containing an attorney fee provision, the court held that the prevailing defendant was entitled to an award of attorney fees just as if he had been a party to that note. The court reasoned that because the plaintiff would have been entitled to an award of attorney fees had the plaintiff prevailed, the prevailing defendant was likewise entitled to such an award); *California Wholesale Material Supply, Inc. v. Norm Wilson & Sons, Inc.*,[17] (where plaintiff was liable for defendant's fees even though it was a nonsignatory to the subcontract containing the fees provision); *Katz v. Van Der Noord*,[18] ("We hold that when parties enter into a contract and litigation later ensues over that contract, attorney's fees may be recovered under a prevailing-party attorney's fee provision contained therein even though the contract is rescinded or held to be unenforceable. The legal fictions which accompany a judgment of rescission do not change the fact that a contract did exist. It would be unjust to preclude the prevailing party to the dispute over

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[14] 149 Cal. App. 3d 484, 489–90, 196 Cal. Rptr. 827, 831 (Ct. App. 1983)
[15] 84 Cal. App. 4th 1175, 1197, 101 Cal. Rptr. 2d 532, 546–47 (2000)
[16] 96 Wn.App. 909, 915, 982 P.2d 647 (1999)
[17] 96 Cal. App. 4th 598, 117 Cal. Rptr. 2d 390 (2002)
[18] 546 So. 2d 1047, 1049 (Fla. 1989)

the contract which led to its rescission from recovering the very attorney's fees which were contemplated by that contract.").

This same logic was applied in *Ahlers v. Ryland Homes Nevada, LLC,*[19] where the Nevada Supreme Court considered the issue of a whether a nonsignatory could enforce an arbitration clause in an option contract. The Nevada Supreme court held: "[t]he equitable estoppel doctrine prevents a plaintiff signatory to a contract that contains an arbitration provision from avoiding the agreement to arbitrate if the plaintiff's claims rely on the contract as the basis for relief. Otherwise, to allow a plaintiff to claim the benefit of the contract and simultaneously avoid its burdens would both disregard equity and contravene the purposes underlying enactment of the Arbitration Act."[20]

Similarly, in *Hard Rock Hotel, Inc. v. Eighth Judicial Dist. Court of State in & for Cty. of Clark,*[21] the Nevada Supreme Court articulated the following analytical framework regarding equitable estoppel:

> [E]quitable estoppel allows a nonsignatory to compel arbitration in two different circumstances. First, equitable estoppel applies when the signatory to a written agreement containing an arbitration clause must "rely on the terms of the written agreement in asserting its claims" against the nonsignatory. When each of a signatory's claims against a nonsignatory "makes reference to" or "presumes the existence of" the written agreement, the signatory's claims "arise out of and relate directly to the written agreement," and arbitration is appropriate.[22]

These principles confirm that Helix and National Wood are equitably estopped from denying APCO's right to enforce the fee provision in their respective subcontracts. Their respective claims were entirely dependent upon the subcontract work and their complaints

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[19] 126 Nev. 688, 367 P.3d 743 (2010) citing *International Paper v. Schwabedissen Maschinen & Anlagen GMBH,* 206 F.3d 411, 417–18 (4th Cir. 2000)

[20] *Ahlers v. Ryland Homes Nevada, LLC*, 126 Nev. 688, 367 P.3d 743 (2010)

[21] 390 P.3d 166 (Nev. 2017)(unpublished opinion)

[22] *Hard Rock Hotel, Inc. v. Eighth Judicial Dist. Court of State in & for Cty. of Clark*, 390 P.3d 166 (Nev. 2017)(internal quotations omitted).

make reference to and incorporate the subcontracts.[23] Since Helix and National Wood alleged the validity of and sought to enforce the subcontracts against APCO, each is equitably estopped from denying APCO the related benefits when APCO certainly would have been so liable had it lost.

III. The subcontractors' reliance on standing and real party in interest is misplaced.

The question of standing is similar to the issue of real party in interest because it also focuses on the **party seeking adjudication** rather than on the issues sought to be adjudicated.[24] In *Szilagyi v. Testa*,[25] the Nevada Supreme Court cited *Harman v. City & Cty. of San Francisco*[26], as authority on standing. *Harman* confirms what the subcontractors missed: standing focuses on the plaintiff, or the party pursuing claims in an action:

> The fundamental aspect of standing is that it focuses on the **party seeking to get his complaint before a . . . court** and not on the issues he wishes to have adjudicated. A party enjoys standing to **bring his complaint** into court if his stake in the resolution of that complaint assumes the proportions necessary to ensure that he will **vigorously present his case**. As Professor Jaffe has stated, we must determine standing by a measure of the intensity of the **plaintiff's claim** to justice.[27]

In *Real Prop. Servs. Corp. v. City of Pasadena*,[28] the City signed a contract with a developer to develop a movie theater. The developer signed a sublease with an operator to operate the movie theater. The operator sued the City to enforce the terms of the City-developer contract. During trial, the City argued the operator did not have standing to enforce the City-developer contract and that the City did not breach the contract. The court granted judgment in favor of the City, but denied the City's corresponding motion for

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[23] See Trial Exhibit 45 and 149.
[24] *Szilagyi v. Testa*, 99 Nev. 834, 838, 673 P.2d 495, 498 (1983).
[25] 99 Nev. 834, 838, 673 P.2d 495, 498 (1983)
[26] 7 Cal. 3d 150, 159, 496 P.2d 1248, 1254 (1972)
[27] *Harman v. City & Cty. of San Francisco,* 7 Cal. 3d 150, 159, 496 P.2d 1248, 1254 (1972)(internal citations and quotations omitted) (emphasis added).
[28] 25 Cal. App. 4th 375, 30 Cal. Rptr. 2d 536 (1994)

attorney's fees. On appeal, the operator contended that "the propriety of the denial of the attorney's fee award is dependent upon the reason for the judgment."[29] The appellate court rejected the operator's argument, finding the City was entitled to fees "whether the judgment is based upon the merits or lack of standing." Instead, the court found "any lack of standing by [plaintiff] to bring the lawsuit does not alter the fact that [plaintiff] sued the [defendant] to enforce the contract, thereby entitling the prevailing party to its attorney fees"].)[9] *See also Anaheim Emergency Specialists Medical Group, Inc. v. Anaheim Memorial Medical Center*,[30] (where the court held that the hospital's parent, though not a signatory to the contract between the hospital and the plaintiff had standing to seek arbitration pursuant to the arbitration provision in that contract, under the principles of equitable estoppel where it found that all of the alleged torts were "rooted" in the contractual relationship between the parties); *Morelli v. Morelli*,[31] (where the Nevada Supreme Court recognized third party beneficiary has standing to enforce the provisions of the property settlement agreement); *Cartwright v. Maitland*,[32] (a nonsignatory may enforce an arbitration clause when a signatory is equitably estopped from contesting the nonsignatory's standing to invoke the arbitration clause).

Helix cites *Manko Holdings Ltd. v. Reno Project Mgmt., LLC*,[33] (and string cites *Butwinick v. Harper*,[34] and *Applied Medical Technologies, Inc. v. Eames*,[35] for the proposition that an assignment of rights "eliminates the standing of the assignor to pursue litigation."[36] Helix's selective quoting of this case is telling. That case actually found: "We have confirmed that assignment of rights *to the litigation* at issue eliminates the standing of the assignor to pursue the litigation, and the assignee acquires standing instead."[37] APCO

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[29] *Real Prop. Servs. Corp. v. City of Pasadena*, 25 Cal. App. 4th 375, 384, 30 Cal. Rptr. 2d 536, 542 (1994)
[30] 2004 WL 2914964 (Cal. App. 4th Dist. 2004)
[31] 102 Nev. 326, 328, 720 P.2d 704, 705 (1986)
[32] 30 So. 3d 405, 411 (Ala. 2009)
[33] 385 P.3d 43 (Nev. 2016)
[34] 128 Nev. 718 (2012)
[35] 44 P.3d 699 (2002)
[36] See Helix's Opposition at 7.
[37] *Manko Holdings Ltd. v. Reno Project Mgmt., LLC*, 385 P.3d 43 (Nev. 2016)

did not assign its rights to the litigation, and APCO did not pursue this litigation. APCO assigned its rights to the subcontracts, and those subcontractors wrongfully pursued litigation against APCO. Standing was the subcontractors' burden as the plaintiff, not APCO's. The equitable estoppel cases cited above confirm APCO's standing and right to fees under the subcontracts that were the basis of the subcontractor actions.

Similarly, NRCP 17(a) provides that every action must be "commenced" and "prosecuted" in the name of a real party in interest.[38] "The purpose of Rule 17(a) is to assure a defendant that a judgment will be final and that res judicata will protect it from having to twice defend an action, once against an ultimate beneficiary of a right and then against the actual holder of the substantive right."[39]

In this case, APCO was not the plaintiff. It did not pursue, prosecute, or commence any action against the subcontractors. At considerable expense, APCO successfully defended these actions. The subcontractors needed standing and to be the real party in interest to bring actions against APCO; APCO did not need standing or to be a "real party in interest" to defend the actions. Having wrongly sued APCO, the subcontractors cannot now claim that APCO cannot enforce the provisions that they put at issue.

IV. APCO's total fees are reasonable.

A. Helix

Helix cites seven categories of fees it believes are unreasonable: fees before February 2016 when the Nevada Supreme Court remanded after upholding the district court's priority determination, fees it incorrectly alleges are unallocated, fees for unsuccessful motions, fees associated with APCO's trial counsel to "get up to speed," travel time, time related to Martin Harris, and APCO's post-trial briefing. Each are addressed in turn below.

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[38] *See High Noon at Arlington Ranch Homeowners Ass'n v. Eighth Judicial Dist. Court in & for Cty. of Clark,*[38] ("Under Nevada law, an action must be **commenced** by the real party in interest...")

1. APCO is entitled to fees before February 2016.

Helix fails to cite a legal basis to remove $12,500 from APCO's total fees prior to February 2016. APCO spearheaded the efforts to collect for APCO and the subcontractors during that time. The subcontractors benefitted from APCO's efforts.

2. APCO properly allocated fees to Helix.

Helix's contention that APCO did not segregate fees is without merit. *See* APCO's Motion for Attorney's Fees at Exhibit 7-8, Declarations of John Randall Jefferies, Esq. and Cody Mounteer, Esq. explaining how each firm segregated its fees. Marquis & Aurbach billed a total of $343,620.00 to APCO.[40] Spencer Fane came in as trial counsel and has billed a total of $370,363.85.[41] Before apportioning any fee, both MAC and Spencer Fane removed entries that did not relate to either Helix or National Wood. This resulted in an immediate deduction of $136,993.34 in fees from MAC and $129,180.73 in fees from Spencer Fane.

Next, MAC apportioned fees equally between Helix and National Wood unless the entries related to a specific subcontractor or multiple subcontractors. In that case, fees were bills directly to that subcontractor, to the time was split between the mentioned subcontractors.[42] This is why some entries were divided by 8, 4, or 3, and why entries at trial were divided by two. Helix's suggestion that there were 14-35 subcontractors as of January 2018, the month of trial is simply false. Helix knew and understood that there were only two remaining subcontractors with claims against APCO, which was confirmed by the pre-trial conference, pretrial memorandum, pretrial hearings, correspondence between all counsel before trial, and even this Court's correspondence to all parties before trial. Additionally, Helix does not cite a single example of Spencer Fane's time not being

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[39] *Jenkins v. Wright & Ferguson Funeral Home*, 215 F.R.D. 518, 521 (S.D. Miss. 2003)

[40] **Exhibit 1**, MAC Fees Billed to APCO.

[41] **Exhibit 2,** Spencer Fane Fees Billed to APCO.

[42] *See Tony Gullo Motors I, L.P. v. Chapa*,[42] ("Requests for standard disclosures, proof of background facts, depositions of the primary actors, discovery motions and hearings, *voir dire* of the jury, and a host of other services may be necessary whether a claim is filed alone or with others. To the extent such services would have been incurred on a recoverable claim alone, they are not disallowed simply because they do double service."); *Jarvis v. Rocanville*

allocated correctly. And to suggest that Spencer Fane's time should be cut to 1/14 of the alleged time is patently absurd.[43] First, Spencer Fane entered the case when less than 8 subcontractors were left. Next, Spencer Fane quickly settled with 5 of those subcontractors—leaving only Zitting, Helix, and National Wood in the case. Then, before apportioning fees, Spencer Fane removed all the entries related to the settling subcontractors, and fees associated with Zitting. And then Spencer Fane allocated only those entries related to Helix or National Wood to that subcontractor, and split the remaining entries in half. This allocation of fees was reasonable.

3. APCO is entitled to fees for unsuccessful motions.

Tellingly, Helix did not allege APCO's unsuccessful motions were unnecessary or that the time spent on the motions was unreasonable. A prevailing party can collect fees for time spent on unsuccessful arguments and claims.[44] The Nevada Supreme Court has held that "a plaintiff may be considered the prevailing party for attorney's fee purposes if it succeeds *on any significant issue* in litigation which *achieves some of the benefit* it sought in bringing the suit."[45] So the Nevada Supreme Court contemplated that a party would not have to be 100% successful on every motion or claim to be the prevailing party.

APCO was awarded a full and complete defense verdict. APCO's pretrial motions raised important issues that the Court wanted to and ultimately did resolve at trial in accordance with the legal briefing. It should also be noted that Helix claimed fees against Camco for motions the Court did not grant.[46] So this clearly is not a valid basis to dispute APCO's fees.

Corp.,[42] (upholding a trial court's decision to award fees when the fees were supported by sufficient evidence and were "inextricably intertwined").

[43] *See* Opposition at 20: 1-2.

[44] *Carpenter v. Colvin,* No. CV 14-1664 (JRT/TLN), 2016 WL 4218282, at *2 (D. Minn. Aug. 10, 2016).

[45] *Sack v. Tomlin*, 110 Nev. 204, 214, 871 P.2d 298, 305 (1994) quoting *Hornwood v. Smith's Food King,* 105 Nev. 188, 192, 772 P.2d 1284 (1989) (quoting *Women's Federal S & L Ass'n. v. Nevada Nat. Bank,* 623 F.Supp. 469, 470 (D.Nev.1985)); *see also Hensley v. Eckerhart,* 461 U.S. 424, 433, 103 S.Ct. 1933, 1939, 76 L.Ed.2d 40 (1983); *Women's Federal S & L Ass'n. v. Nevada Nat. Bank,* 623 F.Supp. 469, 470 (D.Nev.1985).

[46] See Helix's Attorney's Fees Against Camco, on file herein.

4. APCO is entitled to fees for its trial counsel to "get up to speed."

APCO is entitled to fees for its trial counsel to "get up to speed." *See Devan Motors of Fairfield, Inc. v. Infiniti Div. of Nissan N. Am., Inc.,*[47] (allowing fees when counsel had to "learn the case from scratch after taking over as lead counsel"). Without citing any case law, Helix referenced Spencer Fane's time in September as its "catch up time" but then, without any calculation or analysis, estimated the time to be worth $30,000. The true figure is $579.06 per subcontractor, which is more than reasonable under these circumstances and is recoverable.

5. Travel time by a lawyer is compensable.

Attorney time spent traveling is compensable. S*ee State of Ariz. v. Maricopa County Medical Soc.,*[48] (time spent by attorney flying to and from oral argument was allowable in attorney fee application); *In re Painewebber Ltd. Partnerships Litigation,*[49] (counsel could recover attorney fees for travel time, which was less productive than regular time, at 50% of counsel's hourly rates). Helix admits these fees only total $1600.

6. APCO's fees related to Martin Harris are recoverable.

Helix went to work for Martin Harris to complete the project after Gemstone lost the property. APCO's fees spent investigating Helix's association with and payments from Martin Harris are recoverable. *See Tony Gullo Motors I, L.P. v. Chapa,*[50] ("Requests for standard disclosures, proof of background facts, depositions of the primary actors, discovery motions and hearings, *voir dire* of the jury, and a host of other services may be necessary whether a claim is filed alone or with others. To the extent such services would have been incurred on a recoverable claim alone, they are not disallowed simply because they do double service."); *Jarvis v. Rocanville Corp.,*[51] (upholding a trial court's decision

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[47] No. 3:04CV00308(AWT), 2009 WL 10687980, at *3 (D. Conn. Dec. 17, 2009
[48] D.C.Ariz.1984, 578 F.Supp. 1262.
[49] S.D.N.Y.2003, 2003 WL 21787410, Unreported.
[50] 212 S.W.3d 299, 313 (Tex. 2006)
[51] 298 S.W.3d 305, 320 (Tex. App. 2009)

to award fees when the fees were supported by sufficient evidence and were "inextricably intertwined"). Helix admits these fees only total $2,300.[52]

7. APCO's post-trial briefing was necessary.

Before trial, APCO had already expended almost a million dollars in attorneys' fees. The remaining subcontractors were asserting almost $2.0 million in claims and attorneys' fees against APCO. APCO could not predict which issues the Court would find determinative. As such, APCO had to fully brief each issue, which were all intertwined. Further, the post-trial hours were not devoted simply to APCO's post-trial brief. The hours represent review, analysis, and incorporation of the trial transcripts and exhibits, and preparation of APCO's post-trial brief, APCO's proposed FFCL, and oppositions to Helix's, National Wood's, and Camco's post-trial briefs and proposed findings. *See Dennis v. Chang*,[53] ("[A]lthough hindsight might suggest that fewer hours were needed, the time actually spent was reasonable and reflected good legal judgment, particularly because plaintiffs were never assured of early success.") Further, APCO's decision to submit such detailed post-trial briefing was an exercise of good judgment. APCO's FFCL was 72 pages with practically every sentence tied to a portion of the record. The Court's ultimate FFCL was over 71 pages and essentially incorporated APCO's extensive work product. *See Carpenter v. Colvin,*[54] ("Carpenter's decision to devote so much detail to the background section of his brief was apparently an exercise in good judgment; the Magistrate Judge's R&R devoted 28 pages to the case's facts and procedural history, two more pages than Carpenter."). So there is no basis to contest APCO's post-trial fees.

B. National Wood

National Wood asserts four categories of fees it alleges are not permitted: fees before February 2016, fees it alleges were improperly allocated, fees for unsuccessful motions, and fees for allegedly unnecessary research related to the 5 year rule. Each of these categories is addressed above, with the exception of the 5 year rule research. APCO

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[52] See Helix's Opposition at 22:6.
[53] 611 F.2d 1302, 1308 (9th Cir. 1980) (internal quotations omitted)
[54] No. CV 14-1664 (JRT/TLN), 2016 WL 4218282, at *2 (D. Minn. Aug. 10, 2016)

withdraws its request for these fees of $3,100 in the interest of judicial efficiency.[55] At the time Spencer Fane performed its research, the undersigned was unaware of the prior Judge's determination.

Lastly, National Wood vaguely asserts that APCO utilized block billing. This is simply not true. *See* Exhibit 7A-B to APCO's Motion for Attorney's Fees showing task-billing by the tenth of an hour.[56]

V. APCO's offers of judgment were timely and reasonable under the *Beattie* Factors.

A. APCO's offers were timely.

An offer of judgment may be served on the adverse party at any time "more than 10 days" before the trial begins.[57] In *Allianz Ins. Co. v. Gagnon*,[58] the Nevada Supreme Court considered whether the district court erred in finding an offer of judgment before the second phase of a bifurcated trial was untimely. In determining that the district court erred, the Nevada Supreme Court explained:

> The purpose of NRCP 68 is to encourage settlement of lawsuits before trial. The purpose of the requirement that an offer be made more than ten days prior to trial is to ensure that an offeree have adequate time after service and before trial to consider the offer...there is no reason why avoiding one of two partial trials is undesirable. Furthermore, the ten-day rule and good faith limitations imposed upon offers of judgment should protect an offeree who receives an offer prior to the second phase of a bifurcated trial as effectively as an offeree who receives an offer prior to the commencement of a single trial. The offer of judgment is a useful settlement device which should be made available at every possible juncture where the rules allow. Accordingly, we hold that a party may make an

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[55] National Wood admits these fees are only $3100 at 20:20.

[56] And contrary to National Wood's unsupported argument, APCO did not waive its rights to pursue attorney's fees. APCO was sued on the subcontracts and then was forced to defend itself at considerable expense. APCO asked for attorney's fees in its answers to Helix's and CabineTec's complaints. See Trial Exhibit 232 APCO's Answer to Helix's Complaint at p. 11, and Trial Exhibit 228, APCO's Answer to CabineTec's Complaint. APCO also served offers of judgment, the only clear reason being to settle the litigation and if not, for an award of attorney's fees. So APCO has not waived its right to attorney's fees is without merit.

[57] NRCP 68(a); NRS 17.115(1).

[58] 109 Nev. 990, 994–95, 860 P.2d 720, 724 (1993)

> offer of judgment pursuant to NRCP 68 and NRS 17.115 prior to the second phase of a bifurcated trial...The district court erred in holding that appellants' offers of judgment were untimely.

The subcontractors argument that APCO's offer of judgment was untimely is nonsensical. The trial of Ready Mix – five years ago—was obviously bifurcated from the parties' January 2018 trial. The Court's November 30, 2017 Order Setting Civil Non-Jury Trial and Calendar Call set trial on this matter for January 9, 2018. APCO's offers were served on November 13, 2017. So APCO's offers were certainly timely as they were served more than 45 days before trial. If the Court were to adopt the subcontractors' timing arguments it would mean every party's motion in limine, motion for summary judgment, pretrial disclosures, and even oral argument in this matter were more 5 years late. That would not make sense.

B. APCO's Offers were reasonable under the *Beattie* Factors.

"[T]he trial court must carefully evaluate the following factors: (1) whether the plaintiff's claim was brought in good faith; (2) whether the defendants' offer of judgment was reasonable and in good faith in both its timing and amount; (3) whether the plaintiff's decision to reject the offer and proceed to trial was grossly unreasonable or in bad faith; and (4) whether the fees sought by the offeror are reasonable and justified in amount."[59] "After weighing the foregoing factors, the district judge may, where warranted, award up to the full amount of fees requested."[60] An award will not be disturbed if the record is clear that the district court considered the factors and the court's award is not arbitrary or capricious.[61] No single factor under *Beattie* is determinative. The district court has broad discretion to grant the request as long as all appropriate factors are at least considered.[62]

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[59] *Beattie v. Thomas*, 99 Nev. 579, 588–89, 668 P.2d 268, 274 (1983)
[60] *Beattie v. Thomas*, 99 Nev. 579, 588–89, 668 P.2d 268, 274 (1983)
[61] *Uniroyal Goodrich Tire Co. v. Mercer, 111 Nev. 318, 324, 890 P.2d 785, 789 (1995), superseded by statute on other grounds as stated in RTTC Commc'ns, LLC v. Saratoga Flier, Inc., 121 Nev. 34, 41–42* & n. 20, *110 P.3d 24, 29 & n. 20 (2005).*
[62] *Arnoult, 114 Nev. at 252 n.16, 955 P.2d at 673 n.16.*

1. The subcontractors claims were not brought in good faith.

Any review of the prime contract and termination related correspondence would have confirmed that Gemstone had exercised its right to accept assignment of the subcontracts. And as plaintiffs, Helix and National Wood had the burden of proving they satisfied the express conditions precedent to retention payments. They knew they could not prove payment was due under the agreed upon payment schedules. So there was no good faith basis for continuing to pursue APCO.

2. APCO's offers were reasonable and made in good faith.

APCO offered Helix $25,000 and offered National Wood $35,000 to settle their claims. Because the offers were made 45 days before trial, Helix and National Wood had the benefit of full factual discovery, full briefing on dispositive motions, and rulings on pertinent motions in limine. Each party had complete information to assess the factual and legal bases of their respective claims and defenses. Helix's Opposition claims it had no reason to accept APCO's offer given that it had to proceed to trial against Camco anyway.[63] Helix's cavalier position does not account for the fact that it wrongfully kept APCO in the litigation.

Helix then claims that its $25,000 offer was unreasonable in light of its alleged $1.4 million claim. But Helix is ignoring that from the time APCO took Helix's PMK deposition and all throughout trial, Helix's alleged claim against APCO was only $505,000.[64] And now Helix clearly would have been better off to have taken the $25,000 and all parties would have saved significant fees and costs. So the reasonableness of the offer should be considered in light of the outcome, not the demand.

APCO's offer to National Wood was more than reasonable. As the Court has found, National Wood initially disclosed $19,000 in damages against APCO, and later amended

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[63] See Helix's Opposition at 11.
[64] See FFCL at 34-35.

its claim to just over $30,000 in damages prior to the close of discovery.[65] In fact, the Court granted APCO's motion in limine confirming National Wood's damages were limited to its pretrial disclosures of approximately $30,000. Yet even with the benefit of this ruling, National Wood still elected to proceed to trial against APCO. National Wood's assertion of more than $30,000 was proper and a direct violation of its Rule 16 obligations. So when APCO offered $35,000, National Wood should have accepted it immediately.

3. The subcontractor's decision to reject the offers were unreasonable.

Since Helix recovered nothing against APCO, the $25,000 offer was more than Helix was entitled to. And National Wood cannot provide any basis for its decision to reject an offer that was the full amount of National Wood's disclosed damages.

4. The fees sought by APCO are both reasonable and justified.

In the interest of judicial efficiency, APCO incorporates the briefing on its motion for fees, confirming its fees were both reasonable and justified. APCO's requested fees of $239,550.03 against Helix are especially reasonable since Helix pursued claims against APCO and Camco, and is seeking $153,342.10 for just its claims against Camco.[66]

For the record, APCO's post-offer fees attributable to Helix total $130,933.73 and APCO's post-offer fees attributable to National Wood total $106,882.23[67]

VI. APCO is entitled to fees against Helix under NRS 108.237.

If a lien claimant does not prevail under NRS 108.237, the owner is entitled to its attorney's fees and costs if the Court finds that the lien was recorded without a reasonable basis in law or fact.[68] In this case, the Court made 71 pages of specific findings confirming

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[65] See FFCL at 61.

[66] Lastly, on June 15, 2018, National Wood's counsel filed a declaration explaining that APCO's fees should be reduced to approximately $109,000 and attached a spreadsheet attempting to justify her position. The reasons for the alleged deductions were consistent with National Wood's briefing (i.e. 5 year rule briefing, alleged unapportioned time, etc). As such, APCO incorporates its arguments against her deductions in response to counsel's chart.

[67] Spencer Fane ($115,360.48 attributable to Helix, and $93.008.48 attributable to National Wood); MAC ($15,573.25 attributable to Helix and $13,873.75 attributable to National Wood).

[68] NRS 108.237(3).

that Helix did not have a reasonable basis to pursue its lien against APCO. Those findings include:

> 34. APCO was not the owner of the Project.
> 35. The Project has already been foreclosed upon and the proceeds were awarded to the lender. The Nevada Supreme Court affirmed the decision of the trial court that the lender was entitled to keep the Project and related proceeds, and the subcontractors (and APCO) were left with nothing. Thus, Helix cannot foreclose upon the property.
> 36. APCO is not legally liable for any deficiency judgment because it is not the party responsible for any deficiency. [69]

Given the record, it is clear that Helix did not have a reasonable basis to continue pursuing a mechanic's lien against APCO, who did not own the property and was not awarded the priority sales proceeds. Based on the above, an award of attorneys' fees under NRS 108 is warranted.

VII. Conclusion

Based on the foregoing, and deducting the $3,100 for research related to the 5 year rule, APCO respectfully requests an award of attorneys' fees and costs against Helix in the amount of $238,950.03 and $206,659.25 against National Wood, and $33,423.31 in costs against Helix and $22,180.36 in costs against Spencer Fane.

Dated: June 29, 2018.

SPENCER FANE

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[69] FFCL, p. 56.

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Spencer Fane LLP and that a copy of the foregoing **APCO CONSTRUCTION, INC.'S REPLY IN SUPPORT OF IT'S MOTION FOR ATTORNEY'S FEES AND COSTS AGAINST HELIX ELECTRIC OF NEVADA, LLC AND PLAINTIFF IN INTERVENTION NATIONAL WOOD PRODUCTS, INC.** was served by electronic transmission through the E-Filing system pursuant to NEFCR 9, NRCP 5(b) and EDCR 7.26 or by mailing a copy to their last known address, first class mail, postage prepaid for non-registered users, on this 29th day of June, 2018, as follows:

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Steven L. Morris (steve@gmdlegal.com)
Intervenor Plaintiff: Cactus Rose Construction Inc
Eric B. Zimbelman (ezimbelman@peelbrimley.com)
Intervenor Plaintiff: Interstate Plumbing & Air Conditioning Inc
Jonathan S. Dabbieri (dabbieri@sullivanhill.com)
Intervenor: National Wood Products, Inc.'s
Dana Y Kim (dkim@caddenfuller.com)
Richard L Tobler (rltltdck@hotmail.com)
Richard Reincke (rreincke@caddenfuller.com)
S. Judy Hirahara (jhirahara@caddenfuller.com)
Tammy Cortez (tcortez@caddenfuller.com)
Other: Chaper 7 Trustee
Elizabeth Stephens (stephens@sullivanhill.com)
Gianna Garcia (ggarcia@sullivanhill.com)
Jennifer Saurer (Saurer@sullivanhill.com)
Jonathan Dabbieri (dabbieri@sullivanhill.com)
Plaintiff: Apco Construction
Rosie Wesp (rwesp@maclaw.com)
Third Party Plaintiff: E & E Fire Protection LLC
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EXHIBIT 1

Invoice Summary by Matter Selection

From 1/1/2016 to 5/31/2018

Matter Number	Client Name	Matter Description	Invoice Number	Invoice Date	Fees	Costs	Total
5026372-0002	APCO Construction	Gemstone Development West, Inc., et al.	613917	11/7/2017	55,921.50	450.00	56,371.50
5026372-0002	APCO Construction	Gemstone Development West, Inc., et al.	620089	12/19/2017	73,068.75	4,252.56	77,321.31
5026372-0002	APCO Construction	Gemstone Development West, Inc., et al.	621172	1/5/2018	36,218.60	700.37	36,918.97
5026372-0002	APCO Construction	Gemstone Development West, Inc., et al.	626307	2/9/2018	100,150.80	15,502.84	115,653.64
5026372-0002	APCO Construction	Gemstone Development West, Inc., et al.	630383	3/12/2018	17,917.50	4,303.25	22,220.75
5026372-0002	APCO Construction	Gemstone Development West, Inc., et al.	635198	4/17/2018	51,614.00	0.00	51,614.00
5026372-0002	APCO Construction	Gemstone Development West, Inc., et al.	638242	5/10/2018	10,079.50	184.18	10,263.68
		Subtotals for matter 5026372-0002			**344,970.65**	**25,393.20**	**370,363.85**
				Grand Total	**344,970.65**	**25,393.20**	**370,363.85**

EXHIBIT 2

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APCO Construction

Invoice 303278 - 336808
April 30, 2018

ID: 5161-019 - JCJ

Re: APCO - Manhattan West Mechanic's Lien Litigation

For Services Rendered Through April 30, 2018

Current Fees	343,620.00
Current Disbursements	22,739.93
Current Interest	9,644.17
Total Current Charges	376,004.10

IN THE SUPREME COURT OF THE STATE OF NEVADA

Supreme Court Case No. 77320
***Consolidated with* 80508**

HELIX ELECTRIC OF NEVADA, LLC,

Appellant,

v.

APCO CONSTRUCTION, INC., A NEVADA CORPORATION,

Respondent.

JOINT APPENDIX
VOLUME 100

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Docket 77320 Document 2020-38063

CHRONOLOGICAL APPENDIX OF EXHIBITS

Date	Description	Bates Number	Volume(s)
06-24-09	**Helix Electric's Statement of Facts Constituting Lien and Third-Party Complaint**	**JA000001-JA000015**	**1**
08-05-09	**APCO's Answer to Helix's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint**	**JA000016 – JA000030**	**1**
04-26-10	**CAMCO and Fidelity's Answer and CAMCO's Counterclaim**	**JA000031-JA000041**	**1**
07-02-10	**Order Striking Defendant Gemstone Development West, Inc.'s Answer and Counterclaim and Entering Default**	**JA000042-JA000043**	**1**
06-06-13	**APCO's Limited Motion to Lift Stay for Purposes of this Motion Only; (2) APCO's Motion for Summary Judgment Against Gemstone Only; and (3) Request for Order Shortening Time**	**JA000044-JA000054**	**1**
	Exhibit 1 – Affidavit of Randy Nickerl in Support of (I) APCO's Limited Motion to Lift Sta for Purposes of this Motion Only; (2) APCO's Motion for Judgment Against Gemstone Only	JA000055-JA000316	1/2/4/5/6
	Exhibit 2 – Findings of Fact and Conclusions of Law and Judgment in Favor of APCO Construction Against Gemstone Development West, Inc. Only	JA000317-JA000326	6

Date	Description	Bates Number	Volume(s)
06-13-13	**Docket Entry and Minute Order Granting APCO's Motion for Summary Judgment Against Gemstone**	**JA000327**	**6**
08-02-17	**Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements and *Ex Parte* Application for Order Shortening Time**	**JA000328-JA000342**	**6**
	Exhibit 1 – APCO Construction's Answers to Helix Electric of Nevada, LLC's First Request for Interrogatories	JA000343-JA00379	6
	Exhibit 2 – Camco Pacific Construction Company, Inc.'s Responses to Helix Electric of Nevada, LLC's Interrogatories	JA000380-JA000392	6
08-21-17	**APCO Construction's Opposition to Peel Brimley Lien Claimants' Partial Motion for Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements**	**JA000393-JA000409**	**6/7**
	Exhibit A – Excerpt from 30(b)(6) Witness for Helix Electric of Nevada, LLC taken July 20, 2017	JA000410-JA000412	7
09-28-17	**Peel Brimley Lien Claimants' Reply to Oppositions to Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements**	**JA000413-JA00418**	**7**
11-06-17	**Peel Brimley Lien Claimants' Motion in Limine Nos. 1-6**	**JA000419-JA000428**	**7**

Date	Description	Bates Number	Volume(s)
	Exhibit 1 – Notice of Entry of Order	JA000429 JA000435	7
	Exhibit 2 – Amended Notices of 30(b)(6) Deposition of Camco Pacific Construction Company, Inc. from Cactus Rose Construction, Inc., Fast Glass, Inc.'s, Heinaman Contract Glazing, Inc. and Helix Electric of Nevada, LLC's	JA000436-JA000472	7/8
	Exhibit 3 – Excerpt from David E. Parry's Deposition Transcript taken June 20, 2017	JA000473 JA00489	8
	Exhibit 4 – Cactus Rose Construction, Inc.'s First Set of Request for Admissions to Camco Pacific Construction	JA00490 JA000500	8
	Exhibit 5 – Fast Glass, Inc.'s First Set of Request for Admissions to Camco Pacific Construction	JA000501-JA000511	8
	Exhibit 6 – Heinaman Contract Glazing, Inc.'s First Set of Request for Admissions to Camco Pacific Construction	JA000512-JA000522	8
	Exhibit 7 – Helix Electric of Nevada, LLC's First Set of Request for Admissions to Camco Pacific Construction	JA000523-JA000533	8
11-06-17	**Helix Electric of Nevada's Motion *in Limine* Nos. 1-4**	**JA000534-JA000542**	**8**
	Exhibit 1 – Notice of Entry of Order	JA000543-JA000549	8
	Exhibit 2 – Helix Electric of Nevada, LLC's Amended Notice of 30(b)(6) Deposition of APCO Construction	JA000550 JA000558	8/9

Date	**Description**	**Bates Number**	**Volume(s)**
	Exhibit 3 - Excerpts from Brian Benson Deposition Transcript taken June 5, 2017	JA000559 JA000574	9
	Exhibit 4 – Excerpts from Mary Jo Allen's Deposition Transcript taken July 18, 2017	JA000575-JA000589	9
11-06-17	**APCO Construction, Inc.'s Omnibus Motion *in Limine***	**JA000590 JA000614**	**9**
	Exhibit 1 – Second Amended Notice of taking NRCP Rule 30(b)(6) Deposition of Person Most Knowledgeable for Zitting Brothers Construction, Inc.	JA000615-JA000624	9
	Exhibit 2 – Zitting Brothers Construction, Inc.'s Motion for Partial Summary Judgment Against APCO Construction	JA000625-JA000646	9
	Exhibit 3 – Excerpts from Samuel Zitting's Deposition Transcript taken October 27, 2017	JA000647-JA000678	9/10
	Exhibit 4 – Statement of Facts Constituting Lien on Behalf of Buchele, Inc.	JA000679-JA000730	10
	Exhibit 5 – Subcontract Agreement dated April 17, 2007	JA000731-JA000808	10/11
	Exhibit 6 – Subcontract Agreement dated April 17, 2007	JA000809-JA000826	11/12
	Exhibit 7 – Email from Mary Bacon dated October 16, 2017	JA000827-JA000831	12
	Exhibit 8 – Email from Mary Bacon dated October 17, 2017	JA000832-JA000837	12
	Exhibit 9 – Email from Eric Zimbelman dated October 17, 2017	JA000838-JA000844	12
	Exhibit 10 – Special Master Report, Recommendation and District Court Order	JA00845-JA000848	12

Date	Description	Bates Number	Volume(s)
	Exhibit 11 – Plaintiff in Intervention, National Wood Products, Inc.'s Initial Disclosures Pursuant to NRCP 16.1	JA000849-JA000856	12
	Exhibit 12 – Plaintiff in Intervention, National Wood Products, Inc.'s First Supplemental Disclosures Pursuant to NRCP 16.1	JA000857-JA000864	12
	Exhibit 13 – Amended Notice of Taking NRCP Rule 30(b)(6) Deposition of Person Most Knowledgeable for Helix Electric of Nevada, LLC	JA000865-JA000873	12
	Exhibit 14 – Excerpts from Helix Electric of Nevada, LLC's 30(b)(6) Witness Deposition Transcript taken July 20, 2017	JA000874-JA000897	12
11-14-17	**Camco Pacific Construction Company, Inc.'s Opposition to Lien Claimants' Motions in Limine Nos. 1-6**	**JA000898-JA000905**	**12**
	Exhibit A – Nevada Construction Services Cost Plus GMP Contract Disbursement Agreement	JA000906-JA000907	12
	Exhibit B – Scott Financial Corporation's April 28, 2009 letter to the Nevada State Contractor's Board	JA000908-JA000915	2/13
	Exhibit C – E-mail from Alex Edelstein dated December 15, 2008 Re: Letter to Subs	JA000916-JA000917	13
	Exhibit D – Camco Pacific's letter dated December 22, 2008	JA000918-JA000920	13
	Exhibit E – Order Approving Sale of Property	JA000921-JA000928	13

Date	Description	Bates Number	Volume(s)
11-14-17	**APCO Construction, Inc.'s Opposition to Helix Electric of Nevada, LLC's Motions *in Limine* Nos. 1-4**	**JA000929-JA000940**	**13/14**
	Exhibit 1 – Excerpts from the Deposition Transcript of Mary Jo Allen taken July 18, 2017	JA000941-JA000966	14/15/16
	Exhibit 2 – Helix Electric's Manhattan West Billing/Payment Status through August 2008	JA000967-JA000969	16/17
	Exhibit 3 – Excerpts from the Deposition Transcript of Andrew Rivera taken July 20, 2017	JA000970-JA000993	17/18/19
11-14-17	**Helix Electric of Nevada's Opposition to APCO Construction's Omnibus Motion *in Limine***	**JA000994-JA001008**	**20**
	Exhibit 1 – Excerpts from the Deposition Transcript of Brian Benson taken June 5, 2017	JA001009-JA001042	20
	Exhibit 2 - Excerpts from the Deposition Transcript of Brian Benson taken June 5, 2017	JA001043-JA001055	20
	Exhibit 3 – Special Master Order Requiring Completion of Questionnaire	JA001056-JA001059	20
	Exhibit 4 – Excerpts from the Deposition Transcript of the 30(b)(6) Witness for Helix Electric of Nevada taken July 20, 2017	JA001060-JA001064	20
	Exhibit 5 - Excerpts from the Deposition Transcript of David E. Parry taken June 20, 2017	JA001065 JA001132	20/21
11-15-17	**APCO Construction, Inc.'s Reply in Support of its Omnibus *Motion in Limine***	**JA001133 JA001148**	**21**

Date	Description	Bates Number	Volume(s)
	Exhibit 1 – Special Master Report Regarding Discovery Status	JA001149-JA001151	21
	Exhibit 2 – Notice of Taking NRCP Rule 30(b)(6) Deposition of the Person Most Knowledgeable for Zitting Brothers Construction, Inc.	JA001152-JA001160	21
12-29-17	**Notice of Entry of Order Granting Peel Brimley Lien Claimants' Motion *in Limine* 1-6**	**JA001161-JA001169**	**22**
12-29-17	**Notice of Entry of Order Granting in Part and Denying in Part Helix Electric of Nevada, LLC's Motion *in Limine* 1-4**	**JA001170-JA001177**	**22**
12-29-17	**Notice of Entry of Order Granting in Part and Denying in Part APCO Construction's Omnibus Motion *in Limine***	**JA001178-JA001186**	**22**
01-03-18	**Notice of Entry of Order Granting Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements**	**JA001187-JA001198**	**22**
01-04-18	**Motion for Reconsideration of Court's Order Granting Peel Brimley Lien Claimants' Partial Motion for Summary Judgment to Preclude Defenses based on Pay-if-Paid provision on an Order Shortening Time**	**JA001199-JA001217**	**22**
	Exhibit 1 – Subcontract Agreement (Helix Electric of Nevada, LLC)	JA001218-JA001245	22/23/24
	Exhibit 2 – Subcontract Agreement (Zitting Brothers)	JA001246-JA001263	24

Date	Description	Bates Number	Volume(s)
	Exhibit 3 – Subcontract Agreement (CabineTec)	JA001264-JA001281	24/25
	Exhibit 4 – Amended Notice of Lien	JA001282-JA001297	25
	Exhibit 5 - Amended NOL	JA001298-JA001309	25
	Exhibit 6 – Notice of Lien	JA001310-JA001313	25
	Exhibit 7 – Order Approving Sale of Property	JA001314-JA001376	25/26
	Exhibit 8 – Order Releasing Sale Proceeds from Court Controlled Escrow Account	JA001377-JA001380	26
	Exhibit 9 – Order Denying *En Banc* Reconsideration	JA001381-JA001385	26
	Exhibit 10 – Order Granting Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA001386-JA001392	26
	Exhibit 11 – Notice of Entry of Findings of Fact and Conclusions of Law and Judgment	JA001393-JA001430	26
	Exhibit 12 – Order Big D Construction Corp.'s Motion for Attorney's Fees, Costs and Interest Pursuant to Judgment	JA001431-JA001435	26
	Exhibit 13 – Appellant's Opening Brief (Padilla v. Big D)	JA001436-JA001469	26
	Exhibit 14 – Respondent's Answering Brief	JA001470-JA001516	26/27
	Exhibit 15 – Appellant's Reply Brief (Padilla v. Big D)	JA001517-JA001551	27
01-09-18	**Peel Brimley Lien Claimants' Opposition to APCO Construction's Motion for Reconsideration of Order**	**JA001552-JA001560**	**27**

Date	Description	Bates Number	Volume(s)
	Granting Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements		
01-10-18	**Reply in Support of Motion for Reconsideration of Court's Order Granting Peel Brimley Lien Claimants' Partial Motion for Summary Judgment to Preclude Defenses Based on Pay-if-Paid Provisions on an Order Shortening Time**	**JA001561-JA001573**	**27**
01-12-18	**Joint Pre-Trial Memorandum [for APCO Construction, Inc., the Peel Brimley Lien Claimants and National Wood Products, LLC ONLY]**	**JA001574-JA001594**	**27/28**
	Exhibit 1 – Exhibit List APCO	JA001595-JA001614	28
	Exhibit 2 – Helix Trial Exhibits	JA001615-JA001616	28
	Exhibit 3 – Exhibit List Plaintiff in Intervention National Wood Products, Inc.	JA001617-JA001635	28
	Exhibit 4 – Cactus Rose Trial Exhibits	JA001636-JA001637	28
	Exhibit 5 – Heinaman Trial Exhibits	JA001638-JA001639	28
	Exhibit 6 – Fast Glass Trial Exhibits	JA001640-JA001641	28
	Exhibit 7 – SWPPP Trial Exhibits	JA001642-JA001643	28
	Exhibit 8 - Order Granting in Part and Denying in Part APCO Construction's Omnibus Motion *in Limine*	JA001644-JA001647	28

Date	Description	Bates Number	Volume(s)
	Exhibit 9 - Amended *nunc pro tunc* order regarding APCO Construction, Inc.'s Omnibus Motion *in Limine* No. 7	JA001648-JA001650	28
	Exhibit 10 - Order Granting in Part and Denying in part Helix Electric of Nevada, LLC's Motions *in Limine* 1-4 (Against APCO Construction)	JA001651-JA001653	28
	Exhibit 11 - order granting Peel Brimley Lien Claimants' Motion in Limine Nos.1-6 (against Camco Pacific Construction, Inc.)	JA001654-JA001657	28
	Exhibit 12 - Order Granting Plaintiff in Intervention, National Wood Products, Inc.'s Motion *in Limine*	JA001658-JA001660	28
	Exhibit 13 - Order Granting Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA001661-JA00167	28/9/29
01-17-18	**Transcript Bench Trial (Day 1)**[1]	**JA001668-JA001802**	**29/30**
	Trial Exhibit 1 - Grading Agreement ***(Admitted)***	JA001803-JA001825	30
	Trial Exhibit 2 – APCO/Gemstone General Construction Agreement ***(Admitted)***	JA001826-JA001868	30
	Trial Exhibit 3 - Nevada Construction Services /Gemstone Cost Plus/GMP Contract Disbursement Agreement ***(Admitted)***	JA001869-JA001884	30

[1] Filed January 31, 2018

Date	**Description**	**Bates Number**	**Volume(s)**
	Trial Exhibit 4 - APCO Pay Application No. 9 Submitted to Gemstone ***(Admitted)***	JA001885-JA001974	30/31/32
	Trial Exhibit 5 - Letter from J. Barker to A. Edelstein re: APCO's Notice of Intent to Stop Work ***(Admitted)***	JA001975-JA001978	32
	Trial Exhibit 6 - Letter from J. Barker to A. Edelstein re: APCO's Notice of Intent to Stop Work ***(Admitted)***	JA001979-JA001980	32
	Trial Exhibit 10 - Letter from J. Barker to A. Edelstein Re: Notice of Intent to Stop Work (Second Notice) ***(Admitted)***	JA001981-JA001987	32
	Trial Exhibit 13 - Letter from A. Edelstein to Re. Nickerl Re: Termination for Cause (Gemstone) ***(Admitted)***	JA001988-JA002001	32
	Trial Exhibit 14 - Letter from W. Gochnour to Sean Thueson Re: [APCO's] Response to [Gemstone's] Termination for Cause ***(Admitted)***	JA002002-JA002010	33
	Trial Exhibit 15 - Letter from R. Nickerl to A. Edelstein Re: 48-Hour Notices ***(Admitted)***	JA002011-JA002013	33
	Trial Exhibit 16 - Email from J. Horning to A. Berman and J. Olivares re: Joint Checks ***(Admitted)***	JA002014	33
	Trial Exhibit 23 - APCO Subcontractor Notice of Stopping Work and Letter from J. Barker to A. Edelstein Re: Notice of Stopping Work and Notice of Intent to Terminate Contract ***(Admitted)***	JA002015-JA002016	33

Date	Description	Bates Number	Volume(s)
	Trial Exhibit 24 - Letter from R. Nickerl to Clark County re: Notification of APCO's withdrawal as General Contractor of Record ***(Admitted)***	JA002017-JA002023	33
	Trial Exhibit 26 - Email from J. Gisondo to Subcontractors re: June checks ***(Admitted)***	JA002024	34
	Trial Exhibit 27 - Letter from A. Edelstein to R. Nickerl re: June Progress Payment ***(Admitted)***	JA002025-JA002080	34
	Trial Exhibit 28 - Letter from J. Barker to A. Edelstein Re: Termination of Agreement for GMP ***(Admitted)***	JA002081	34
	Trial Exhibit 31 - Transmission of APCO's Pay Application No. 11 as Submitted to Owner ***(Admitted)***	JA002082-JA002120	34/35
	Trial Exhibit 45 - Subcontractor Agreement ***(Admitted)***	JA002121-JA002146	35
	Trial Exhibit 162 - Amended and Restated General Construction Agreement between Gemstone and CAMCO ***(Admitted)***	JA002147-JA002176	35/36
	Trial Exhibit 212 - Letter from Edelstein to R. Nickerl re: NRS 624 Notice ***(Admitted)***	JA002177-JA002181	36
	Trial Exhibit 215 - Email from C. Colligan to Subcontractors re: 48-hour Termination Notice ***(Admitted)***	JA002182-JA002185	36
	Trial Exhibit 216 - Email from C. Colligan re: Meeting with Subcontractors ***(Admitted)***	JA002186-JA002188	36
	Trial Exhibit 506 – Email and Contract Revisions ***(Admitted)***	JA002189 – JA002198	36

Date	Description	Bates Number	Volume(s)
01-18-18	**Stipulation and Order Regarding Trial Exhibit Admitted into Evidence**	**JA002199-JA002201**	**36**
	Exhibit 1 – Exhibit List APCO	JA002208-JA002221	36
	Exhibit 2 – Helix Trial Exhibits	JA002222-JA002223	36
	Exhibit 3 – Exhibit List Plaintiff in Intervention National Wood Products, Inc.	JA002224-JA002242	36/37
	APCO TRIAL EXHIBITS:		
	APCO Related Exhibits:		
	Trial Exhibit 7 - Letter from Scott Financial to APCO re: Loan Status	JA002243	37
	Trial Exhibit 8 - APCO Pay Application No. 10 as submitted to Owner	JA002244-JA002282	37/38
	Trial Exhibit 12 and 107 - Email from C. Colligan to Subcontractors re: Subcontractor Concerns	JA002283-JA002284	38
	Trial Exhibit 17 – Video (Construction Project)	JA002285	N/A
	Trial Exhibit 18 – Video (Construction Project)	JA002286	N/A
	Trial Exhibit 19 – Video (Construction Project)	JA002287	N/A
	Trial Exhibit 20 – Video (Construction Project)	JA002288	N/A
	Trial Exhibit 21 – Video (Construction Project)	JA002289	N/A
	Trial Exhibit 22 – Video (Construction Project)	JA002290	N/A

Date	Description	Bates Number	Volume(s)
	Trial Exhibit 29 - Email from J. Robbins to Subcontractors re: Billing Cut-Off for August Billing	JA002285	39
	Trial Exhibit 30 - Camco Pay Application No. 11 NCS-Owner Approved with NCS Draw Request	JA002286-JA002306	39
	Trial Exhibit 32 and 125 - Photo re: Building 8 & 9, Interior (Showing drywall still not completed and no electrical trim or fixture installed)	JA002307-JA002308	39
	Trial Exhibits 33 and 126 - Photo re: Building 8 & 9, Interior (Showing drywall still not completed)	JA002309-JA002310	39
	Exhibit 34 and 128 - Photo re: Building 8 & 9, Interior (Showing drywall still not completed)	JA002311-JA002312-	40
	Trial Exhibit 35 - Photo re: Building 8 & 9, Interior (Showing drywall still not completed and no electrical trim or fixtures installed)	JA002313-JA002314	40
	Exhibit 36 and 130 -Photo re: Building 8 & 9, Interior (Showing drywall still not completed and no electrical trim or fixtures installed)	JA002315-JA002316	40
	Trial Exhibits 37 and 131 -Photo re: Building 8 & 9, Interior (Showing drywall still not completed and no electrical trim or fixtures installed)	JA002317-JA002318	40
	Trial Exhibits 38 and 132 - Photo re: Building 8 & 9, Interior (Showing drywall still not completed and no electrical trim or fixtures installed)	JA002319-JA002320	41

Date	Description	Bates Number	Volume(s)
	Trial Exhibit 39 -Email from K. Costen to Subcontractors informing that Manhattan West Project no longer open	JA002321-JA002322	41
	Trial Exhibit 40- Letter from D. Parry to Subcontractors Re: Funding Withdrawn	JA002323 JA002326	41
	HELIX Related Exhibits:		41
	Trial Exhibit 46 - Helix Pay Application No. 16713-008R1 with Proof of Payment	JA002327-JA002345	41
	Trial Exhibit 47 - Helix Pay Application No. 16713-009R1 with Proof of Payment	JA002346-JA002356	41
	Trial Exhibit 48 - Email from R. Nickerl to B. Johnson Re: Work Suspension Directive	JA002357-JA002358	41
	Trial Exhibit 49 -Helix Pay Application No. 16713-010R2 with Proof of Payment	JA002359-JA002364	41/42
	Trial Exhibit 50 - Unconditional Waiver and Release re: Pay Application No. 8 with Copy of Payment	JA002365-JA002366	42
	Trial Exhibit 51 - Photo re: Building 8 & 9, South (No Exterior fixtures installed. Helix billed out at 90%)	JA002367-JA002368	42
	Trial Exhibit 52 -Photo re: Building 8 & 9, North (No Exterior fixtures installed. Helix billed out at 90%)	JA002369-JA002370	42
	Trial Exhibit 53 -Photo re: Building - 2 & 3, West (No Exterior fixtures installed. Helix billed out at 90%)	JA002371-JA002372	42

Date	Description	Bates Number	Volume(s)
	Trial Exhibit 54 - Photo re: Building - 2 & 3, East (No Exterior fixtures installed. Helix billed out at 90%)	JA002373-JA002374	42
	Trial Exhibit 55 - Photo re: Building 2 & 3, East (No Exterior fixtures installed. Helix billed out at 90%)	JA002375-JA002376	42
	Trial Exhibit 56 - Photo re: Building 8 & 9, North (No Exterior fixtures installed. Helix billed out at 90%)	JA002377-JA002378	42
	Trial Exhibit 57 - Photo re: Building 2 & 3, and 8 & 9, North (No Exterior fixtures installed. Helix billed out at 90%)	JA002379-JA002381	42
	Trial Exhibit 58 - Helix Pay Application No. 16713-011R1 submitted to Owner	JA002382-JA002391	42
	Trial Exhibit 59 - Helix Pay Application No. 16713-011R1 given to Camco with Proof of Payment	JA002392-JA002405	43
	Trial Exhibit 60 - Helix Retention Rolled to Camco	JA002406-JA002415	43
	Trial Exhibit 61 - Unconditional Waiver and Release re: all Invoices through June 30, 2008 with Proof of Payment	JA002413-JA002415	43
	Trial Exhibit 62 - Photo re: Building 8 & 9, South	JA002416-JA002417	43
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	Trial Exhibit 66 - Letter of transmittal from Helix to APCO re: Helix Pay Application No. 16713-011R1	JA002424-JA002433	43
	Trial Exhibit 67 - Photo re: Building 8 & 9, West (No exterior fixtures installed. Helix billed out 90%)	JA002435-JA002436	43
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	Trial Exhibit 69 - Photo re: Building 2 & 3, East (No exterior fixtures installed. Helix billed out 90%)	JA002439-JA002440	43
	Trial Exhibit 70 - Photo re: Building 8 & 9, South (No exterior fixtures installed. Helix billed out 90%)	JA002441-JA002442	43
	Trial Exhibit 71 - Photo re: Building 8 & 9, West (No exterior fixtures installed. Helix billed out 90%)	JA002443-JA002444	43
	Trial Exhibit 72 - Photo re: Building 2 & 3, East (No exterior fixtures installed. Helix billed out 90%)	JA002445-JA002446	43
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	Trial Exhibit 75 - Unconditional Release re: Pay Application No. 16713-011R1 with Proof of Payment	JA002450-JA002456	43
	Exhibit 77 - Helix Statement of Facts Constituting Notice of Lien and Third-Party Complaint	JA002457-JA002494	43
	Zitting Brothers Related Exhibits:		
	Trial Exhibit 100 - Check No. 14392 payable to Zitting ($27,973.80); Progress Payment No. 7	JA002495-JA002497	44
	Trial Exhibit 101 - Email from R. Nickerl to R. Zitting re: Change Orders	JA002498-JA002500	44
	Trial Exhibit 102 -Email from L. Lynn to J. Griffith, et al. re: Change Order No. 00011 "pending"	JA002501-JA002503	44
	Trial Exhibit 103- Email from R. Zitting to R. Nickerl re: change orders adjusted to $30 per hour	JA002504-JA002505	44
	Trial Exhibit 104 - Email from R. Zitting to R. Nickerl re: change orders adjusted to $30 per hour with copies of change orders	JA002506-JA002526	44
	Trial Exhibit 105 - Ex. C to the Ratification – Zitting Quotes	JA002527-JA002528	44
	Trial Exhibit 106 - Unconditional Lien Release – Zitting ($27,973.80)	JA002529	44
	Trial Exhibit 108 - Photo of Video (Construction Project)	JA002530-JA002531	44
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	Trial Exhibit 112 - Photo of Video (Construction Project)	JA002538-JA002539	44
	Trial Exhibit 113 -Photo of Video (Construction Project)	JA002550-JA002541	44
	Trial Exhibit 114 -Photo of Video (Construction Project)	JA002542-JA002543	44
	Trial Exhibit 115 - Progress Payment No. 9 Remitted to Zitting	JA002544-JA002545	44
	Trial Exhibit 116 - Ratification and Amendment of Subcontract Agreement between Buchele and Camco	JA002546-JA002550	44
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	Trial Exhibit 118 - Q&A from Gemstone to subcontracts	JA002564-JA002567	44
	Trial Exhibit 119 - Check No. 528388 payable to APCO ($33,847.55) – Progress Payment No. 8.1 and 8.2	JA002568-JA002571	44
	Trial Exhibit 120 - Tri-City Drywall Pay Application No. 7 to APCO as submitted to Owner. Show percentage complete for Zitting	JA002572-JA002575	44/45
	Trial Exhibit 127 - Photo of Video (Construction Project)	JA002576-JA002577	45/46
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	Trial Exhibit 138 - Memo from Scott Financial to Nevada State Contractors Board Re: Explanation of Project Payment Process	JA002582-JA002591	46
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	National Wood Products Related Exhibits:		
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	CAMCO Related Exhibits:		
	Trial Exhibit 163 - Camco Pay Application No. 12 to Gemstone	JA002613-JA002651	46/47
	Trial Exhibit 165 - Letter from D. Parry to A. Edelstein re: Gemstone losing funding for project	JA002652-JA002653	47
	Trial Exhibit 166 - Letter from D. Parry to G. Hall re: withdrawal of funding	JA002654 JA002656	47
	Helix Related Exhibits:		47
	Trial Exhibit 169 - Helix Exhibit to Standard Subcontract Agreement with Camco	JA 002665 JA002676	47/48
	Trial Exhibit 170 - Subcontract Agreement between Helix and Camco (unsigned)	JA002677-JA002713	48
	Trial Exhibit 171 - Work Order No. 100	JA002714-JA002718	48
	Trial Exhibit 172 - Letter from J. Griffith to Victor Fuchs Re: Gemstone's intention to continue retention of Helix w/copy of Ratification and Amendment of Subcontract Agreement	JA002719-JA002730	48

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	Trial Exhibit 173 - Helix Pay Application No. 16713-012 to Camco with proof of payment	JA002731-JA002745	48
	Trial Exhibit 174 - Helix Change Order Request No. 28	JA002746-JA002747	48
	Trial Exhibit 175 - Change Notice No. 41	JA002748-JA002751	48
	Trial Exhibit 176 - Helix Pay Application No. 16713-013 to Camco	JA002752-JA002771	48/49
	Trial Exhibit 177 - Helix Pay Application No. 16713-014 to Camco	JA002772-JA002782	49
	Trial Exhibit 178 - Camco's letter to Helix rejecting Pay Application No. 16713-015 with attached copy of Pay Application	JA002783 JA002797	49
	National Wood/Cabinetec Related Exhibits:		
	Trial Exhibit 184 - Ratification and Amendment of Subcontract Agreement between CabineTec and Camco (fully executed copy)	JA002798-JA002825	49
	General Related Exhibits:		
	Trial Exhibit 218 - Camco/Owner Pay Application No. 11 w/Backup	JA002826-JA003028	50/51/52
	Trial Exhibit 220 - Camco/Owner Pay Application No. 12 w/Backup	JA003029-JA003333	52/53/54/55
	Trial Exhibit 313 - Letter from A. Edelstein to R. Nickerl re: NRS 624 Notice	JA003334-JA003338	55
	Helix Trial Exhibits:		
	Trial Exhibit 501 - Payment Summary	JA003339 – JA003732	55/56/57 /58/59/60
	Trial Exhibit 508 – Helix Pay Application	JA003733-JA003813	60/61

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	Trial Exhibit 510 - Unsigned Subcontract	JA003814-JA003927	61/62
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	Trial Exhibit 522 - Camco Billing	JA004035-JA005281	63/64/65/66/67/68/69/70/71/72/73/74/75/76/77
01-19-18	**Order Denying APCO Construction's Motion for Reconsideration of Order Granting Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements**	**JA005282-JA005283**	**78**
01-18-18	**Transcript – Bench Trial (Day 2)[2]**	JA005284-JA005370	78
	Trial Exhibit 535 – Deposition Transcript of Andrew Rivera (Exhibit 99) ***(Admitted)***	JA005371-JA005623	78/79/80
01-19-18	**Transcript – Bench Trial (Day 3)[3]**	JA005624-JA005785	80
	Trial Exhibit 231 – Helix Electric's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint ***(Admitted)***	JA005786-JA005801	80
	Trial Exhibit 314 - Declaration of Victor Fuchs in support of Helix's Motion for Partial Summary Judgment against Gemstone ***(Admitted)***	JA005802-JA005804	80

[2] Filed January 31, 201879
[3] Filed January 31, 2018

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	Trial Exhibit 320 – June-August Billings—not paid to APCO ***(Admitted)***	JA005805	80
	Trial Exhibit 321 – Overpayments to Cabinetec ***(Admitted)***	JA005806-	80
	Trial Exhibit 536 – Lien math calculations (handwritten) ***(Admitted)***	JA005807-JA005808	80
	Trial Exhibit 804 – Camco Correspondence ***(Admitted)***	JA005809-JA005816	80
	Trial Exhibit 3176 – APCO Notice of Lien ***(Admitted)***	JA005817-JA005819	81
01-24-18	**Transcript – Bench Trial (Day 5)[4]**	**JA005820-JA005952**	81
03-08-18	**Letter to Judge Denton submitting Helix Electric of Nevada, LLC's (Proposed) Findings of Fact and Conclusions of Law**	**JA005953-JA005985**	**81**
03-08-18	**Letter to Judge Denton submitting APCO Construction, Inc.'s Proposed Findings of Fact and Conclusions of Law**	**JA005986-JA006058**	**8/821**
03-08-18	**APCO Construction Inc.'s Post-Trial Brief**	**JA006059-JA006124**	**82/83**
03-23-18	**APCO Opposition to Helix Electric of Nevada, LLC's Findings of Fact and Conclusions of Law**	**JA006125-JA006172**	**83/84**
03-23-18	**Helix Electric of Nevada, LLC's Responses to APCO Construction's Post-Trial Brief**	**JA006173-JA006193**	**84**
04-25-18	**Findings of Fact and Conclusions of Law and Order as the Claims of Helix Electric and Cabinetec Against APCO**	**JA006194-JA006264**	**84/85**

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05-08-18	**APCO Construction, Inc.'s Motion for Attorneys' Fees and Costs Against Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc**.	**JA006265-JA006284**	**85**
	Exhibit 1 – Findings of Fact and Conclusions of Law as to the Claims of Helix Electric and Cabenetec Against APCO	JA006285-JA006356	85/86
	Exhibit 2 – National Wood Products, Inc.'s Notice of Motion and Motion to Intervene and Memorandum of Points and Authorities in Support Thereof	JA006357-JA006369	86
	Exhibit 3 – Plaintiff in Intervention, National Wood Products, Inc.'s Findings of Fact and Conclusions of Law (Proposed)	JA006370-JA006385	86/87
	Exhibit 4 – Plaintiff in Intervention, National Wood Productions, Inc.'s Findings of Fact and Conclusions of Law Re Camco	JA006386-JA006398	87
	Exhibit 5 – Offer of Judgment to Helix Electric of Nevada, LLC	JA006399-JA006402	87
	Exhibit 6 – Offer of Judgment to Plaintiff in Intervention National Wood Products, Inc.	JA006403-JA006406	87
	Exhibit 7 – Declaration of John Randall Jefferies, Esq. in Support of APCO Construction, Inc.'s Motion for Attorney's Fees and Costs	JA006407-JA006411	87
	Exhibit 7A – Billing Entries	JA006412-JA006442	87/88

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	Exhibit 7B – Time Recap	JA006443-JA006474	88
	Exhibit 8 – Declaration of Cody S. Mounteer, Esq. in Support of Motion for Attorney's Fees and Costs	JA006475-JA006478	88
	Exhibit 9 – APCO Construction, Inc.'s Memorandum of Costs and Disbursements [Against Helix Electric of Nevada, LLC, and Plaintiff in Intervention National Wood Products, LLC]	JA006479-JA006487	88
	Exhibit 10 – Depository Index	JA006488-JA006508	88/89
05-08-18	**Helix Electric of Nevada, LLC's Motion to Retax Costs Re: Defendant APCO Construction's Memorandum of Costs and Disbursements**	**JA006509-JA006521**	**89**
05-31-18	**Notice of Entry of Judgment [As to the Claims of Helix Electric of Nevada, LLC Against Camco Construction, Co., Inc.]**	**JA006522 JA006540**	**89**
06-01-18	**Notice of Entry of Judgment [As to the Claims of Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc.'s Against APCO Construction, Inc.]**	**JA006541 JA006550**	**90**
06-01-18	**Helix Electric of Nevada, LLC's Motion for Attorneys' Fees, Interest and Costs**	**JA006551-JA006563**	**90**
	Exhibit 1 – Findings of Fact and Conclusions of Law and Order as to the Claims of Helix Electric of Nevada, LLC Against Camco Pacific Construction, Inc.	JA006564-JA006574	90

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	Exhibit 2 – Memorandum of Costs and Disbursements (Helix Electric of Nevada, LLC)	JA006575-JA006580	90
	Exhibit 3 – Prime Interest Rate	JA006581-JA006601	90
	Exhibit 4 – Declaration of Eric B. Zimbelman in Support of Helix Electric of Nevada, LLC's Motion for Attorneys' Fees, Interest and Costs	JA006583-JA006588	90
	Exhibit 5 – Summary of Fees	JA006589-JA006614	90
06-15-18	**APCO Construction, Inc.'s Opposition to Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc.'s Motions to Retax Costs**	**JA006615-JA006637**	**90/9**1
	Exhibit 1-A Declaration of Mary Bacon in Support of APCO's Supplement to its Motion for Attorney's Fees	JA006635 JA006638	91
	Exhibit 1-B – Declaration of Cody Mounteer in Support of APCO's Supplement to its Motion for Attorney's Fees	JA006639-JA006916	91/92/93 94/95/96
06-15-18	**Helix Electric of Nevada, LLC's Opposition to APCO Construction's Motion for Attorneys' Fees and Costs**	**JA006917 – JA006942**	**96**
	Exhibit 1 – Notice of Entry of Staying the Case, Except for the Sale of the Property, Pending Resolution of the Petition before the Nevada Supreme Court	JA006943-JA006948	96

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	Exhibit 2 – Notice of Entry of Denying APCO Construction's Motion for Partial Summary Judgment Re: Lien Foreclosure Claims	JA006949-JA006954	96
	Exhibit 3 – Supreme Court filing notification Joint Petition for Writ of Mandamus filed	JA006955-JA006958	96
	Exhibit 4 – Order Denying *En Banc* Reconsideration	JA006959-JA006963	96
	Exhibit 5 – Notice of Entry of Order Granting Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA006964-JA006978	96
	Exhibit 6A – Interstate Plumbing and Air Conditioning, LLC's Response to Special Master Questionnaire	JA006977-JA006980	96
	Exhibit 6B – Nevada Prefab Engineers, Inc.'s Response to Special Master Questionnaire	JA006981-JA006984	96
	Exhibit 6C – Zitting Brothers Construction, Inc.'s Response to Special Master Questionnaire	JA006985-JA006993	96/97
	Exhibit 6D – Noorda Sheet Metal's Notice of Compliance	JA006994 JA007001	97
	Exhibit 6 E – Unitah Investments, LLC's Special Master Questionnaire	JA007002-JA007005	97
	Exhibit 7A – Motion to Appoint Special Master	JA007006-JA007036	97
	Exhibit 7B – Letter from Floyd A. Hale dated August 2, 2016	JA007037-JA007060	97

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	Exhibit 7C – Special Master Report Regarding Remaining Parties to the Litigation, Special Master Recommendation and District Court Order Amended Case Agenda	JA007042-JA007046	97
	Exhibit 8 – Notice of Entry of Order Granting Plaintiff's Motion to Dismiss	JA007047 JA007053	97
	Exhibit 9 – Stipulation and Order for Dismissal with Prejudice	JA007054-JA007056	97
	Exhibit 10 – Stipulation and Order to Dismiss Third-Party Complaint of Interstate Plumbing & Air Conditioning, LLC Against APCO Construction, Inc. with Prejudice	JA007057-JA007059	97
	Exhibit 11 – Notice of Entry of Order Granting in Part and Denying in Part APCO Construction's Omnibus Motion *in Limine*	JA007060-JA007088	97
	Exhibit 12 – Notice of Entry of Order Granting in Part and Denying in Part Helix Electric of Nevada, LLC's Motion in Limine (against APCO Construction)	JA007070-JA007078	97
	Exhibit 13 – Notice of Entry of Order Denying APCO Constructions' Motion for Partial Summary Judgment Re: Lien Foreclosure Claims	JA007079-JA007084	97
	Exhibit 14 – Notice of Entry of Order Denying APCO Construction's Motion for Reconsideration of Order Granting Partial Summary	JA007085-JA007087	97

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	Judgment Precluding Defenses Based on Pay-if-Paid Agreements		
	Exhibit 15 – Notice of Association of Counsel	JA007088-JA007094	97
06-15-18	**Plaintiff in Intervention National Wood Products, Inc.'s Opposition to APCO Construction's Motion for Attorneys' Fees and Costs**	**JA007095-JA007120**	**97/98**
06-15-18	**Declaration of S. Judy Hirahara in support of National Woods's Opposition to APCO Construction's Motion for Attorneys' Fees and Costs**	**JA007121-JA007189**	**98**
06-18-18	**Plaintiff in Intervention National Wood Products, Inc.'s Joinder to Helix Electric of Nevada, LLC's Opposition to APCO Construction's Motion for Attorneys' Fees and Costs**	**JA007190-JA007192**	**99**
06-21-18	**Helix Electric of Nevada, LLC's Notice of Non-Opposition to its Motion for Attorney's Fees, Interest and Costs**	**JA007193-JA007197**	**99**
06-29-18	**APCO Construction, Inc.'s Reply in Support of its Motion for Attorney's Fees and Costs Against Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc.**	**JA007198-JA007220**	**99**
	Exhibit 1 – Invoice Summary by Matter Selection	JA007221-JA007222	99
	Exhibit 2 – Marquis Aurbach Coffing Invoice to APCO dated April 30, 2018	JA007223-JA007224	99

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06-29-18	Helix Electric of Nevada, LLC's Reply Re: Motion to Retax	JA007225-JA007237	100
07-02-18	Notice of Entry of Order Granting Helix Electric of Nevada, LLC's Motion for Attorneys' Fees, Interest and Costs	JA007238-JA007245	100
07-19-18	Plaintiff-in-Intervention National Wood Products, Inc.'s Surreply to APCO Construction's Reply to Plaintiff-in-Intervention National Wood Products, Inc.'s Opposition to Motion for Attorney's Fees and Costs	JA007246-JA007261	100
08-08-18	Court's Decision on Attorneys' Fees and Cost Motions	JA007262-JA007280	100
09-28-18	Notice of Entry of (1) Granting APCO Construction, Inc.'s Motion for Attorneys' Fees and Costs (2) Granting APCO Construction, Inc.'s Memorandum of Costs in Part (3) Granting Helix Electric of Nevada, LLC's Motion to Retax in Part and Denying in Part (4) Granting Plaintiff in Intervention National Wood Products, LLC's Motion to Retax in Part and Denying in Part and (5) Granting National Wood Products, Inc.'s Motion to File a Surreply	JA007281-JA007299	100
01-24-19	Transcript for All Pending Fee Motions on July 19, 2018	JA007300-JA007312	100/101
07-12-19	Order Dismissing Appeal (Case No. 76276)	JA007313-JA007315	101

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08-06-19	**Helix Electric of Nevada LLC's Motion to (I) Re-Open Statistically Closed Case, (II) Dismiss All Unresolved Claims and/or (III) In the Alternative for a Rule 54(B) Certification as to Helix and APCO**	**JA007316-JA007331**	**101**
	Exhibit 1 – Judgment [As to the Claims of Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc.'s Against APCO Construction, Inc.	JA007332-JA007335	101
	Exhibit 2 – ORDER: (1) Granting APCO Construction, Inc. Motion for Attorneys Fees and Costs (2) Granting APCO Construction, Inc.'s Memorandum of Costs in Part (3) Granting Helix Electric of Nevada LLC's Motion to Retax in Part and Denying in Part and all related matters (4) Granting Plaintiff in Intervention National Wood Products LLC's Motion to Retax in Part and Denying in Part -and-(5) Granting National Wood Products, Inc.'s Motion to File a Surreply	JA007336-JA007344	101
	Exhibit 3 - Notice of Appeal	JA007345-JA007394	101/102
	Exhibit 4 – Amended Notice of Appeal	JA007395-JA007400	102
	Exhibit 5A – 5F -Notices of Entry of Order as to the Claims of Cactus Rose Construction, Fast Glass, Inc., Heinaman Contract Glazing, Helix Electric of Nevada, LLC, SWPPP Compliance	JA007401-JA007517	102/103

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	Solutions, Inc., E&E Fire Protection		
	Exhibit 6 – Order Dismissing Appeal in Part (Case No. 76276)	JA007518-JA007519	103
	Exhibit 7 – Order to Show Cause	JA007520-JA007542	103
	Exhibit 8 -Order Dismissing Appeal (Case No. 76276)	JA007524-JA007527	103
	Exhibit 9 – Notice of Entry of Order to Consolidate this Action with Case Nos. A574391, A574792, A57623. A58389, A584730, A58716, A580889 and A589195	JA 007528-JA007541	103
	Exhibit 10 (Part One)	JA007537-JA007542	103
	Exhibit 10A – Docket 09A587168 (Accuracy Glass & Mirror v. APCO)	JA007543-JA007585	103
	Exhibit 10B -Docket 08A571228 (APCO v. Gemstone)	JA007586-JA008129	103/104/105/106/107/108/109
	Exhibit 10C – Notice of Entry of Order to Consolidate this Action with Cases Nos A57. 4391, A574792, A577623, A583289, A584730, A587168, A580889 and A589195	JA008130-JA008138	109
	Exhibit 10D – Notice of Entry of Joint Order Granting, in Part, Various Lien Claimants' Motions for Partial Summary Judgment Against Gemstone Development West	JA008139-JA008141	109
	Exhibit 10 (Part Two)	JA008142-JA008149	109

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	Exhibit 10E – 131 Nev. Advance Opinion 70	JA008150-JA008167	109
	Exhibit 10F – Special Master Report Regarding Remaining Parties to the Litigation and Discovery Status	JA008168-JA008170	109
	Exhibit 10EG – Notice of Entry of Granting Plaintiff's Motion to Dismiss	JA008171-JA008177	109
	Exhibit 10H – Complaint re Foreclosure	JA008178-JA008214	109
	Exhibit 10I – First Amended Complaint re Foreclosure	JA008215-JA008230	109
	Exhibit 10J – APCO Construction's Answer to Accuracy Glass & Mirror Company's First Amended Complaint re Foreclosure	JA008231-JA008265	109/110
	Exhibit 10K –Answer to Accuracy Glass & Mirror Company, Inc.'s Complaint and Camco Pacific Construction, Inc.'s Counterclaim	JA008266-JA008285	110
	Exhibit 10L – Accuracy Glass & Mirror Company, Inc.'s Answer to Camco Pacific Construction Company's Counterclaim	JA008286-JA008290	110
	Exhibit 10M – Helix Electric's Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008291-JA008306	110
	Exhibit 10N – APCO Construction's Answer to Helix Electric's Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008307-JA008322	110
	Exhibit 10O – Answer to Helix Electric's Statement of Facts	JA008323-JA008338	110

Date	Description	Bates Number	Volume(s)
	Constituting Lien and Third-Party Complaint and Camco Pacific Construction Company Inc.'s Counterclaim		
	Exhibit 10P – Notice of Entry of Helix Electric of Nevada, LLC's Motion for Attorney's Fees, Interest and Costs	JA008339 JA008347	110
	Exhibit 10Q – Notice of Entry of Judgment [As to the claims of Helix Electric of Nevada, LLC Against Camco Construction Co., Inc.]	JA008348-JA008367	110
	Exhibit 10R – Notice of Entry of Judgment [As to the Claims of Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc. Against APCO Construction, Inc.]	JA008368-JA008378	110
	Exhibit 10S – Findings of Fact and Conclusions of Law and Order as to the Claims of Helix Electric and Cabenetec Against APCO	JA008379-JA008450	110/111
	Exhibit 10T -WRG Design, Inc.'s Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint	JA008451-JA008486	111
	Exhibit 10U – APCO Construction's Answer to WRG Design Inc.'s amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008468-JA008483	111
	Exhibit 10V -Answer to WRG Design, Inc.'s Statement of Facts Constituting Lien, Third-Party Complaint and Camco Pacific Construction, Inc's Counterclaim	JA008484-JA008504	111

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	Exhibit 10W – Notice of Entry of Stipulation and Order Dismissal	JA008505-JA008512	111
	Exhibit 10X – WRG Design, Inc.'s Answer to Camco Pacific Construction Company, Inc.'s Counterclaim	JA008513 JA008517	111
	Exhibit 10Y – Heinaman Contract Glazing's Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008518-JA008549	111
	Exhibit 10Z – Answer to Heinaman Contract Glazing's Statement of Facts Constituting Lien and Third-Party Complaint, and Camco Pacific Construction's Counterclaim	JA008531-JA008551	111
	Exhibit 10AA – Notice of Entry of Granting Heinaman Glazing's Motion for Attorneys's Fees, Interest and Costs	JA008552-JA008579	111/112
	Exhibit 10BB -Notice of Entry of Judgment [As to the Claims of Heinaman Contract Glazing Against Camco Construction Co., Inc.]	JA008561-JA008582	112
	Exhibit 10CC – Heinaman Contract Glazing's Answer to Camco Pacific Construction Company's Counterclaim	JA008583 JA008588	112
	Exhibit 10DD - Bruin Painting Corporation's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint	JA008589-JA00861	112
	Exhibit 10EE – Answer to Bruin Painting Corporation's Amended Statement of Facts Constituting Notice of Lien and Third-Party	JA008602-JA008621	112

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	Complaint and Camco Pacific Construction, Inc.'s Counterclaim		
	Exhibit 10FF – 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	JA008622-JA008624	112
	Exhibit 10GG – HD Supply Waterworks' Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008625-JA008642	112
	Exhibit 10HH – APCO Construction's Answer to HD Supply Waterworks' Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008643-JA008657	112
	Exhibit 10II – Amended Answer to HD Supply Waterworks' Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008658-JA008664	112
	Exhibit 10JJ -Defendants Answer to HD Supply Waterworks' Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008665-JA008681	112
	Exhibit 10KK – Stipulation and Order to Dismiss E & E Fire Protection, LLC Only Pursuant to the Terms State Below	JA008682-JA008685	112
	Exhibit 10LL – HD Supply Waterworks, LP's Voluntary Dismissal of Platte River Insurance Company Only Without Prejudice	JA008686-JA008693	112

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	Exhibit 10MM – Scott Financial Corporation's Answer to HD Supply Waterworks' Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008694-JA008717	112/113
	Exhibit 10NN-Notice of Appeal	JA008718 JA008723	113
	Exhibit 10OO – Amended Notice of Appeal	JA008724-JA008729	113
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	Exhibit 10QQ – Motion to Suspend Briefing Pending Outcome of Order to Show Cause in Supreme Court Case No. 76276	JA008737-JA008746	113
	Exhibit 11 – Order to Consolidate this Action with Case Nos. A574391, A574792, A57623. A58389, A584730, A58716, A580889 and A589195	JA008747-JA008755	113
	Exhibit 12 – Stipulation and Order to Dismiss Third-Party Complaint of Interstate Plumbing & Air Conditioning, LLC Against APCO Construction, Inc. with Prejudice	JA00875-JA008758	113
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	Exhibit 14 – Docket/United Subcontractors, Inc. dba Skyline Insulation's Motion to Enforce Settlement Agreement and Enter Judgment	JA008762-JA008788	113
	Exhibit 15 – Notice of Entry of Order Granting Motion for 54(b) Certification and for Stay Pending Appeal	JA008789-JA008798	113

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08-16-19	**APCO's Opposition to Helix Electric of Nevada LLC's Motion to (I) Re-Open Statistically Closed Case, (II) Dismiss All Unresolved Claims and/or (III) In the Alternative for a Rule 54(B) Certification as to Helix and APCO**	**JA008811-JA008821**	**114**
	Exhibit 1 – Order to File Amended Docketing Statement	JA008822-JA008824	114
	Exhibit 2 – Order to Show Cause	JA008825-JA008828	114
	Exhibit 3 – Appellant/Cross-Respondent's Response to Order to Show Cause	JA008829-JA008892	114/115/116
	Exhibit 4 – Order Dismissing Appeal	JA008893-JA008896	116
	Exhibit 5 – Chart of Claims	JA008897-JA008924	116
	Exhibit 6 – Answer to Helix Electric's Statement of Facts Constituting Lien and Third-Party Complaint and Camco Pacific Construction Company, Inc.'s Counterclaim	JA008925-JA008947	116/117
	Exhibit 7 – Answer to Cactus Rose's Statement of Facts Constituting Notice of Lien and Complaint and Camco Pacific Construction Company Inc.'s Counterclaim	JA008948-JA008965	117
	Exhibit 8 – Answer to Heinaman Contract Glazing's Statement of Facts Constituting Lien and Third-Party Complaint and Camco	JA008966-JA008986	117/118

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	Exhibit 11 – Findings of Fact and Conclusions of Law as to the Claims of Heinaman Contract Glazing	JA009011-JA009024	118
	Exhibit 12 – Notice of Entry of Decision, Order and Judgment on Defendant Scott Financial Corporation's Motion for Summary Judgment as to Priority of Liens	JA009025-JA009038	118
	Exhibit 13 – Findings of Fact and Conclusions of Law as to the Claims of Helix Electric and Cabenetec Against APCO	JA009039-JA009110	118/119
	Exhibit 14 – Order Granting Motion to Deposit Bond Penal Sum with Court, Exoneration of Bond and Dismissal	JA009111-JA009113	119
	Exhibit 15 – Order Approving Distribution of Fidelity and Deposit Company of Maryland's Bond	JA009114-JA009116	119
08-29-19	**Helix Electric of Nevada LLC's Reply to APCO's Opposition to Helix Electric of Nevada LLC's Motion to (I) Re-Open Statistically Closed Case, (II)**	**JA009117-JA009123**	**119**

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01-03-20	**Notice of Entry of Order Granting Helix Electric of Nevada, LLC's Motion for Rule 54(b) Certification**	**JA009124-JA009131**	**119**
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	Exhibit [C] – Notice of Entry of Order Granting Helix Electric of Nevada's Rule 54(b) Certification	JA009148-JA009156	120
02-11-20	**Case Appeal Statement**	**JA009157-JA009163**	120
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	Exhibit 2 – Notice of Entry of Order Granting Helix Electric of Nevada's Motion for Rule 54(b) Certification	JA009183-JA00991	120

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05-08-18	**APCO Construction, Inc.'s Motion for Attorneys' Fees and Costs Against Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc**.	**JA006265-JA006284**	**85**
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	Exhibit 2 – National Wood Products, Inc.'s Notice of Motion and Motion to Intervene and Memorandum of Points and Authorities in Support Thereof	JA006357-JA006369	86
	Exhibit 3 – Plaintiff in Intervention, National Wood Products, Inc.'s Findings of Fact and Conclusions of Law (Proposed)	JA006370-JA006385	86/87
	Exhibit 4 – Plaintiff in Intervention, National Wood Productions, Inc.'s Findings of Fact and Conclusions of Law Re Camco	JA006386-JA006398	87
	Exhibit 5 – Offer of Judgment to Helix Electric of Nevada, LLC	JA006399-JA006402	87
	Exhibit 6 – Offer of Judgment to Plaintiff in Intervention National Wood Products, Inc.	JA006403-JA006406	87
	Exhibit 7 – Declaration of John Randall Jefferies, Esq. in Support of APCO Construction, Inc.'s Motion for Attorney's Fees and Costs	JA006407-JA006411	87
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	Exhibit 9 – APCO Construction, Inc.'s Memorandum of Costs and Disbursements [Against Helix Electric of Nevada, LLC, and Plaintiff in Intervention National Wood Products, LLC]	JA006479-JA006487	88
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06-06-13	**APCO's Limited Motion to Lift Stay for Purposes of this Motion Only; (2) APCO's Motion for Summary Judgment Against Gemstone Only; and (3) Request for Order Shortening Time**	**JA000044-JA000054**	**1**
	Exhibit 1 – Affidavit of Randy Nickerl in Support of (I) APCO's Limited Motion to Lift Sta for Purposes of this Motion Only; (2) APCO's Motion for Judgment Against Gemstone Only	JA000055-JA000316	1/2/4/5/6
	Exhibit 2 – Findings of Fact and Conclusions of Law and Judgment in Favor of APCO Construction Against Gemstone Development West, Inc. Only	JA000317-JA000326	6
02-11-20	**APCO's Notice of Cross Appeal**	**JA009164-JA010310**	120
	Exhibit 1 – Notice of Entry of Order (1) Granting APCO Construction, Inc.'s Motion for Attorney's Fees and Costs; (2) Granting APCO Construction, Inc.'s Memorandum of Costs in Part (3) Granting Helix Electric of Nevada, LLC's	JA009168-JA009182	114

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	Exhibit 2 – Zitting Brothers Construction, Inc.'s Motion for Partial Summary Judgment Against APCO Construction	JA000625-JA000646	9
	Exhibit 3 – Excerpts from Samuel Zitting's Deposition Transcript taken October 27, 2017	JA000647-JA000678	9/10
	Exhibit 4 – Statement of Facts Constituting Lien on Behalf of Buchele, Inc.	JA000679-JA000730	10
	Exhibit 5 – Subcontract Agreement dated April 17, 2007	JA000731-JA000808	10/11
	Exhibit 6 – Subcontract Agreement dated April 17, 2007	JA000809-JA000826	11/12
	Exhibit 7 – Email from Mary Bacon dated October 16, 2017	JA000827-JA000831	12
	Exhibit 8 – Email from Mary Bacon dated October 17, 2017	JA000832-JA000837	12
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	Exhibit 12 – Plaintiff in Intervention, National Wood Products, Inc.'s First Supplemental Disclosures Pursuant to NRCP 16.1	JA000857-JA000864	12
	Exhibit 13 – Amended Notice of Taking NRCP Rule 30(b)(6) Deposition of Person Most Knowledgeable for Helix Electric of Nevada, LLC	JA000865-JA000873	12
	Exhibit 14 – Excerpts from Helix Electric of Nevada, LLC's 30(b)(6) Witness Deposition Transcript taken July 20, 2017	JA000874-JA000897	12
03-23-18	**APCO Opposition to Helix Electric of Nevada, LLC's Findings of Fact and Conclusions of Law**	**JA006125-JA006172**	**83/84**
08-16-19	**APCO's Opposition to Helix Electric of Nevada LLC's Motion to (I) Re-Open Statistically Closed Case, (II) Dismiss All Unresolved Claims and/or (III) In the Alternative for a Rule 54(B) Certification as to Helix and APCO**	**JA008811-JA008821**	**114**
	Exhibit 1 – Order to File Amended Docketing Statement	JA008822-JA008824	114
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	Exhibit 6 – Answer to Helix Electric's Statement of Facts Constituting Lien and Third-Party Complaint and Camco	JA008925-JA008947	116/117

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	Exhibit 8 – Answer to Heinaman Contract Glazing's Statement of Facts Constituting Lien and Third-Party Complaint and Camco Pacific Construction's Counterclaim	JA008966-JA008986	117/118
	Exhibit 9 – Findings of Fact and Conclusions of Law as to the Claims of Helix Electric of Nevada, LLC Against Camco Pacific Construction, Inc.	JA008987-JA008998	118
	Exhibit 10 – Findings of Fact and Conclusions of Law as to the Claims of Cactus Rose Construction Co., Inc.	JA008998-JA009010	118
	Exhibit 11 – Findings of Fact and Conclusions of Law as to the Claims of Heinaman Contract Glazing	JA009011-JA009024	118
	Exhibit 12 – Notice of Entry of Decision, Order and Judgment on Defendant Scott Financial Corporation's Motion for Summary Judgment as to Priority of Liens	JA009025-JA009038	118
	Exhibit 13 – Findings of Fact and Conclusions of Law as to the Claims of Helix Electric and Cabenetec Against APCO	JA009039-JA009110	118/119
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06-15-18	**APCO Construction, Inc.'s Opposition to Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc.'s Motions to Retax Costs**	**JA006615-JA006637**	**90/9**1
	Exhibit 1-A Declaration of Mary Bacon in Support of APCO's Supplement to its Motion for Attorney's Fees	JA006635 JA006638	91
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11-14-17	**APCO Construction, Inc.'s Opposition to Helix Electric of Nevada, LLC's Motions *in Limine* Nos. 1-4**	**JA000929-JA000940**	**13/14**
	Exhibit 1 – Excerpts from the Deposition Transcript of Mary Jo Allen taken July 18, 2017	JA000941-JA000966	14/15/16
	Exhibit 2 – Helix Electric's Manhattan West Billing/Payment Status through August 2008	JA000967-JA000969	16/17
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08-21-17	**APCO Construction's Opposition to Peel Brimley Lien Claimants' Partial Motion for Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements**	**JA000393-JA000409**	**6/7**
	Exhibit A – Excerpt from 30(b)(6) Witness for Helix Electric of Nevada, LLC taken July 20, 2017	JA000410-JA000412	7
03-08-18	**APCO Construction Inc.'s Post-Trial Brief**	**JA006059-JA006124**	**82/83**
11-15-17	**APCO Construction, Inc.'s Reply in Support of its Omnibus *Motion in Limine***	**JA001133 JA001148**	**21**

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06-29-18	**APCO Construction, Inc.'s Reply in Support of its Motion for Attorney's Fees and Costs Against Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc.**	**JA007198-JA007220**	**99**
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11-14-17	**Camco Pacific Construction Company, Inc.'s Opposition to Lien Claimants' Motions in Limine Nos. 1-6**	**JA000898-JA000905**	**12**
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	Exhibit B – Scott Financial Corporation's April 28, 2009 letter to the Nevada State Contractor's Board	JA000908-JA000915	2/13
	Exhibit C – E-mail from Alex Edelstein dated December 15, 2008 Re: Letter to Subs	JA000916-JA000917	13
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04-25-18	**Findings of Fact and Conclusions of Law and Order as the Claims of Helix Electric and Cabinetec Against APCO**	**JA006194-JA006264**	**84/85**
11-06-17	**Helix Electric of Nevada's Motion *in Limine* Nos. 1-4**	**JA000534-JA000542**	**8**
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06-01-18	**Helix Electric of Nevada, LLC's Motion for Attorneys' Fees, Interest and Costs**	**JA006551-JA006563**	**90**
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08-06-19	**Helix Electric of Nevada LLC's Motion to (I) Re-Open Statistically Closed Case, (II) Dismiss All Unresolved Claims and/or (III) In the Alternative for a Rule 54(B) Certification as to Helix and APCO**	**JA007316-JA007331**	**101**
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	Exhibit 2 – ORDER: (1) Granting APCO Construction, Inc. Motion for Attorneys Fees and Costs (2) Granting APCO Construction, Inc.'s Memorandum of Costs in Part (3) Granting Helix Electric of Nevada LLC's Motion to Retax in Part and Denying in Part and all related matters (4) Granting Plaintiff in Intervention National Wood Products LLC's Motion to Retax in Part and Denying in Part -and-(5) Granting National Wood Products, Inc.'s Motion to File a Surreply	JA007336-JA007344	101
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	Exhibit 9 – Notice of Entry of Order to Consolidate this Action with Case Nos. A574391, A574792, A57623. A58389, A584730, A58716, A580889 and A589195	JA 007528-JA007541	103
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	Exhibit 10A – Docket 09A587168 (Accuracy Glass & Mirror v. APCO)	JA007543-JA007585	103
	Exhibit 10B -Docket 08A571228 (APCO v. Gemstone)	JA007586-JA008129	103/104/105/106/107/108 109
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	Exhibit 10D – Notice of Entry of Joint Order Granting, in Part, Various Lien Claimants' Motions for Partial Summary Judgment Against Gemstone Development West	JA008139-JA008141	109
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	Exhibit 10J – APCO Construction's Answer to Accuracy Glass & Mirror Company's First Amended Complaint re Foreclosure	JA008231-JA008265	109/110
	Exhibit 10K –Answer to Accuracy Glass & Mirror Company, Inc.'s Complaint and Camco Pacific Construction, Inc.'s Counterclaim	JA008266-JA008285	110
	Exhibit 10L – Accuracy Glass & Mirror Company, Inc.'s Answer to Camco Pacific Construction Company's Counterclaim	JA008286-JA008290	110
	Exhibit 10M – Helix Electric's Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008291-JA008306	110
	Exhibit 10N – APCO Construction's Answer to Helix Electric's Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008307-JA008322	110
	Exhibit 10O – Answer to Helix Electric's Statement of Facts Constituting Lien and Third-Party Complaint and Camco Pacific Construction Company Inc.'s Counterclaim	JA008323-JA008338	110
	Exhibit 10P – Notice of Entry of Helix Electric of Nevada, LLC's Motion for Attorney's Fees, Interest and Costs	JA008339 JA008347	110
	Exhibit 10Q – Notice of Entry of Judgment [As to the claims of Helix Electric of Nevada, LLC Against Camco Construction Co., Inc.]	JA008348-JA008367	110

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	Exhibit 10R – Notice of Entry of Judgment [As to the Claims of Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc. Against APCO Construction, Inc.]	JA008368-JA008378	110
	Exhibit 10S – Findings of Fact and Conclusions of Law and Order as to the Claims of Helix Electric and Cabenetec Against APCO	JA008379-JA008450	110/111
	Exhibit 10T -WRG Design, Inc.'s Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint	JA008451-JA008486	111
	Exhibit 10U – APCO Construction's Answer to WRG Design Inc.'s amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008468-JA008483	111
	Exhibit 10V -Answer to WRG Design, Inc.'s Statement of Facts Constituting Lien, Third-Party Complaint and Camco Pacific Construction, Inc's Counterclaim	JA008484-JA008504	111
	Exhibit 10W – Notice of Entry of Stipulation and Order Dismissal	JA008505-JA008512	111
	Exhibit 10X – WRG Design, Inc.'s Answer to Camco Pacific Construction Company, Inc.'s Counterclaim	JA008513 JA008517	111
	Exhibit 10Y – Heinaman Contract Glazing's Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008518-JA008549	111
	Exhibit 10Z – Answer to Heinaman Contract Glazing's Statement of Facts Constituting Lien and Third-Party Complaint, and Camco Pacific Construction's Counterclaim	JA008531-JA008551	111

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	Exhibit 10EE – Answer to Bruin Painting Corporation's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint and Camco Pacific Construction, Inc.'s Counterclaim	JA008602-JA008621	112
	Exhibit 10FF – 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	JA008622-JA008624	112
	Exhibit 10GG – HD Supply Waterworks' Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008625-JA008642	112
	Exhibit 10HH – APCO Construction's Answer to HD Supply Waterworks' Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008643-JA008657	112
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	Exhibit 10LL – HD Supply Waterworks, LP's Voluntary Dismissal of Platte River Insurance Company Only Without Prejudice	JA008686-JA008693	112
	Exhibit 10MM – Scott Financial Corporation's Answer to HD Supply Waterworks' Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008694-JA008717	112/113
	Exhibit 10NN-Notice of Appeal	JA008718 JA008723	113
	Exhibit 10OO – Amended Notice of Appeal	JA008724-JA008729	113
	Exhibit 10PP – Notice of Cross Appeal	JA008730-JA008736	113
	Exhibit 10QQ – Motion to Suspend Briefing Pending Outcome of Order to Show Cause in Supreme Court Case No. 76276	JA008737-JA008746	113
	Exhibit 11 – Order to Consolidate this Action with Case Nos. A574391, A574792, A57623. A58389, A584730, A58716, A580889 and A589195	JA008747-JA008755	113
	Exhibit 12 – Stipulation and Order to Dismiss Third-Party Complaint of Interstate Plumbing & Air Conditioning, LLC Against APCO Construction, Inc. with Prejudice	JA00875-JA008758	113
	Exhibit 13 – Stipulation and Order with Prejudice	JA008759-JA008780	113

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	Exhibit 14 – Docket/United Subcontractors, Inc. dba Skyline Insulation's Motion to Enforce Settlement Agreement and Enter Judgment	JA008762-JA008788	113
	Exhibit 15 – Notice of Entry of Order Granting Motion for 54(b) Certification and for Stay Pending Appeal	JA008789-JA008798	113
	Exhibit 16 – Notice of Appeal	JA008799-JA008810	113
05-08-18	**Helix Electric of Nevada, LLC's Motion to Retax Costs Re: Defendant APCO Construction's Memorandum of Costs and Disbursements**	**JA006509-JA006521**	**89**
06-21-18	**Helix Electric of Nevada, LLC's Notice of Non-Opposition to its Motion for Attorney's Fees, Interest and Costs**	**JA007193-JA007197**	**99**
06-15-18	**Helix Electric of Nevada, LLC's Opposition to APCO Construction's Motion for Attorneys' Fees and Costs**	**JA006917 – JA006942**	**96**
	Exhibit 1 – Notice of Entry of Staying the Case, Except for the Sale of the Property, Pending Resolution of the Petition before the Nevada Supreme Court	JA006943-JA006948	96
	Exhibit 2 – Notice of Entry of Denying APCO Construction's Motion for Partial Summary Judgment Re: Lien Foreclosure Claims	JA006949-JA006954	96
	Exhibit 3 – Supreme Court filing notification Joint Petition for Writ of Mandamus filed	JA006955-JA006958	96
	Exhibit 4 – Order Denying *En Banc* Reconsideration	JA006959-JA006963	96
	Exhibit 5 – Notice of Entry of Order Granting Peel Brimley Lien Claimants' Motion for Partial Summary Judgment	JA006964-JA006978	96

Date	Description	Bates Number	Volume(s)
	Precluding Defenses Based on Pay-if-Paid Agreements		
	Exhibit 6A – Interstate Plumbing and Air Conditioning, LLC's Response to Special Master Questionnaire	JA006977-JA006980	96
	Exhibit 6B – Nevada Prefab Engineers, Inc.'s Response to Special Master Questionnaire	JA006981-JA006984	96
	Exhibit 6C – Zitting Brothers Construction, Inc.'s Response to Special Master Questionnaire	JA006985-JA006993	96/97
	Exhibit 6D – Noorda Sheet Metal's Notice of Compliance	JA006994 JA007001	97
	Exhibit 6 E – Unitah Investments, LLC's Special Master Questionnaire	JA007002-JA007005	97
	Exhibit 7A – Motion to Appoint Special Master	JA007006-JA007036	97
	Exhibit 7B – Letter from Floyd A. Hale dated August 2, 2016	JA007037-JA007060	97
	Exhibit 7C – Special Master Report Regarding Remaining Parties to the Litigation, Special Master Recommendation and District Court Order Amended Case Agenda	JA007042-JA007046	97
	Exhibit 8 – Notice of Entry of Order Granting Plaintiff's Motion to Dismiss	JA007047 JA007053	97
	Exhibit 9 – Stipulation and Order for Dismissal with Prejudice	JA007054-JA007056	97
	Exhibit 10 – Stipulation and Order to Dismiss Third-Party Complaint of Interstate Plumbing & Air Conditioning, LLC Against APCO Construction, Inc. with Prejudice	JA007057-JA007059	97
	Exhibit 11 – Notice of Entry of Order Granting in Part and Denying in Part APCO Construction's Omnibus Motion *in Limine*	JA007060-JA007088	97

Date	Description	Bates Number	Volume(s)
	Exhibit 12 – Notice of Entry of Order Granting in Part and Denying in Part Helix Electric of Nevada, LLC's Motion in Limine (against APCO Construction)	JA007070-JA007078	97
	Exhibit 13 – Notice of Entry of Order Denying APCO Constructions' Motion for Partial Summary Judgment Re: Lien Foreclosure Claims	JA007079-JA007084	97
	Exhibit 14 – Notice of Entry of Order Denying APCO Construction's Motion for Reconsideration of Order Granting Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA007085-JA007087	97
	Exhibit 15 – Notice of Association of Counsel	JA007088-JA007094	97
11-14-17	**Helix Electric of Nevada's Opposition to APCO Construction's Omnibus Motion *in Limine***	**JA000994-JA001008**	**20**
	Exhibit 1 – Excerpts from the Deposition Transcript of Brian Benson taken June 5, 2017	JA001009-JA001042	20
	Exhibit 2 - Excerpts from the Deposition Transcript of Brian Benson taken June 5, 2017	JA001043-JA001055	20
	Exhibit 3 – Special Master Order Requiring Completion of Questionnaire	JA001056-JA001059	20
	Exhibit 4 – Excerpts from the Deposition Transcript of the 30(b)(6) Witness for Helix Electric of Nevada taken July 20, 2017	JA001060-JA001064	20
	Exhibit 5 - Excerpts from the Deposition Transcript of David E. Parry taken June 20, 2017	JA001065 JA001132	20/21
08-29-19	**Helix Electric of Nevada LLC's Reply to APCO's Opposition to Helix Electric of Nevada LLC's Motion to (I) Re-**	**JA009117-JA009123**	**119**

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06-29-18	**Helix Electric of Nevada, LLC's Reply Re: Motion to Retax**	**JA007225-JA007237**	**100**
03-23-18	**Helix Electric of Nevada, LLC's Responses to APCO Construction's Post-Trial Brief**	**JA006173-JA006193**	**84**
06-24-09	**Helix Electric's Statement of Facts Constituting Lien and Third-Party Complaint**	**JA000001-JA000015**	**1**
01-12-18	**Joint Pre-Trial Memorandum [for APCO Construction, Inc., the Peel Brimley Lien Claimants and National Wood Products, LLC ONLY]**	**JA001574-JA001594**	**27/28**
	Exhibit 1 – Exhibit List APCO	JA001595-JA001614	28
	Exhibit 2 – Helix Trial Exhibits	JA001615-JA001616	28
	Exhibit 3 – Exhibit List Plaintiff in Intervention National Wood Products, Inc.	JA001617-JA001635	28
	Exhibit 4 – Cactus Rose Trial Exhibits	JA001636-JA001637	28
	Exhibit 5 – Heinaman Trial Exhibits	JA001638-JA001639	28
	Exhibit 6 – Fast Glass Trial Exhibits	JA001640-JA001641	28
	Exhibit 7 – SWPPP Trial Exhibits	JA001642-JA001643	28
	Exhibit 8 - Order Granting in Part and Denying in Part APCO Construction's Omnibus Motion *in Limine*	JA001644-JA001647	28

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	Exhibit 9 - Amended *nunc pro tunc* order regarding APCO Construction, Inc.'s Omnibus Motion *in Limine* No. 7	JA001648-JA001650	28
	Exhibit 10 - Order Granting in Part and Denying in part Helix Electric of Nevada, LLC's Motions *in Limine* 1-4 (Against APCO Construction)	JA001651-JA001653	28
	Exhibit 11 - order granting Peel Brimley Lien Claimants' Motion in Limine Nos.1-6 (against Camco Pacific Construction, Inc.)	JA001654-JA001657	28
	Exhibit 12 - Order Granting Plaintiff in Intervention, National Wood Products, Inc.'s Motion *in Limine*	JA001658-JA001660	28
	Exhibit 13 - Order Granting Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA001661-JA00167	28/9/29
03-08-18	**Letter to Judge Denton submitting APCO Construction, Inc.'s Proposed Findings of Fact and Conclusions of Law**	**JA005986-JA006058**	**8/821**
03-08-18	**Letter to Judge Denton submitting Helix Electric of Nevada, LLC's (Proposed) Findings of Fact and Conclusions of Law**	**JA005953-JA005985**	**81**
01-04-18	**Motion for Reconsideration of Court's Order Granting Peel Brimley Lien Claimants' Partial Motion for Summary Judgment to Preclude Defenses based on Pay-if-Paid provision on an Order Shortening Time**	**JA001199-JA001217**	**22**
	Exhibit 1 – Subcontract Agreement (Helix Electric of Nevada, LLC)	JA001218-JA001245	22/23/24
	Exhibit 2 – Subcontract Agreement (Zitting Brothers)	JA001246-JA001263	24

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	Exhibit 4 – Amended Notice of Lien	JA001282-JA001297	25
	Exhibit 5 - Amended NOL	JA001298-JA001309	25
	Exhibit 6 – Notice of Lien	JA001310-JA001313	25
	Exhibit 7 – Order Approving Sale of Property	JA001314-JA001376	25/26
	Exhibit 8 – Order Releasing Sale Proceeds from Court Controlled Escrow Account	JA001377-JA001380	26
	Exhibit 9 – Order Denying *En Banc* Reconsideration	JA001381-JA001385	26
	Exhibit 10 – Order Granting Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA001386-JA001392	26
	Exhibit 11 – Notice of Entry of Findings of Fact and Conclusions of Law and Judgment	JA001393-JA001430	26
	Exhibit 12 – Order Big D Construction Corp.'s Motion for Attorney's Fees, Costs and Interest Pursuant to Judgment	JA001431-JA001435	26
	Exhibit 13 – Appellant's Opening Brief (Padilla v. Big D)	JA001436-JA001469	26
	Exhibit 14 – Respondent's Answering Brief	JA001470-JA001516	26/27
	Exhibit 15 – Appellant's Reply Brief (Padilla v. Big D)	JA001517-JA001551	27
01-29-20	**Notice of Appeal**	**JA009132-JA009136**	**119/120**
	Exhibit A – Notice of Entry of Judgment [As to the Claims of Helix Electric of Nevada, LLC and Plaintiff in Intervention	JA009137-JA009166	120

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	National Wood Products, Inc.'s Against APCO Construction, Inc.]		
	Exhibit [C] – Notice of Entry of Order Granting Helix Electric of Nevada's Rule 54(b) Certification	JA009148-JA009156	120
05-31-18	**Notice of Entry of Judgment [As to the Claims of Helix Electric of Nevada, LLC Against Camco Construction, Co., Inc.]**	**JA006522 JA006540**	**89**
06-01-18	**Notice of Entry of Judgment [As to the Claims of Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc.'s Against APCO Construction, Inc.]**	**JA006541 JA006550**	**90**
09-28-18	**Notice of Entry of Order (1) Granting APCO Construction, Inc.'s Motion for Attorneys' Fees and Costs (2) Granting APCO Construction, Inc.'s Memorandum of Costs in Part (3) Granting Helix Electric of Nevada, LLC's Motion to Retax in Part and Denying in Part (4) Granting Plaintiff in Intervention National Wood Products, LLC's Motion to Retax in Part and Denying in Part and (5) Granting National Wood Products, Inc.'s Motion to File a Surreply**	**JA007281-JA007299**	**100**
12-29-17	**Notice of Entry of Order Granting in Part and Denying in Part APCO Construction's Omnibus Motion *in Limine***	**JA001178-JA001186**	**22**
07-02-18	**Notice of Entry of Order Granting Helix Electric of Nevada, LLC's Motion for Attorneys' Fees, Interest and Costs**	**JA007238-JA007245**	**100**
01-03-20	**Notice of Entry of Order Granting Helix Electric of Nevada, LLC's Motion for Rule 54(b) Certification**	**JA009124-JA009131**	**119**

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01-03-18	**Notice of Entry of Order Granting Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements**	**JA001187-JA001198**	**22**
12-29-17	**Notice of Entry of Order Granting in Part and Denying in Part Helix Electric of Nevada, LLC's Motion *in Limine* 1-4**	**JA001170-JA001177**	**22**
12-29-17	**Notice of Entry of Order Granting Peel Brimley Lien Claimants' Motion *in Limine* 1-6**	**JA001161-JA001169**	**22**
01-19-18	**Order Denying APCO Construction's Motion for Reconsideration of Order Granting Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements**	**JA005282-JA005283**	**78**
07-12-19	**Order Dismissing Appeal (Case No. 76276)**	**JA007332-JA007334**	**101**
07-02-10	**Order Striking Defendant Gemstone Development West, Inc.'s Answer and Counterclaim and Entering Default**	**JA000042-JA000043**	**1**
08-02-17	**Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements and *Ex Parte* Application for Order Shortening Time**	**JA000328-JA000342**	**6**
	Exhibit 1 – APCO Construction's Answers to Helix Electric of Nevada, LLC's First Request for Interrogatories	JA000343-JA00379	6
	Exhibit 2 – Camco Pacific Construction Company, Inc.'s Responses to Helix Electric of Nevada, LLC's Interrogatories	JA000380-JA000392	6
11-06-17	**Peel Brimley Lien Claimants' Motion in Limine Nos. 1-6**	**JA000419-JA000428**	**7**
	Exhibit 1 – Notice of Entry of Order	JA000429	7

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		JA000435	
	Exhibit 2 – Amended Notices of 30(b)(6) Deposition of Camco Pacific Construction Company, Inc. from Cactus Rose Construction, Inc., Fast Glass, Inc.'s, Heinaman Contract Glazing, Inc. and Helix Electric of Nevada, LLC's	JA000436-JA000472	7/8
	Exhibit 3 – Excerpt from David E. Parry's Deposition Transcript taken June 20, 2017	JA000473 JA00489	8
	Exhibit 4 – Cactus Rose Construction, Inc.'s First Set of Request for Admissions to Camco Pacific Construction	JA00490 JA000500	8
	Exhibit 5 – Fast Glass, Inc.'s First Set of Request for Admissions to Camco Pacific Construction	JA000501-JA000511	8
	Exhibit 6 – Heinaman Contract Glazing, Inc.'s First Set of Request for Admissions to Camco Pacific Construction	JA000512-JA000522	8
	Exhibit 7 – Helix Electric of Nevada, LLC's First Set of Request for Admissions to Camco Pacific Construction	JA000523-JA000533	8
09-28-17	**Peel Brimley Lien Claimants' Reply to Oppositions to Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements**	**JA000413-JA00418**	**7**
01-09-18	**Peel Brimley Lien Claimants' Opposition to APCO Construction's Motion for Reconsideration of Order Granting Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements**	**JA001552-JA001560**	**27**
06-18-18	**Plaintiff in Intervention National Wood Products, Inc.'s Joinder to Helix Electric of Nevada, LLC's Opposition**	**JA007190-JA007192**	**99**

Date	Description	Bates Number	Volume(s)
	to APCO Construction's Motion for Attorneys' Fees and Costs		
06-15-18	**Plaintiff in Intervention National Wood Products, Inc.'s Opposition to APCO Construction's Motion for Attorneys' Fees and Costs**	**JA007095-JA007120**	**97/98**
07-19-18	**Plaintiff-in-Intervention National Wood Products, Inc.'s Surreply to APCO Construction's Reply to Plaintiff-in-Intervention National Wood Products, Inc.'s Opposition to Motion for Attorney's Fees and Costs**	**JA007246-JA007261**	**100**
01-10-18	**Reply in Support of Motion for Reconsideration of Court's Order Granting Peel Brimley Lien Claimants' Partial Motion for Summary Judgment to Preclude Defenses Based on Pay-if-Paid Provisions on an Order Shortening Time**	**JA001561-JA001573**	**27**
01-18-18	**Stipulation and Order Regarding Trial Exhibit Admitted into Evidence**	**JA002199-JA002201**	**36**
	Exhibit 1 – Exhibit List APCO	JA002208-JA002221	36
	Exhibit 2 – Helix Trial Exhibits	JA002222-JA002223	36
	Exhibit 3 – Exhibit List Plaintiff in Intervention National Wood Products, Inc.	JA002224-JA002242	36/37
	APCO TRIAL EXHIBITS:		
	APCO Related Exhibits:		
	Trial Exhibit 7 - Letter from Scott Financial to APCO re: Loan Status	JA002243	37
	Trial Exhibit 8 - APCO Pay Application No. 10 as submitted to Owner	JA002244-JA002282	37/38
	Trial Exhibit 12 and 107 - Email from C. Colligan to Subcontractors re: Subcontractor Concerns	JA002283-JA002284	38

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	Trial Exhibit 17 – Video (Construction Project)	JA002285	N/A
	Trial Exhibit 18 – Video (Construction Project)	JA002286	N/A
	Trial Exhibit 19 – Video (Construction Project)	JA002287	N/A
	Trial Exhibit 20 – Video (Construction Project)	JA002288	N/A
	Trial Exhibit 21 – Video (Construction Project)	JA002289	N/A
	Trial Exhibit 22 – Video (Construction Project)	JA002290	N/A
	Trial Exhibit 29 - Email from J. Robbins to Subcontractors re: Billing Cut-Off for August Billing	JA002285	39
	Trial Exhibit 30 - Camco Pay Application No. 11 NCS-Owner Approved with NCS Draw Request	JA002286-JA002306	39
	Trial Exhibit 32 and 125 - Photo re: Building 8 & 9, Interior (Showing drywall still not completed and no electrical trim or fixture installed)	JA002307-JA002308	39
	Trial Exhibits 33 and 126 - Photo re: Building 8 & 9, Interior (Showing drywall still not completed)	JA002309-JA002310	39
	Exhibit 34 and 128 - Photo re: Building 8 & 9, Interior (Showing drywall still not completed)	JA002311-JA002312-	40
	Trial Exhibit 35 - Photo re: Building 8 & 9, Interior (Showing drywall still not completed and no electrical trim or fixtures installed)	JA002313-JA002314	40
	Exhibit 36 and 130 -Photo re: Building 8 & 9, Interior (Showing drywall still not completed and no electrical trim or fixtures installed)	JA002315-JA002316	40

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	Trial Exhibits 37 and 131 -Photo re: Building 8 & 9, Interior (Showing drywall still not completed and no electrical trim or fixtures installed)	JA002317-JA002318	40
	Trial Exhibits 38 and 132 - Photo re: Building 8 & 9, Interior (Showing drywall still not completed and no electrical trim or fixtures installed)	JA002319-JA002320	41
	Trial Exhibit 39 -Email from K. Costen to Subcontractors informing that Manhattan West Project no longer open	JA002321-JA002322	41
	Trial Exhibit 40- Letter from D. Parry to Subcontractors Re: Funding Withdrawn	JA002323 JA002326	41
	HELIX Related Exhibits:		41
	Trial Exhibit 46 - Helix Pay Application No. 16713-008R1 with Proof of Payment	JA002327-JA002345	41
	Trial Exhibit 47 - Helix Pay Application No. 16713-009R1 with Proof of Payment	JA002346-JA002356	41
	Trial Exhibit 48 - Email from R. Nickerl to B. Johnson Re: Work Suspension Directive	JA002357-JA002358	41
	Trial Exhibit 49 -Helix Pay Application No. 16713-010R2 with Proof of Payment	JA002359-JA002364	41/42
	Trial Exhibit 50 - Unconditional Waiver and Release re: Pay Application No. 8 with Copy of Payment	JA002365-JA002366	42
	Trial Exhibit 51 - Photo re: Building 8 & 9, South (No Exterior fixtures installed. Helix billed out at 90%)	JA002367-JA002368	42
	Trial Exhibit 52 -Photo re: Building 8 & 9, North (No Exterior fixtures installed. Helix billed out at 90%)	JA002369-JA002370	42
	Trial Exhibit 53 -Photo re: Building - 2 & 3, West (No Exterior fixtures installed. Helix billed out at 90%)	JA002371-JA002372	42

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	Trial Exhibit 54 - Photo re: Building - 2 & 3, East (No Exterior fixtures installed. Helix billed out at 90%)	JA002373-JA002374	42
	Trial Exhibit 55 - Photo re: Building 2 & 3, East (No Exterior fixtures installed. Helix billed out at 90%)	JA002375-JA002376	42
	Trial Exhibit 56 - Photo re: Building 8 & 9, North (No Exterior fixtures installed. Helix billed out at 90%)	JA002377-JA002378	42
	Trial Exhibit 57 - Photo re: Building 2 & 3, and 8 & 9, North (No Exterior fixtures installed. Helix billed out at 90%)	JA002379-JA002381	42
	Trial Exhibit 58 - Helix Pay Application No. 16713-011R1 submitted to Owner	JA002382-JA002391	42
	Trial Exhibit 59 - Helix Pay Application No. 16713-011R1 given to Camco with Proof of Payment	JA002392-JA002405	43
	Trial Exhibit 60 - Helix Retention Rolled to Camco	JA002406-JA002415	43
	Trial Exhibit 61 - Unconditional Waiver and Release re: all Invoices through June 30, 2008 with Proof of Payment	JA002413-JA002415	43
	Trial Exhibit 62 - Photo re: Building 8 & 9, South	JA002416-JA002417	43
	Trial Exhibit 63 - Photo re: Building 2 & 3, West	JA002418-JA002419	43
	Trial Exhibit 64 - Photo re: Building 2 & 3, West	JA002420-JA002421	43
	Trial Exhibit 65 - Photo re: Building 2 & 3, South	JA002422-JA002423	43
	Trial Exhibit 66 - Letter of transmittal from Helix to APCO re: Helix Pay Application No. 16713-011R1	JA002424-JA002433	43
	Trial Exhibit 67 - Photo re: Building 8 & 9, West (No exterior fixtures installed. Helix billed out 90%)	JA002435-JA002436	43

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	Trial Exhibit 68 -Photo re: Building 8 & 9, West (No exterior fixtures installed. Helix billed out 90%)	JA002437-JA002438	43
	Trial Exhibit 69 - Photo re: Building 2 & 3, East (No exterior fixtures installed. Helix billed out 90%)	JA002439-JA002440	43
	Trial Exhibit 70 - Photo re: Building 8 & 9, South (No exterior fixtures installed. Helix billed out 90%)	JA002441-JA002442	43
	Trial Exhibit 71 - Photo re: Building 8 & 9, West (No exterior fixtures installed. Helix billed out 90%)	JA002443-JA002444	43
	Trial Exhibit 72 - Photo re: Building 2 & 3, East (No exterior fixtures installed. Helix billed out 90%)	JA002445-JA002446	43
	Trial Exhibit 73 - Photo re: Building 8 & 9, West (No exterior fixtures installed. Helix billed out 90%)	JA002447-JA002448	43
	Trial Exhibit 74 - Photo re: Building 2 & 3, East (No exterior fixtures installed. Helix billed out 90%)	JA002448-JA002449	43
	Trial Exhibit 75 - Unconditional Release re: Pay Application No. 16713-011R1 with Proof of Payment	JA002450-JA002456	43
	Exhibit 77 - Helix Statement of Facts Constituting Notice of Lien and Third-Party Complaint	JA002457-JA002494	43
	Zitting Brothers Related Exhibits:		
	Trial Exhibit 100 - Check No. 14392 payable to Zitting ($27,973.80); Progress Payment No. 7	JA002495-JA002497	44
	Trial Exhibit 101 - Email from R. Nickerl to R. Zitting re: Change Orders	JA002498-JA002500	44
	Trial Exhibit 102 -Email from L. Lynn to J. Griffith, et al. re: Change Order No. 00011 “pending”	JA002501-JA002503	44

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	Trial Exhibit 103- Email from R. Zitting to R. Nickerl re: change orders adjusted to $30 per hour	JA002504-JA002505	44
	Trial Exhibit 104 - Email from R. Zitting to R. Nickerl re: change orders adjusted to $30 per hour with copies of change orders	JA002506-JA002526	44
	Trial Exhibit 105 - Ex. C to the Ratification – Zitting Quotes	JA002527-JA002528	44
	Trial Exhibit 106 - Unconditional Lien Release – Zitting ($27,973.80)	JA002529	44
	Trial Exhibit 108 - Photo of Video (Construction Project)	JA002530-JA002531	44
	Trial Exhibit 109 - Photo of Video (Construction Project)	JA002532-JA002533	44
	Trial Exhibit 110 - Photo of Video (Construction Project)	JA002534-JA002535	44
	Trial Exhibit 111 - Photo of Video (Construction Project)	JA002536-JA002537	44
	Trial Exhibit 112 - Photo of Video (Construction Project)	JA002538-JA002539	44
	Trial Exhibit 113 -Photo of Video (Construction Project)	JA002550-JA002541	44
	Trial Exhibit 114 -Photo of Video (Construction Project)	JA002542-JA002543	44
	Trial Exhibit 115 - Progress Payment No. 9 Remitted to Zitting	JA002544-JA002545	44
	Trial Exhibit 116 - Ratification and Amendment of Subcontract Agreement between Buchele and Camco	JA002546-JA002550	44
	Trial Exhibit 117 - C to the Ratification	JA002551-JA002563	44
	Trial Exhibit 118 - Q&A from Gemstone to subcontracts	JA002564-JA002567	44
	Trial Exhibit 119 - Check No. 528388 payable to APCO ($33,847.55) – Progress Payment No. 8.1 and 8.2	JA002568-JA002571	44

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	Trial Exhibit 120 - Tri-City Drywall Pay Application No. 7 to APCO as submitted to Owner. Show percentage complete for Zitting	JA002572-JA002575	44/45
	Trial Exhibit 127 - Photo of Video (Construction Project)	JA002576-JA002577	45/46
	Trial Exhibit 128 - Photo of Video (Construction Project)	JA002578-JA002579	46
	Trial Exhibit 129 - Photo of Video (Construction Project)	JA002580-JA002581	46
	Trial Exhibit 138 - Memo from Scott Financial to Nevada State Contractors Board Re: Explanation of Project Payment Process	JA002582-JA002591	46
	Trial Exhibit 152 -Terms & Conditions modified by APCO, Invoices and Check Payment	JA002592-JA002598	46
	National Wood Products Related Exhibits:		
	Trial Exhibit 160 - Documents provided for settlement	JA002599-JA002612	46
	CAMCO Related Exhibits:		
	Trial Exhibit 163 - Camco Pay Application No. 12 to Gemstone	JA002613-JA002651	46/47
	Trial Exhibit 165 - Letter from D. Parry to A. Edelstein re: Gemstone losing funding for project	JA002652-JA002653	47
	Trial Exhibit 166 - Letter from D. Parry to G. Hall re: withdrawal of funding	JA002654 JA002656	47
	Helix Related Exhibits:		47
	Trial Exhibit 169 - Helix Exhibit to Standard Subcontract Agreement with Camco	JA 002665 JA002676	47/48
	Trial Exhibit 170 - Subcontract Agreement between Helix and Camco (unsigned)	JA002677-JA002713	48

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	Trial Exhibit 171 - Work Order No. 100	JA002714-JA002718	48
	Trial Exhibit 172 - Letter from J. Griffith to Victor Fuchs Re: Gemstone's intention to continue retention of Helix w/copy of Ratification and Amendment of Subcontract Agreement	JA002719-JA002730	48
	Trial Exhibit 173 - Helix Pay Application No. 16713-012 to Camco with proof of payment	JA002731-JA002745	48
	Trial Exhibit 174 - Helix Change Order Request No. 28	JA002746-JA002747	48
	Trial Exhibit 175 - Change Notice No. 41	JA002748-JA002751	48
	Trial Exhibit 176 - Helix Pay Application No. 16713-013 to Camco	JA002752-JA002771	48/49
	Trial Exhibit 177 - Helix Pay Application No. 16713-014 to Camco	JA002772-JA002782	49
	Trial Exhibit 178 - Camco's letter to Helix rejecting Pay Application No. 16713-015 with attached copy of Pay Application	JA002783 JA002797	49
	National Wood/Cabinetec Related Exhibits:		
	Trial Exhibit 184 - Ratification and Amendment of Subcontract Agreement between CabineTec and Camco (fully executed copy)	JA002798-JA002825	49
	General Related Exhibits:		
	Trial Exhibit 218 - Camco/Owner Pay Application No. 11 w/Backup	JA002826-JA003028	50/51/52
	Trial Exhibit 220 - Camco/Owner Pay Application No. 12 w/Backup	JA003029-JA003333	52/53/54/55
	Trial Exhibit 313 - Letter from A. Edelstein to R. Nickerl re: NRS 624 Notice	JA003334-JA003338	55
	Helix Trial Exhibits:		

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	Trial Exhibit 501 - Payment Summary	JA003339 – JA003732	55/56/57/ 58/59/60
	Trial Exhibit 508 – Helix Pay Application	JA003733- JA003813	60/61
	Trial Exhibit 510 - Unsigned Subcontract	JA003814- JA003927	61/62
	Trial Exhibit 512 - Helix's Lien Notice	JA003928- JA004034	62/63
	Trial Exhibit 522 - Camco Billing	JA004035- JA005281	63/64/65/66/67/ 68/69/70 /71/72 /73/74/75/ 76/77
01-17-18	**Transcript Bench Trial (Day 1)**[5]	**JA001668- JA001802**	**29/30**
	Trial Exhibit 1 - Grading Agreement ***(Admitted)***	JA001803- JA001825	30
	Trial Exhibit 2 – APCO/Gemstone General Construction Agreement ***(Admitted)***	JA001826- JA001868	30
	Trial Exhibit 3 - Nevada Construction Services /Gemstone Cost Plus/GMP Contract Disbursement Agreement ***(Admitted)***	JA001869- JA001884	30
	Trial Exhibit 4 - APCO Pay Application No. 9 Submitted to Gemstone ***(Admitted)***	JA001885- JA001974	30/31/32
	Trial Exhibit 5 - Letter from J. Barker to A. Edelstein re: APCO's Notice of Intent to Stop Work ***(Admitted)***	JA001975- JA001978	32
	Trial Exhibit 6 - Letter from J. Barker to A. Edelstein re: APCO's Notice of Intent to Stop Work ***(Admitted)***	JA001979- JA001980	32
	Trial Exhibit 10 - Letter from J. Barker to A. Edelstein Re: Notice of Intent to Stop Work (Second Notice) ***(Admitted)***	JA001981- JA001987	32

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	Trial Exhibit 13 - Letter from A. Edelstein to Re. Nickerl Re: Termination for Cause (Gemstone) ***(Admitted)***	JA001988-JA002001	32
	Trial Exhibit 14 - Letter from W. Gochnour to Sean Thueson Re: [APCO's] Response to [Gemstone's] Termination for Cause ***(Admitted)***	JA002002-JA002010	33
	Trial Exhibit 15 - Letter from R. Nickerl to A. Edelstein Re: 48-Hour Notices ***(Admitted)***	JA002011-JA002013	33
	Trial Exhibit 16 - Email from J. Horning to A. Berman and J. Olivares re: Joint Checks ***(Admitted)***	JA002014	33
	Trial Exhibit 23 - APCO Subcontractor Notice of Stopping Work and Letter from J. Barker to A. Edelstein Re: Notice of Stopping Work and Notice of Intent to Terminate Contract ***(Admitted)***	JA002015-JA002016	33
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	Trial Exhibit 506 – Email and Contract Revisions ***(Admitted)***	JA002189 – JA002198	36
01-18-18	**Transcript – Bench Trial (Day 2)**[6]	JA005284-JA005370	78
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01-19-18	**Transcript – Bench Trial (Day 3)**[7]	JA005624-JA005785	80
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	Trial Exhibit 314 - Declaration of Victor Fuchs in support of Helix's Motion for Partial Summary Judgment against Gemstone ***(Admitted)***	JA005802-JA005804	80
	Trial Exhibit 320 – June-August Billings—not paid to APCO ***(Admitted)***	JA005805	80
	Trial Exhibit 321 – Overpayments to Cabinetec ***(Admitted)***	JA005806-	80

[6] Filed January 31, 201879
[7] Filed January 31, 2018

Date	**Description**	**Bates Number**	**Volume(s)**
	Trial Exhibit 536 – Lien math calculations (handwritten) ***(Admitted)***	JA005807-JA005808	80
	Trial Exhibit 804 – Camco Correspondence ***(Admitted)***	JA005809-JA005816	80
	Trial Exhibit 3176 – APCO Notice of Lien ***(Admitted)***	JA005817-JA005819	81
01-24-18	**Transcript – Bench Trial (Day 5)**[8]	**JA005820-JA005952**	81
01-24-19	**Transcript for All Pending Fee Motions on July 19, 2018**	**JA007300-JA007312**	**100/101**

[8] Filed January 31, 2018

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DISTRICT COURT

CLARK COUNTY, NEVADA

APCO CONSTRUCTION, a Nevada corporation, Plaintiff, vs GEMSTONE DEVELOPMENT WEST, INC., Nevada corporation; NEVADA CONSTRUCTION SERVICES, a Nevada corporation; SCOTT FINANCIAL CORPORATION, a North Dakota corporation; COMMONWEALTH LAND TITLE INSURANCE COMPANY; FIRST AMERICAN TITLE INSURANCE COMPANY and DOES I through X, Defendants. AND ALL RELATED MATTERS.	CASE NO.: A571228 DEPT. NO.: XIII *Consolidated with:* A571792, A574391, A577623, A580889, A583289, A584730, and A587168 **HELIX ELECTRIC OF NEVADA, LLC'S REPLY RE: MOTION TO RETAX COSTS**

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Helix Electric of Nevada, LLC ("Helix") by and through its counsel of record, the law firm of PEEL BRIMLEY LLP, hereby respectfully submits the following Reply to re: Defendant APCO Construction's ("APCO") Opposition to Helix's[1] Motion to Retax Costs.

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[1] APCO's Opposition jointly opposes Helix's Motion and National Wood Products' ("NWP") Motion to Retax Costs, in which Helix has joined. Helix's Reply therefore applies in equal measure to APCO's Opposition to NWP's Motion.

This Reply is made and based on the points and authorities provided below, the papers and pleadings on file herein, and any oral argument to be heard by this Court at the hearing on this matter.

Respectfully submitted this 29 day of June, 2018.

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REPLY MEMORANDUM OF POINTS AND AUTHORITIES

I. APCO FAILED TO ALLOCATE ITS COSTS

APCO has the burden of demonstrating that its costs were "reasonable, necessary, and actually incurred," *Cadle Co. v. Woods & Erickson, LLP*, 131 Nev. Adv. Op. 15, 345 P.3d 1049, 1054 (Nev. 2015), citing *Bobby Berosini, Ltd. v. PETA,* 114 Nev. 1348 (1998). APCO initially did little more than list alleged (and, in many cases, legally unrecoverable) costs and allocate them Helix and NWP on a 50/50 basis. Notwithstanding APCO's belated effort (by way of its Opposition) to justify and document such costs, Helix respectfully submits that APCO's Opposition offers little, if any, clarification, justification or explanation of its demand for more than $57,000 in costs from Helix and NWP. APCO's Opposition also fails to accurately allocate such costs (to the extent they are at all recoverable).

As requested in Helix's Motion and in its (and NWP's) Opposition to APCO's Motion for Fees and Costs[2], this Court should deny or substantially reduce APCO's request for costs because such costs are not allowed by statute and are not reasonable or necessary. Any costs the Court deems allowable, reasonable and necessary should be further reduced to account for the

[2] These intertwined motions are all set for hearing on the same date.

numerous other subcontractor parties to which some or all of the costs should have been allocated.

II. APCO FAILS TO JUSTIFY ITS COSTS.

Without agreeing that APCO is entitled to any award of costs, Helix will address APCO's specific attempts to justify its costs in the order presented in APCO's Opposition as follows:

A. Categories of Costs Incurred by Spencer Fane (per APCO's Opposition)

1. Messenger Services.

In seeking messenger fees as costs, APCO fails to demonstrate – and cannot do so – that such expenses are recoverable costs identified in NRS 18.005. APCO also fails to dispute – and cannot do so – that messenger fees should be included in a motion for attorneys' fees, not in a memorandum of costs (see *LVMPD v. Yeghiazarian*, 312 P.3d 503, 510, 129 Nev. 760, 769 (2013)). Even if such costs are recoverable, many of these deliveries relate to matters (as more fully discussed in Helix's Opposition to APCO's Motion for Fees and Costs) that provided no benefit to APCO, including numerous motions that APCO lost. By way of example only, APCO's "supporting documentation" shows on its fact that APCO seeks recovery of (i) messenger fees to deliver its failed motion for reconsideration and reply to the same, (ii) a stipulation and order to dismiss that obviously relates to some other party, (iii) check and invoices for some unknown purpose, and (iv) offers of judgment that were – as demonstrated in Helix's Opposition – made five years late. [*See e.g.*, APCO Ex. B]. In addition, there are multiple messenger fees [*see* Ex. L] that appear to be related to delivery of documents from APCO's first law firm to its second law firm and then to its third law firm. Helix should not be responsible for such duplication.

APCO also provides, as supporting documentation for various types of costs, a spreadsheet purporting to identify the source and reason but without any back-up or invoices. [*See e.g.*, APCO Ex 1-A]. Without such backup documentation, Helix has no way of knowing whether these items are accurately represented and relate in any way to Helix. Because APCO has the burden of segregating related and unrelated (as well as productive and unproductive) costs, it is not incumbent upon Helix to prove the negative. While some of these costs may be

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appropriate (assuming they are even allowable under NRS 18.005, many of which are not), it is impossible to accurately determine the amount that should be awarded. This failure of specificity alone is ground for rejection of APCO's request for costs.

2. Photocopies and Reproductions.

While photocopies are allowable costs, APCO's costs are grossly excessive on their face – more than $15,000!! Indeed, a single APCO invoice indicates that more than 33,000 copies were made and the total number of document pages identified in the supporting documents (from Spencer Fane alone) exceeds 70,000 items. While APCO grossly over-listed its trial exhibits (identifying virtually every document it disclosed pursuant to NRCP 16.1), it had no intention of using all or even most of those exhibits at trial and, of course, did not do so. Similarly, Helix and NWP did not disclose anything approaching this number of pages.

Helix's trial exhibits (including more than 1,600 pages of deposition transcripts that APCO did not need to reproduce as well as documents pertaining to its claims against Camco) total less than 3,300 pages. The Court admitted far fewer documents than this. Helix cannot fathom how APCO could have required more than 70,000 pages of documents to be printed for this trial. While a reasonable charge is appropriate, APCO's claim is excessive on its face. In addition, APCO seeks recovery for editing videos it showed at trial. However, these videos demonstrated nothing of evidentiary value and appear to have been offered as evidence of a contention it later withdrew (i.e. that Helix's compensation from Martin Harris Construction for its work on a subsequent project somehow compensated Helix for work on the Manhattan West project). As such, no recovery should be had for these items.

3. Court Reporters and Transcripts.

While APCO is entitled to a reasonable recovery of the costs of transcripts, these amounts should be reduced and further allocated among the parties who participated – i.e., not just Helix and NWP.

4. Travel and Lodging.

As Helix has argued, travel and lodging for out-of-state counsel is not appropriate here. This was a trial of a Nevada action involving a Nevada construction project and Nevada parties.

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While APCO was within its rights to hire Mr. Jeffries, who resides in Arizona, as its trial counsel, APCO already had multiple qualified law firms and attorneys on the case with offices and resident counsel in Nevada. The cases APCO relies upon are all California cases, interpreting California rules of practice, and have not been adopted in Nevada. APCO should not recover any of these costs.

5. Computerized Legal Research.

APCO cannot dispute that the Nevada Supreme Court has deemed computerized legal research expenses to be "more closely related to the attorney's fee than to the kinds of recoverable costs defined in NRS 18.005." *Gibellini v. Klindt*, 110 Nev. 1201, 1204 (1994). As such, these are not recoverable costs. Strangely, as support for recovery of such expenses, APCO relies on *Waddell v. L.C.R.V Inc.*, 122 Nev. 15 (2006). However, that court did not award such costs and apparently did not consider *Gibellini*.

6. Spencer Fane Cost Summary.

a. Spencer Fane's costs cannot be allocated solely to Helix and NWP.

APCO argues that whatever costs the Court may deem reasonable as incurred by the Spencer Fane firm should only be allocated to Helix and NWP because its work "focused on defending against" these claims. Yet APCO admits that Spencer Fane participated in "some relatively minor negotiations with other subcontractors," acknowledging (as it must) that there continued to be other subcontractors involved in this action even until May 2018. Moreover, Spencer Fane's billing records submitted in support of APCO's motion for fees and costs belies this attempt to minimize its participation in the defense of all of the parties' claims against APCO. The Court should reject APCO's imprecise and self-serving attempt to thrust upon Helix and NWP 100% of the costs of expenses incurred in defending the claims of multiple subcontractor parties.

b. APCO is not entitled to accounting costs.[3]

APCO claims entitlement to "an additional $10,500 from Helix as a result of a 2010 Nevada State Contractor's Board audit of APCO's finances, ordered as a result of Helix's claims

[3] As these expenses were incurred in 2009, Helix does not understand why they are included in APCO's evaluation of Spencer Fane's costs. Spencer Fane did not appear in this case until September 2017,

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against APCO in this matter. None of these assertions is accurate, as demonstrated by APCO's own "supporting documentation" and APCO offers no affidavit from anyone with personal knowledge to support its contentions. More fundamentally, there is no basis under Nevada law for APCO to receive such expenses as a litigation cost. As noted Helix's Motion, this is not a cost item identified in NRS 18.005.

It appears that, as part of some Nevada State Contractors Board ("NSCB") investigation (this project is not even identified on the NSCB letter) the NSCB required APCO to provide (among other things) "a current financial statement dated within the last six months." The NSCB can do this at any time an investigation is conducted against the licensee. *See* NRS 624.323(1). APCO provides no proof that it was being investigated as a result of a complaint by Helix and not some other party or entirely unrelated matter. Moreover, the Board did not require APCO to ***prepare*** such documents in response to the investigation; rather it required APCO to ***provide*** the type of financial documentation that any contractor of APCO's stature would and should already have in its possession. As such, there is no proof (other than a handwritten note by an unknown person apparently attached to the accountant's invoice) to tie the preparation of the financial statement to Helix. Were this cost truly attributable to Helix, APCO would have provided an affidavit from the accountant attesting to that fact, but tellingly it did not do so. Again, and even if the cost is wholly attributable to Helix, APCO offers no legal basis – because there is none - for it to obtain reimbursement of accounting expenses relating to an administrative proceeding as a cost awardable in a District Court action. This "cost" should be denied in its entirety.

B. Categories of Costs Incurred by Marquis Aurbach (per APCO's Opposition)

1. Filing Fees.

In seeking recovery of filing fees, APCO it conveniently neglects to acknowledge that it was a PLAINTIFF in this action, which it commenced against Gemstone (while it was represented by a different law firm). Helix is not responsible for APCO's filing fees as a plaintiff filing affirmative claims against another. APCO also does not identify specific fees is ascribes to Helix. Further, even if APCO were entitled to a recovery of some portion of its filing fees, Helix should be responsible for no more than 1/30th of that cost. APCO's failure to acknowledge these

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facts demonstrates its approach to costs generally: throw everything at the wall and hope something sticks. This is the opposite of APCO's burden.

2. Special Master Fees.

Helix does not object to recovery of some portion of APCO's Special Master Fees. However, as the Special Master Orders and Reports demonstrate (*see e.g.*, Helix's Opposition to APCO Motion for Fees and Costs, Ex. 7) there were no less than 14 subcontractor parties (i.e., exclusive of APCO and Camco). Nonetheless, and improperly, APCO seeks recovery of 100% of these costs from Helix and/or NWP. These costs should be reduced to no more than $219.00 (i.e. 1/14th of the amount sought).

3. Printing services.

The reproduction costs billed to Marquis & Aurbach ("M&A") are not from trial but from earlier motions or hearings for which APCO has not provided any basis of recovery. [*See* APCO Ex. I]. In addition, APCO is apparently seeking recovery for costs of copying done at M&A [*see* APCO Exs. O, P] at $0.25 per page. Not only is this charge grossly excessive (and appears to be a means of compensating M&A's labor costs), there is no proof that M&A actually charged APCO, and that APCO paid, such grossly exorbitant costs.

4. Transcript and Reporter's Fees.

As argued above, while APCO is entitled to a reasonable recovery of transcripts, these amounts should be reduced and further allocated among the parties who participated – i.e., not just Helix and NWP.

5. "Professional services."

APCO is here seeking attorney's fees billed to APCO by a ***bankruptcy law firm*** that APCO engaged to advise it during a mediation involving multiple subcontractors (yet allocates the entirety of these fees to Helix and NWP). First, these are attorney's fees and not "costs." As such, they are plainly not recoverable under NRS 18.005. APCO offers no legal support for seeking these costs. The bankruptcy firm did not appear in the case and APCO is not seeking those costs as part of its motion for attorney's fees (nor would they be recoverable as such). Simply stated, these are not "costs" and may not be awarded.

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6. Long distance calls.

This is a *de minimis* cost and, as such is almost not worth the effort to oppose. Nonetheless, APCO must demonstrate that the calls were specifically related to claims against it by Helix (alone) and/or NWP (alone). Simply listing calls, dates, times and amounts is not enough.

7. Flash drives.

The words "flash drive" do not appear anywhere in NRS 18.005 as awardable costs. These are (reusable) technological devices that APCO's attorneys have chosen to use for its convenience. Again, this is a *de minimis* expense but should nonetheless be denied as a cost.

8. Messenger services.

Helix reiterates and adopts by reference its arguments above relating to APCO's request for messenger services incurred by Spencer Fane.

9. Parking fees.

APCO seeks from Helix recovery of 50% of its parking fees dating back to June 2016 (when there were no less than 18 subcontractors involved) and including parking costs for hearings not only relating to multiple subcontractors but, in some cases, different subcontractors. For example, one receipt contains the notation "hearing on Insulpro's MSJ." That motion hearing in June 2016, obviously had nothing to do with Helix. Several receipts pertain to parking for the hearing on APCO's motion for partial summary judgment, which was denied, and to the hearing on motions *in limine* and the summary judgment regarding Pay-if-Paid, all of which were substantially adverse to APCO. Other receipts have dates smudged or otherwise illegible and it is impossible to know what the matter pertained to and why Helix should be responsible for the same. Another, dated October 5, 2017, pertains to a hearing on Zitting Bros. motion for summary judgment. Why would Helix be responsible for this?

While these "costs" are also arguably *de minimis*, it is troubling that APCO would include and seek compensation as costs for items that have absolutely nothing to do with Helix. Either APCO assumed Helix's counsel would not actually look at the receipts or it failed to appropriately vet its own claim. Either way, this is a colossal waste of time, results in

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unnecessary time spent by Helix's counsel and drives up Helix's costs. Not only should APCO not be awarded these costs, any award of costs given to APCO for other items should be offset by a credit to Helix for unnecessary fees it caused Helix to incur in defending against APCO's request for costs.

10. Postage.

It is unclear whether the postage cost of $29.31 actually pertains to Helix or whether APCO could ever actually provide that it is. As this is a *de minimis* cost, Helix leaves this to the sound discretion of the Court, though any award should be only 1/14th of the amount sought.

11. Westlaw research.

Helix reiterates and adopts by reference its arguments above relating to APCO's request for electronic legal research costs incurred by Spencer Fane. These costs should be denied in their entirety.

12. Copies.

It is unclear whether and to what extent APCO's request for "reproduction costs" (see above) and "copies" overlap. As above, Helix believes that the reproduction costs billed to Marquis & Aurbach ("M&A") are not from trial but from earlier motions, hearings, letters and other communications that may not even involve Helix for which APCO has not provided any basis of recovery. [*See* APCO Ex. O]. In addition, APCO is apparently seeking recovery for costs of copying done in-house at M&A [*see Id.*] and charged at $0.25 per page. Not only is this charge grossly excessive (and appears to be a means of compensating M&A's labor costs), there is no proof that M&A actually charged APCO, and that APCO actually paid, such grossly exorbitant costs.

13. Scanning.

Similarly, APCO submits in Exhibit P internal records of Marquis & Aurbach charging their client $0.25 per page to scan "unspecified" items that may or may not pertain to Helix and for which there is no way to evaluate the claim. Simply because such costs may relate to the Manhattan West litigation does mean they relate to Helix, in whole or in part. APCO has the burden of demonstrating that the costs are reasonable and necessary, were actually incurred, and

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relate to Helix. *See Cadle Co.* 345 P.3d at 1054 (Nev. 2015). APCO has failed to meet this burden.

14. Argument re: splitting costs.

APCO argues that the claims of the numerous other parties to the litigation were "inextricably intertwined" with the claims by Helix and NWP. This argument actually supports Helix's position that APCO's costs must be allocated among all of the other subcontractor parties (whose claims were "inextricably intertwined" with Helix's and NWP's). Further, and while some matters related to multiple claims (and, therefore, justify a reduction and further apportionment of APCO's costs and fees), some matters relate solely to Helix, NWP or any of the other numerous claimants and should be clearly identified as such. There is no rule that allows APCO to seek from Helix and NWP costs pertaining to APCO's defense of claims by others simply because Helix and NWP were the last claimants standing. In fact, the opposite is true: APCO must prove that its costs were reasonable, necessary and pertain to Helix. APCO has failed in that burden.

CONCLUSION

Based on the foregoing, the Court should retax APCO's memorandum of costs to $0.00 or such other reasonable amount the Court may deem appropriate.

Respectfully submitted this 29 day of June, 2018.

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CERTIFICATE OF SERVICE

Pursuant to Nev. R. Civ. P. 5(b), I certify that I am an employee of PEEL BRIMLEY LLP and that on this 29th day of June 2018, I caused the above and foregoing document entitled **HELIX ELECTRIC OF NEVADA, LLC'S REPLY RE: MOTION TO RETAX COSTS** 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 to the party(ies) and/or attorney(s) listed below; and/or
- ☒ to registered parties via Wiznet, the Court's electronic filing system;
- ☐ pursuant to EDCR 7.26, to be sent **via facsimile;**
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DISTRICT COURT

CLARK COUNTY, NEVADA

APCO CONSTRUCTION, a Nevada corporation, Plaintiff, vs GEMSTONE DEVELOPMENT WEST, INC., Nevada corporation; NEVADA CONSTRUCTION SERVICES, a Nevada corporation; SCOTT FINANCIAL CORPORATION, a North Dakota corporation; COMMONWEALTH LAND TITLE INSURANCE COMPANY; FIRST AMERICAN TITLE INSURANCE COMPANY and DOES I through X, Defendants.	CASE NO.: A571228 DEPT. NO.: XIII *Consolidated with:* A571792, A574391, A577623, A580889, A583289, A584730, and A587168 **NOTICE OF ENTRY OF ORDER**
AND ALL RELATED MATTERS.	

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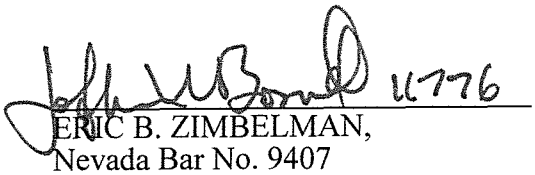
Case Number: 08A571228

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that an Order Granting Helix Electric of Nevada, LLC's Motion for Attorney's Fees, Interest and Costs was filed on **July 2, 2018**, a copy of which is attached as Exhibit A.

DATED this 2 day of July, 2018.

PEEL BRIMLEY LLP



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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of PEEL BRIMLEY LLP and that on this 12 day of July 2018, I caused the above and foregoing document entitled **NOTICE OF ENTRY OF ORDER** 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 to the party(ies) and/or attorney(s) listed below; and/or

☒ to registered parties via Wiznet, the Court's electronic filing system;

☐ pursuant to EDCR 7.26, to be sent **via facsimile;**

☐ to be hand-delivered; and/or

☐ other _____

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Exhibit A

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DISTRICT COURT

CLARK COUNTY, NEVADA

APCO CONSTRUCTION, a Nevada corporation, Plaintiff, vs. GEMSTONE DEVELOPMENT WEST, INC., Nevada corporation; NEVADA CONSTRUCTION SERVICES, a Nevada corporation; SCOTT FINANCIAL CORPORATION, a North Dakota corporation; COMMONWEALTH LAND TITLE INSURANCE COMPANY; FIRST AMERICAN TITLE INSURANCE COMPANY and DOES I through X, Defendants. AND ALL RELATED MATTERS.	CASE NO.: A571228 DEPT. NO.: XIII *Consolidated with:* A571792, A574391, A577623, A580889, A583289, A584730, and A587168 **ORDER GRANTING HELIX ELECTRIC OF NEVADA, LLC'S MOTION FOR ATTORNEY'S FEES, INTEREST AND COSTS**

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This matter came on for hearing July 2, 2018, before the Honorable Mark Denton in Dept. 13 on Helix Electric of Nevada, LLC's ("Helix") Motion for Attorney's Fees, Interest and Costs. No Oppositions having been filed, a Notice of Non-Opposition was filed June 21, 2018. Jefferson W. Boswell, Esq. of PEEL BRIMLEY LLP appeared on behalf of Helix. No other appearances having been made.

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Case Number: 08A571228

The Court having considered all of the pleadings and papers on file, and after review of the pleadings on file and for good cause appearing,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Helix's Motion for Attorney's Fees, Interest and Costs is granted.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that attorneys' fees in the amount of $153,342.10 is granted.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that costs in the amount of $19,021.90 is granted.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that interest in the amount of $270,761.37 through May 31, 2018 (and continuing to accrue until paid) is granted;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Helix's request for an Amended Judgment in the amount of $1,277,601.82, with interest accruing thereon from the date of Judgment at prime plus 4% is granted.

Dated this 2nd day of June, 2018.

DISTRICT COURT JUDGE

Submitted by:
PEEL BRIMLEY LLP

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Attorneys for Plaintiff-In-Intervention,
NATIONAL WOOD PRODUCTS, INC., a Utah corporation

DISTRICT COURT

CLARK COUNTY, NEVADA

APCO CONSTRUCTION, a Nevada corporation, Plaintiff, vs. GEMSTONE DEVELOPMENT WEST, INC., a Nevada corporation; et al., Defendants. AND ALL RELATED MATTERS.	CASE NO. A571228 DEPT. NO.: XIII *Consolidated with:* *A574391; A574792; A577623; A583289; A587168; A580889; A584730; A589195; A595552; A597089; A592826; A589677; A596924; A584960; A608717; A608718; and A590319* **PLAINTIFF-IN-INTERVENTION NATIONAL WOOD PRODUCTS, INC.'S SURREPLY TO APCO CONSTRUCTION'S REPLY TO PLAINTIFF-IN-INTERVENTION NATIONAL WOOD PRODUCTS, INC.'S OPPOSITION TO MOTION FOR ATTORNEYS' FEES AND COSTS** HEARING: JULY 19, 2018 TIME: 9:00 A.M. DEPT.: XIII

Plaintiff-in-Intervention, NATIONAL WOOD PRODUCTS, INC ("**National Wood**"), by and through its counsel of record, the law offices of Richard L. Tobler, Ltd. and Cadden & Fuller LLP, hereby submit its Surreply to APCO CONSTRUCTION's ("**APCO**") Reply to National Wood's Opposition to Motion for Attorneys' Fee and Costs ("**Reply**").

This Surreply is based upon the memorandum of points and authorities set forth herein, the pleadings and papers filed herein and any oral argument requested by counsel.

MEMORANDUM OF POINTS AND AUTHORITIES

1. INTRODUCTION

APCO wants to have its cake and eat it, too.

APCO specifically requested that this Court rule that APCO was not a party to the Subcontract Agreement between APCO and Cabinetec, Inc. ("Subcontract"). The Court agreed and ruled that, because APCO was not a party to the Subcontract, it has no burdens under the Subcontract. Now, however, APCO is requesting the benefits of the Subcontract it went to great pains to disavow. Nevada law does not support this. Instead, if, as APCO claimed and the Court ruled, APCO is not a party to the Subcontract, it cannot be awarded fees pursuant to the Subcontract.

Similarly, APCO specifically requested that the Court find that this entire action was a single consolidated action with a single trial. The Court agreed and found that the single trial of this consolidated action commenced on October 30, 2012. Now, APCO wants the Court to disregard its earlier request and find that, instead, this consolidated action consisted of several bifurcated trials. APCO cites to no bifurcation order. Instead, as requested by APCO, this action was consolidated, not bifurcated, and consisted of a single, extended trial. APCO's Offer of Judgment ("APCO Offer") was untimely.

Finally, even if APCO were entitled to an award of attorneys' fees, APCO is seeking unreasonable amounts. Furthermore, a substantial portion of the attorneys' fees requested relate to

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events outside the scope of the attorneys' fee provision. Similarly, the attorneys' fees are not properly allocated between the multiple claimants.

Simply stated, APCO is not entitled to be awarded any fees. If it is, the award should be substantially smaller than APCO's request.

2. UNDER NEVADA LAW, APCO, WHO IS NOT A PARTY TO THE CONTRACT, HAS NO RIGHT TO SEEK ATTORNEYS' FEES.

In its Reply, APCO claims that it is entitled to attorneys' fees since National Wood instituted the lawsuit and this action arose out of the subcontract work pursuant to the attorneys' fees provision in the Subcontract Agreement ("Subcontract"). Moreover, APCO claims that there is nothing in Section 18.5 of the Subcontract that requires APCO to be a present party to the Subcontract. To support its claim (first raised in its Reply), APCO cited two California cases[1] that reviewed the contractual attorneys' fees provisions which limited recovery of attorneys' fees "between the parties" or to the "other party." Based on the limiting language in the California cases, APCO believes that Section 18.5 of the Subcontract "grants fees generally to the 'prevailing party' after one party initiates litigation." [APCO's Reply, p. 3:6-8.] APCO is wrong.

Nevada's statutory provision regarding attorney's fees provides in pertinent part that "the compensation of an attorney and counselor for his services is governed by agreement, express or implied, which is not restrained by law." (*NRS 18.010(1).*) The Nevada Supreme Court has held that "[i]t is settled that attorneys' fees are not recoverable absent a statute, rule or contractual provision to the contrary." *Rowland v. Lepire,* 99 Nev. 308, 315-316, 662 P.2d 1332, 1336-1337 (1983) (citing *Locken v. Locken,* 98 Nev. 369, 650 P.2d 803 (1982) and *Von Lehrensmann v. Lee*, 98 Nev. 335, 647 P.2d. 377 (1982).) *See also Singer v. Chase Manhattan Bank*, 111 Nev. 289, 293 (1995) ("NRS 18.010(1) has no application to this case because there was ***no agreement between the parties, express or implied, regarding attorneys' fees*** (emphasis added).")

At APCO's request, this Court determined that APCO is not and, since 2008, has not been a party to the Subcontract because it was assigned to Gemstone and subsequently to

[1] / *Blickman Turkus, LP v. MF Downtown Sunnyvale,* LLC, 162 Cal.App.4th 858, 900 (2008) and *Real Property Serv. Corp. v. City of Pasadena*, 25 Cal.App.4th 275, 277-278 (1994).

CAMCO as set forth in APCO's findings of fact and conclusions of law ("FFCL"). Specifically, the Court determined that (1) "The Subcontracts were assigned to Gemstone." [*See* FFCL at p. 68]; (2) "Each party's behavior is consistent with the assignment of the Helix and CabineTec Subcontracts to Gemstone" [*See* Conclusion of Law ("CL") No. 116]; (3) "The [prime] Contract contained a subcontract assignment provisions that assigned Gemstone APCO's subcontracts upon termination of the Contract." [*See* CL No. 117]; (4) The Contract was incorporated into the subcontracts." [See CL No. 118]; (5) "Once APCO left the Project, the Helix and CabineTec Subcontracts were assigned to Gemstone per Gemstone's written notice to APCO." [See CL No. 119]; and (6) Once Gemstone had those Subcontracts, it facilitated Camco's assumption of those subcontracts." [See CL No. 120].

APCO voluntarily assigned all rights of the contractual enforcement, including the attorneys' fee provision. APCO requested the Court to find that APCO has no contractual obligation to National Wood. The Court agreed and made this determination in the FFCL. In light of this finding, the Court must also find that National Wood has no contractual obligation to APCO.

Clearly, APCO is required to be a party to the contract in order for it to have any right to seek attorneys' fees pursuant to NRS 18.010(1). Since APCO assigned the Subcontract to Gemstone and subsequently to CAMCO in 2008, APCO ceased being a "party" to the Subcontract as of 2008. Thus, APCO, who is not a party to the contract, has no right to seek attorneys' fees.

3. NATIONAL WOOD IS NOT EQUITABLY ESTOPPED FROM CONTESTING APCO'S ATTEMPT TO SEEK ATTORNEYS' FEES PURSUANT TO THE SUBCONTRACT.

APCO is attempting to do an end run around NRS 18.010(1), which prohibits APCO from seeking attorneys' fees because it is not a party to the Subcontract, by arguing that it has a right to seek attorneys' fees even if it is not a signatory under an equitable estoppel theory. This argument fails because APCO fails to cite to any Nevada case law that supports this argument. Rather, APCO relies on cases holding that a party may be equitably estopped from complying with or contesting an arbitration provision in a contract. None of these cases hold that a signatory party is

equitably estopped from contesting another party's right to seek attorneys' fees when that party is a non-signatory party to a contract.

As set forth above, Nevada law is clear that in the absence of a contractual fee provision between the parties, attorneys' fees are not recoverable. (*Rowland, supra, 99 Nev. at p. 315-316; Singer, supra,* 111 Nev. at p. 293.) Because APCO cannot cite to any Nevada case law, APCO relies on California cases (*Reynolds Metals Co. v. Alperson*, 25 Cal.3d 124, 128 (1979); *Jones v. Drain*, 149 Cal.App.3d 484, 489-90 (1983); *International Billing Services, Inc. v. Emigh*, 84 Cal.App.4th 1175, 1179 (2000); *California Wholesale Material Supply, Inc. v. Norm Wilson & Sons, Inc.*, 96 Cal.App.4th 598 (2002)), a Washington case (*Yuan v. Chow*, 96 Wn.App. 909, 915 (1999)), and a Florida case (*Katz v. Van Der Noord*, 546 So.2d 1047, 1049 (Fla. 1989)). These cases generally hold that a non-signatory party to a contract may recover attorneys' fees if it is sued on the contract as if it was a party and the contract contains an attorneys' fee provision. In these cases, however, the court awarded attorneys' fees because of the particular laws of these states which allow a party, who is the prevailing party, to recover attorneys' fees regardless of whether the party is a signatory to the contract. There is no similar rule in Nevada.

Specifically, California Code of Civil Procedure ("CCP") § 1717 provides: "(a) In any action on a contract, where the contract specifically provides that attorney's fees and costs, which are incurred to enforce that contract, shall be awarded either to one of the parties or to the prevailing party, then the party who is determined to be the party prevailing on the contract, ***whether he or she is the party specified in the contract or not***, shall be entitled to reasonable attorney's fees in addition to other costs." (Emphasis added.) (*CCP § 1717.*) There is no such law in Nevada.

Moreover, Revised Code of Washington ("RCW") 4.84.330 provides: "In any action on a contract or lease entered into after September 21, 1977, where such contract or lease specifically provides that attorneys' fees and costs, which are incurred to enforce the provisions of such contract or lease, shall be awarded to one of the parties, the prevailing party, ***whether he or she is the party specified in the contract or lease or not***, shall be entitled to reasonable attorneys' fees

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in addition to costs and necessary disbursements." (Emphasis added.) (*RCW 4.84.330.*) There is no such law in Nevada.

Further, Florida Statutes § 57.105 provides: "(1) Upon the court's initiative or motion of any party, the court shall award a reasonable attorney's fee, including prejudgment interest, to be paid to the prevailing party in equal amounts ***by the losing party and the losing party's attorney***. . . ." *(Florida Statutes § 57.105.)* There is no such law in Nevada.

Here, Nevada law does not have the mutuality remedy component for attorneys' fees such as in California, Washington and Florida. These cases are inapplicable to the instant case. Accordingly, since APCO is not a party to the contract, which is required under Nevada law, and has no standing as an assignor, APCO is not entitled to seek or recover attorneys' fees pursuant to the Subcontract.

4. APCO DOES NOT HAVE STANDING AS AN ASSIGNOR TO ENFORCE A RIGHT TO ATTORNEY' FEES, THAT BY VIRTUE OF THE ASSIGNMENT, BELONGS TO GEMSTONE AND CAMCO.

The inquiry into whether a party is a real party in interest overlaps with the question of standing. *Arguello v. Sunset Station, Inc.*, 127 Nev. 365 (2011) citing *Szilagyi v. Testa*, 99 Nev. 834, 838, 673 P.2d 495, 498 (1983). NRCP 17(a) provides that "[e]very action shall be prosecuted in the name of the real party in interest." A real party in interest "is one who possesses the right to enforce the claim and has a significant interest in the litigation." *Id.* The purpose of the rule, since it was amended in 1971 to conform to the federal rule, "was to make unmistakably clear that 'the modern function of the [real party in interest] rule in its negative aspect is simply to protect the defendant against a subsequent action by the party actually entitled to recover, and to insure generally that the judgment will have its proper effect as res judicata.'" *Easton Bus. Opp. v. Town Executive Suites*, 126 Nev. 119 (2010) citing Fed.R.Civ.P. 17(a) advisory committee's note (1966).

APCO seeks to enforce a right to attorneys' fees that belongs to Gemstone and CAMCO pursuant to the assignment of the Subcontract. If CAMCO had prevailed in defending against

National Wood's contractual claims, CAMCO would have asserted a right to an award of attorneys' fees with respect to the assigned Subcontract Agreement. Exposure to liability to both APCO and CAMCO arising out of the same contractual provision is exactly what NRCP 17(a) was designed to prevent. *See Eastern Bus. Opp. v. Town Executive Suites, supra.*

APCO relies on *Real Property Services Corp. v. City of Pasadena*, 25 Cal.App.4th 375, 384 (1994), to support its position that it has standing as an assignor to seek attorneys' fees. APCO is wrong because this case does not support this argument. In *Real Property Services Corp.*, the court held that under the reciprocity concept embodied in California Civil Code Section 1717 (quoted above), the City, as the prevailing party, was entitled to an award of reasonable attorney fees against the operator, a non-signatory plaintiff, who sued under and to enforce the terms of the contract in which the operator was expressly contemplated as a sublessee. *Id.*

In addition, APCO cites to an unpublished California case, *Anaheim Emergency Specialists Medical Group, Inc. v. Anaheim Memorial Medical Center*, 2004 WL 2914964 (Cal.App.4th Dist. 2004), and an Alabama case, *Cartwright v. Maitland*, 30 So.3d 405 (Ala. 2009), to support its position that it has standing as a non-signatory to enforce the attorneys' fees provision in the Subcontract. These cases do not support APCO's position. In *Anaheim Emergency Specialists Medical Group, supra,* the court found that the plaintiff was equitably estopped from asserting that a non-signatory party, a defendant subsidiary's parent company, lacked standing to seek arbitration when the charges against the non-signatory party and defendant subsidiary were based on the same facts and were inherently inseparable and the alleged torts were rooted in the contractual relationship between the parties. (*Id.at* *6-*7.) In *Cartwright, supra*, the court found that since the language in the arbitration provision did not limit its reach to signatories, a signatory is equitably estopped from contesting the non-signatory's standing to invoke the arbitration clause. (*Id.at p. 411.*) Again, arbitration cases from other jurisdictions are not persuasive in the face of direct Nevada authority regarding attorneys' fees.

In this matter, the issue before the court is whether APCO is entitled to seek attorneys' fees, which National Wood disputes, and not an arbitration provision. Nevada law is clear with respect to attorneys' fees in that they are only recoverable pursuant to an agreement between the

parties. Since 2008, APCO was no longer a party to the Subcontract. It assigned its right, title and interest under the Subcontract to Gemstone and subsequently to CAMCO, including its right to seek attorneys' fees.

5. APCO'S OFFER OF JUDGMENT WAS UNTIMELY AND UNREASONABLE.

Under Nevada law, an offer of judgment may be made "at any time more than 10 days before trial." NRCP 68. APCO requested and obtained the November 29, 2012 Order ("Order") which specifically provides that: "Trial of this consolidated matter commenced on October 30, 2012 upon the trial of the lien amount, lien validity and related claims of Ready Mix, Inc., and therefore, the five-year rule set forth in Nevada Rule of Civil Procedure 41(e) is no longer applicable." [Order at p. 2, ¶ 3, Exhibit "C" to Declaration of S. Judy Hirahara filed in support of National Wood's Opposition to APCO's Motion for Attorneys' Fees and Costs.] Pursuant to the Order, the case was stayed pending the resolution of the Writ Petition. [Order, p. 2, ¶ 1, Exhibit "C" to Declaration of S. Judy Hirahara filed in support of National Wood's Opposition to APCO's Motion for Attorneys' Fees and Costs.] After the Nevada Supreme Court rejected the Joint Petitioner's petition for *en banc* reconsideration, the case was remanded to the District Court on or about February 19, 2016.

Since the date of the Order, this "consolidated matter" was never bifurcated by the Court. There is no order bifurcating the trial. Moreover, no separate trial was ever ordered in this consolidated matter.

APCO cites to *Allianz Ins. Co. v. Gagnon*, 109 Nev. 990 (1993) to support its position that the APCO Offer was timely. The *Allianz* case is distinguishable from the instant case. In *Allianz*, the court formally ordered a bifurcated trial. APCO cites to no such formal order in this case bifurcating the case and ordering separate trials. Instead, APCO specifically requested the Order, which confirmed that all parts of this lawsuit were part of the *same trial*. The court in *Allianz* was tasked with determining the meaning of "trial" as used in NRCP 68 and NRS 17.115 in the context of a bifurcated trial. In doing so, the court referred to the use of "trial" in NRCP 42(b), the rule that authorizes the bifurcation of trials. In the context of a bifurcated trial, the court held that

offers of judgment were not untimely because the appellants made the offers prior to the second "trial" in the case. (*Id.* at 995.)

In the present case, the trial of the consolidated matter commenced on October 30, 2012, pursuant to the Order. It was at APCO's request that the Court made this order. Since APCO requested the 5 year deference, it cannot now claim that it did not happen. Because the court did not order a bifurcated trial and no separate trial was ever ordered, the APCO Offer was untimely served. Accordingly, the APCO Offer is invalid and APCO is precluded from seeking any post-offer attorneys' fees or costs.

6. APCO IS NOT ENTITLED TO ATTORNEYS' FEES PURSUANT TO NRCP 68 SINCE THE OFFER OF JUDGMENT WAS UNTIMELY AND APCO FAILED TO ANALYZE THE *BEATTIE* FACTORS.

APCO failed to present the Court with an analysis of the four *Beattie* factors in its Motion for Attorneys' Fees ("Motion") to enable the Court to consider and weigh the evidence and make findings based on evidence that the attorneys' fees are reasonable and justified. APCO's failure to present this analysis in its moving papers should result in the Court's denial of the Motion based on the APCO Offer, which was untimely served. In its Reply, APCO raises new arguments relating to the *Beattie* factors, which should have been addressed in its Motion but were not. APCO's untimely analysis of the *Beattie* factors should not be considered by the Court because it is prejudicial to National Wood, who did not have any opportunity to respond and present evidence in its opposition to APCO's Motion.

In the event the Court considers APCO's Reply with respect to the new arguments relating to the *Beattie* factors, National Wood respectfully requests that the Court consider this Surreply[2].

A. NATIONAL WOOD'S CLAIMS WERE BROUGHT IN GOOD FAITH.

Nowhere in the Motion does APCO argue, much less provide evidence, for the contention that National Wood made claims against APCO in bad faith. In its Reply, APCO contends that

[2] / National Wood is filing an *ex parte* motion for leave to file this Surreply.

National Wood's claims were not brought in good faith because, due to APCO's claim that the Subcontract was assigned to Gemstone, National Wood could not prove payment was due for retention payments and there was no good faith basis to pursue APCO.

Based on the review of the prime contract and correspondence, it was not clear that the Subcontract was assigned to Gemstone since there were conditions for assignment that were not satisfied. Moreover, on January 2, 2018, this Court granted partial summary judgment and issued an order precluding APCO and CAMCO from asserting or relying upon any defense to their payment obligations, if any, based on a pay-if-paid agreement. In light of this order, there was a good faith basis for National Wood to pursue its claims against APCO. In particular, based on the partial summary judgment, APCO could not argue that it could avoid liability for the retention merely because it had not received the retention from Gemstone. Similarly, because APCO sued Gemstone for the retention, it seemed that National Wood could reasonably argue that APCO should be obligated to pass that through to National Wood. As such, the first of the *Beattie* factors weighs against any award of attorney's fees.

B. THE APCO OFFER WAS UNREASONABLE IN AMOUNT AND TIMING.

Nowhere in the Motion did APCO argue, much less provide evidence, for the contention that the APCO Offer in the amount of $35,000.00 to settle the action was reasonable in amount or timing. In its Reply, APCO contends that its Offer was timely. APCO's timing was not reasonable since the Offer was untimely served as more fully explained in Section 5 above. Moreover, APCO contends that the amount reasonable because the Court had granted APCO's motion in limine confirming National Wood's damages were limited to $30,000.00 ("MIL"). Contrary to APCO's contention, when APCO made its Offer, the Court had not yet limited National Wood's damages to $30,000.00. APCO's MIL with regard to National Wood (seeking to strike evidence or argument of damages greater than what the parties listed in their special master questionnaires or official damage disclosures) was only granted to the extent it sought to preclude evidence that should have been, but was not, properly disclosed. It was not until after the trial concluded when the Court limited National Wood's damages. Therefore, at the time the Offer,

National Wood's damages were not limited to $30,000.00 since it contended that it had properly disclosed all evidence supporting the damages National Wood was seeking against APCO.

Since National Wood was seeking over $1.1 million dollars, APCO's nominal offer of $35,000.00 was clearly unreasonable and was not an offer intended to facilitate settlement. Regardless of the outcome of National Wood's claims against APCO, the APCO Offer was not reasonable or in good faith at the time it was made. Therefore, the second of the *Beattie* factors weighs against any award of attorney's fees.

C. NATIONAL WOOD'S DECISION TO REJECT THE APCO OFFER WAS IN GOOD FAITH AND NOT GROSSLY UNREASONABLE.

Nowhere in the Motion did APCO argue, much less provide evidence, for the contention that National Wood's decision to reject the APCO Offer and proceed to trial was unreasonable or in bad faith. In APCO's Reply, APCO claims that National Wood has failed to provide any basis for rejecting the APCO Offer[3]. As set forth in its Opposition and above, APCO untimely served the APCO Offer which rendered it invalid. Moreover, APCO's nominal offer was unreasonable given the fact that National Wood was seeking over $1.1 million dollars against APCO. Furthermore, since the Court had granted partial summary judgment on the pay-if-paid issue, which precluded APCO from asserting it as an affirmative defense, National Wood had a good faith basis to pursue its claims against APCO. Thus, the third of the *Beattie* factors weighs against any award of attorney's fees.

7. APCO'S ATTORNEY' FEES ARE UNREASONABLE.

A. APCO IS NOT ENTITLED TO FEES BEFORE FEBRUARY 2016 (WHEN CASE WAS REMANDED TO THE DISTRICT COURT).

APCO seeks fees prior to February 2016 that relate to priority and entitlement to proceeds of sale of real property that APCO, CAMCO, Helix, National Wood and dozens of other subcontractors liened. As noted above, APCO is not entitled to fees since it is not a party to the

[3] / It should be noted that APCO bears the burden of proof on this issue.

Subcontract Agreement. In the event the Court finds a basis for awarding any fees to APCO, they must be only those fees incurred in the defense of National Wood's claim pursuant to Section 18.5 of the Subcontract.

Section 18.5 of the Subcontract provides: "In the event either party [National Wood] employs an attorney to institute a lawsuit or to demand arbitration for any cause arising out of the Subcontract Work or any of the Contract Documents, the prevailing party [APCO] shall be entitled to all costs, attorney's fees and other reasonable expenses incurred therein."

If the Court awards any fees, the recoverable fees by APCO must be those incurred in connection with National Wood's lawsuit against it. Fees incurred prior to February 2016 by APCO related solely to priority and entitlement to proceeds of sale of real property and did not relate to the claims by National Wood against APCO.

B. APCO Did Not Properly Allocate Its Fees.

APCO primarily allocated its fees to Helix and National Wood. Pursuant to the Court's Order dated September 19, 2017, there were 14 subcontractors remaining. While APCO claims to have settled with several subcontractors prior to trial, there is no record of any settlement or dismissal until May 25, 2018, wherein APCO settled with 3 subcontractors and their claims were dismissed. The fees sought by APCO should not have been primarily allocated to Helix and National Wood only. APCO was defending claims by the remaining subcontractors. Therefore, APCO should have properly allocated the fees among the 14 subcontractors, as more specifically set forth in National Wood's opposition to APCO's motion for attorneys' fees and supporting declaration and exhibit charts.

C. APCO Is Not Entitled to Fees for Unsuccessful Motions.

APCO is not entitled to fees for unsuccessful motions or unsuccessfully opposing motions since the fourth factor under Brunzell requires a finding of "whether the attorney was successful and what benefits were derived." *Brunzell v. Golden Gate Nat'l Bank*, 85 Nev. 345, 349 (1969). APCO filed motion for partial summary judgment regarding lien foreclosure claims, which was

unsuccessful. APCO unsuccessfully opposed Peel Brimley's motion for partial summary judgment regarding pay-if-paid. Moreover, APCO unsuccessfully filed a motion for reconsideration of the court's order granting partial summary judgment regarding pay-if-paid. As a result, the attorneys' fees sought by APCO for these unsuccessful motions or for unsuccessfully opposing motions should not be recoverable since APCO did not derive any benefits therefrom.

APCO cites to a Nevada Supreme Court case, *Sack v. Tomlin*, 110 Nev. 204, 214 (1994), where the Court held that a plaintiff may be considered a prevailing party if it succeeds on any significant issue in litigation which achieves some of the benefit it sought in bringing the suit. APCO contends that the Nevada Supreme Court contemplated that a party would not have to be 100% successful on every motion or claim to be the prevailing party. This case is not applicable to the present matter since the court analyzed whether the respondent was a prevailing party and entitled to attorneys' fees pursuant to statute - NRS 18.010(2).[4]

APCO has a failed to show that the fees incurred for some of its motions and oppositions to subcontractors' motions for partial summary judgment were successful and derived some benefits as required by the fourth *Brunzell* factor.

D. APCO AGREED TO REDUCE ITS FEES TOTALING $3,100 RELATED TO THE 5-YEAR RULE RESEARCH.

APCO concedes that it is not entitled to attorneys' fees totaling $3,100.00 related to research on the 5-year rule, when the Court already entered an order finding that the 5-year rule is not applicable since the trial on the consolidated matters commenced on October 30, 2012. [*See* Exhibit "C" to Declaration of S. Judy Hirahara filed in support of National Wood's Opposition to

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[4] / In relevant part, NRS 18.010(2) states: "In addition to the cases where an allowance is authorized by specific statute, the court *may* make an allowance of attorney's fees to a prevailing party: (a) When he has not recovered more than $20,000; or (b) Without regard to the recovery sought, when the court finds that the claim, counterclaim, cross-claim or third-party complaint or defense of the opposing party was brought without reasonable ground or to harass the prevailing party." (Emphasis added.) "Since the 1985 amendments to NRS 18.010, this court has held that a party may recover attorney fees pursuant to NRS 18.010(2)(a) only if that party received a money judgment at trial. *Woods v. Label Investment Corp.*, 107 Nev. 419, 427, 812 P.2d 1293, 1299 (1991) ("[A] money judgment is a prerequisite to an award of attorney fees under [NRS 18.010(2)(a)]."); *Key Bank v. Donnels*, 106 Nev. 49, 53, 787 P.2d 382, 385 (1990) ("[B]ecause respondents did not recover a money judgment below," they could not recover attorney fees under NRS 18.010(2)(a).)." *Smith v. Crown Financial Services of America*, 111 Nev. 277, 280 (1995).

APCO's Motion for Attorneys' Fees and Costs.] Accordingly, the Court must deduct $3,100.00 from the total fees sought by APCO, as well as other fees as the Court deems proper.

E. APCO'S POST-TRIAL BRIEFING INVOLVED UNREASONABLE AND EXCESSIVE AMOUNTS OF FEES.

In preparing its post-trial brief and findings of facts and conclusions of law ("APCO FFCL"), APCO's attorneys spent 148.8 hours, which amounts to fees of $46,022.99. In addition, in connection with reviewing findings of facts and conclusions of law ("FFCLs") and post-trial briefs of Helix and National Wood, opposing the FFCLs and review and response to CAMCO's trial brief, APCO's attorneys spent 77.7 hours, which amounts to fees of $22,122.73. In total, APCO's attorneys spent 226.5 hours for a total sum of $68,135.72, which is excessive. Moreover, APCO allocated these fees to Helix and National Wood that included fees related to CAMCO, which is unreasonable and should be reduced accordingly.

III. CONCLUSION

As set forth above, APCO requested that the Court rule that it was not a party to the Subcontract and it has no burdens under the Subcontract, which was granted by the Court. Now, APCO is requesting the benefits of the Subcontract (the right to attorneys' fees) when it is not a party to the Subcontract, which is disallowed by Nevada law.

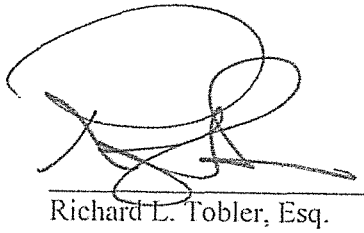
Similarly, APCO specifically requested that the Court find that this entire action was a single consolidated action with a single trial. The Court agreed and found that the single trial of this consolidated action commenced on October 30, 2012. Now, APCO wants the Court to disregard its earlier request and find that, instead, this consolidated action consisted of several bifurcated trials. APCO cites to no bifurcation order. Instead, as requested by APCO, this action was consolidated, not bifurcated, and consisted of a single, extended trial. As a result, the APCO Offer was untimely and invalid.

Even if APCO were entitled to an award of attorneys' fees, APCO is seeking unreasonable amounts. Furthermore, a substantial portion of the attorneys' fees requested relate to events

outside the scope of the attorneys' fee provision. Similarly, the attorneys' fees are not properly allocated between the multiple claimants.

Based on all of the foregoing, National Wood respectfully requests that the Court deny APCO's Motion in its entirety because APCO is not entitled to be awarded any attorneys' fees since it not a party to the Subcontract because APCO assigned it to Gemstone in 2008 and the APCO Offer is invalid. If the Court finds that APCO is entitled to recover an award of attorneys' fees, the award should be substantially smaller than APCO's request.

DATED this 16th day of July 2018.



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Attorneys for Plaintiff-In-Intervention,
NATIONAL WOOD PRODUCTS, INC.,
a Utah corporation

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of Richard L. Tobler, Ltd., and that on the 19th day of July, 2018, and pursuant to NRCP 5(b), I caused to be served a true and correct copy of the foregoing **PLAINTIFF-IN-INTERVENTION NATIONAL WOOD PRODUCTS, INC.'S SURREPLY TO APCO CONSTRUCTION'S REPLY TO PLAINTIFF-IN-INTERVENTION NATIONAL WOOD PRODUCTS, INC.'S OPPOSITION TO MOTION FOR FEES AND COSTS** in the following manner:

(ELECTRONIC SERVICE) upon all registered parties set up to receive notice via electronic service in this matter via the Court's electronic filing through the "Notice of Electronic Filing"

An Employee of Richard L. Tobler, Ltd.

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DISTRICT COURT

CLARK COUNTY, NEVADA

APCO CONSTRUCTION, a Nevada corporation, Plaintiff(s), vs. GEMSTONE DEVELOPMENT WEST, INC., a Nevada corporation, et al., Defendant(s). AND ALL RELATED CLAIMS.	CASE NO. 08A571228 DEPT. NO. XIII (Consolidated with A574391; A574792; A577623; A580889; A583289; A584730; A587168; A589195; A592826; A596924; A597089; A606730; A608717; A608718)

DECISION

THIS MATTER having come before the Court on July 19, 2018 for hearing on, *inter alia*, the items referenced hereinbelow, with appearances as noted in the Minutes and to be reflected in the proposed orders to be submitted as directed hereinbelow;

AND, the Court having heard the argument of counsel and having then taken such items under advisement for further consideration, and being now fully advised in the premises;

NOW, THEREFORE, the Court decides the submitted issues as follows:

RULINGS

A. "APCO CONSTRUCTION, INC.'S MOTION FOR ATTORNEY'S FEES AND COSTS AGAINST HELIX ELECTRIC OF NEVADA, LLC AND PLAINTIFF IN INTERVENTION NATIONAL WOOD PRODUCTS, INC."

Although there are certainly viable bases supporting

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MARK R. DENTON
DISTRICT JUDGE
DEPARTMENT THIRTEEN
LAS VEGAS, NV 89155

Case Number: 08A571228

APCO's contention that contractual provisions can support attorney fee awards going back in time to a point long before making of the subject offers of judgment, the Court determines, in the context of this complex case, involving multiple parties and claims and consolidation of cases and periodic party alignments and realignments and contractual reconfigurations, that the best basis for attorney fee awards is NRCP 68. On this point, the Court is persuaded by APCO's contention relative to the applicability of NRCP 68, *Allianz Ins. Co. v. Gagnon*, 109 Nev. 990, 994-95, 860 P.2d 720, 724 (1993), and it thus assesses the factors set forth in *Beattie v. Thomas*, 99 Nev. 579, 668 P.2d 268 (1983) as follows:

- The claims of Helix and National Wood (CabineTec) were brought and maintained in good faith.

- APCO's offers of judgment were reasonable and in good faith in both timing and amount.

- The decisions to reject the offers and proceed to trial against APCO were not grossly unreasonable or in bad faith.

- The fees sought by APCO based upon the offers of judgment are reasonable, *Brunzell v. Golden Gate Nat'l Bank*, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969), but an order that Helix and National Wood pay them in their entirety would not be justified given the balancing of the *Beattie* factors.

MARK R. DENTON
DISTRICT JUDGE
DEPARTMENT THIRTEEN
LAS VEGAS, NV 89155

Accordingly, the Motion is GRANTED pursuant to NRCP 68 with an award of attorneys' fees against Helix in the sum of $85,000.00, and an award of attorneys' fees against National Wood Products in the sum of $60,000.00.

Regarding costs, the Court GRANTS the Motion IN PART subject to its rulings hereinbelow on motions to retax.

B. "PLAINTIFF-IN-INTERVENTION NATIONAL WOOD PRODUCTS, INC.'S…MOTION TO RETAX COSTS RE: DEFENDANT APCO CONSTRUCTION'S MEMORANDUM OF COSTS AND DISBURSEMENTS AGAINST PLAINTIFF IN INTERVENTION NATIONAL WOOD PRODUCTS, INC." WITH JOINDER BY HELIX ELECTRIC OF NEVADA, LLC

The Motion is GRANTED IN PART as to the following:

- Travel and lodging ($3,942.38--Spencer Fane) since the same do not appear to be related to depositions/discovery. NRS 18.005(15); and

- Photocopies/Reproductions for trial ($15,013.42--Spencer Fane) reduced to $9,000.00.

In all other respects the Motion and Joinder are DENIED IN PART.

C. "HELIX ELECTRIC OF NEVADA, LLC'S MOTION TO RETAX COSTS RE: DEFENDANT APCO CONSTRUCTION'S MEMORANDUM OF COSTS AND DISBURSEMENTS" WITH JOINDER BY PLAINTIFF IN INTERVENTION NATIONAL WOOD PRODUCTS, INC.

The Motion is GRANTED IN PART as to the following:

MARK R. DENTON
DISTRICT JUDGE
DEPARTMENT THIRTEEN
LAS VEGAS, NV 89155

- Travel and lodging ($3,942.38—Spencer Fane) since the same do not appear to be related to depositions/discovery. NRS18.005(15);

- Photocopies/Reproductions for trial ($15,013.42—Spencer Fane) reduced to $9.000.00); and

- Accounting costs ($10,500.00—Spencer Fane).

In all other respects, the Motion and Joinder are DENIED IN PART.

CONCLUSION

Counsel for APCO is directed to submit proposed orders consistent with the rulings made hereinabove and with underpinnings of briefing and argument supportive of the same.[1] Such proposed orders should be submitted to opposing counsel for review and signification of approval/disapproval. Instead of seeking to clarify or litigate meaning or any disapproval through correspondence directed to the Court or to counsel with copies to the Court, any such clarification or disapproval should be the subject of appropriate motion practice.

This Decision sets forth the Court's intended disposition

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. . . . .

[1]The proposed orders regarding costs should reflect the proportional cost splits between the Helix and National Wood Products proposed by APCO as to the costs incurred by Spencer Fane and Marquis Aurbach Coffing.

MARK R. DENTON
DISTRICT JUDGE
DEPARTMENT THIRTEEN
LAS VEGAS, NV 89155

on the subject, but it anticipates further order of the Court to make such disposition effective as an order or judgment.

DATED this 8th day of August, 2018.

MARK R. DENTON
DISTRICT JUDGE

CERTIFICATE

I hereby certify that on or about the date filed, this document was Electronically Served to the Counsel on Record on the Clark County E-File Electronic Service List.

LORRAINE TASHIRO
Judicial Executive Assistant
Dept. No. XIII

MARK R. DENTON
DISTRICT JUDGE
DEPARTMENT THIRTEEN
LAS VEGAS, NV 89155

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Attorneys for Apco Construction, Inc.

DISTRICT COURT

CLARK COUNTY, NEVADA

APCO CONSTRUCTION, a Nevada corporation, Plaintiff, v. GEMSTONE DEVELOPMENT WEST, INC., A Nevada corporation, Defendant.	Case No.: A571228 Dept. No.: XIII *Consolidated with:* *A574391; A574792; A577623; A583289; A587168; A580889; A584730; A589195; A595552; A597089; A592826; A589677; A596924; A584960; A608717; A608718; and A590319* **NOTICE OF ENTRY OF ORDER (1) GRANTING APCO CONSTRUCTION, INC. MOTION FOR ATTORNEYS FEES AND COSTS (2) GRANTING APCO CONSTRUCTION, INC.'S MEMORANDUM OF COSTS IN PART (3) GRANTING HELIX ELECTRIC OF NEVADA LLC'S MOTION TO RETAX IN PART AND DENYING IN PART (4) GRANTING PLAINTIFF**

Case Number: 08A571228

INTERVENTION NATIONAL WOOD PRODUCTS LLC'S MOTION TO RETAX IN PART AND DENYING IN PART AND (5) GRANTING NATIONAL WOOD PRODUCTS, INC.'S MOTION TO FILE A SURREPLY

AND ALL RELATED MATTERS

TO: All parties herein and their respective counsel:

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that on the 27th day of September, 2018, a **ORDER (1) GRANTING APCO CONSTRUCTION, INC. MOTION FOR ATTORNEYS FEES AND COSTS (2) GRANTING APCO CONSTRUCTION, INC.'S MEMORANDUM OF COSTS IN PART (3) GRANTING HELIX ELECTRIC OF NEVADA LLC'S MOTION TO RETAX IN PART AND DENYING IN PART (4) GRANTING PLAINTIFF INTERVENTION NATIONAL WOOD PRODUCTS LLC'S MOTION TO RETAX IN PART AND DENYING IN PART AND (5) GRANTING NATIONAL WOOD PRODUCTS, INC.'S MOTION TO FILE A SURREPLY** was entered in the above case. A copy is attached.

DATED: September 28, 2018.

SPENCER FANE LLP

By: /s/ Mary E. Bacon
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John Randall Jefferies, Esq. (Bar No. 3512)
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Telephone: (702) 408-3411
Facsimile: (702) 408-3401
Attorneys for Apco Construction, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of SPENCER FANE LLP and that a copy of the foregoing **NOTICE OF ENTRY OF ORDER (1) GRANTING APCO CONSTRUCTION, INC. MOTION FOR ATTORNEYS FEES AND COSTS (2) GRANTING APCO CONSTRUCTION, INC.'S MEMORANDUM OF COSTS IN PART (3) GRANTING HELIX ELECTRIC OF NEVADA LLC'S MOTION TO RETAX IN PART AND DENYING IN PART (4) GRANTING PLAINTIFF INTERVENTION NATIONAL WOOD PRODUCTS LLC'S MOTION TO RETAX IN PART AND DENYING IN PART AND (5) GRANTING NATIONAL WOOD PRODUCTS, INC.'S MOTION TO FILE A SURREPLY** was served by electronic transmission through the E-Filing system pursuant to NEFCR 9, NRCP 5(b) and EDCR 7.26 or by mailing a copy to their last known address, first class mail, postage prepaid for non-registered users, on this 28th day of September, 2018, as follows:

Counter Claimant: Camco Pacific Construction Co Inc
Steven L. Morris (steve@gmdlegal.com)
Intervenor Plaintiff: Cactus Rose Construction Inc
Eric B. Zimbelman (ezimbelman@peelbrimley.com)
Intervenor Plaintiff: Interstate Plumbing & Air Conditioning Inc
Jonathan S. Dabbieri (dabbieri@sullivanhill.com)
Intervenor: National Wood Products, Inc.'s
Dana Y Kim (dkim@caddenfuller.com)
Richard L Tobler (rltltdck@hotmail.com)
Richard Reincke (rreincke@caddenfuller.com)
S. Judy Hirahara (jhirahara@caddenfuller.com)
Tammy Cortez (tcortez@caddenfuller.com)
Other: Chaper 7 Trustee
Elizabeth Stephens (stephens@sullivanhill.com)
Gianna Garcia (ggarcia@sullivanhill.com)
Jennifer Saurer (Saurer@sullivanhill.com)
Jonathan Dabbieri (dabbieri@sullivanhill.com)

Plaintiff: Apco Construction

Rosie Wesp (rwesp@maclaw.com)

Third Party Plaintiff: E & E Fire Protection LLC

TRACY JAMES TRUMAN (DISTRICT@TRUMANLEGAL.COM)

Other Service Contacts

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"Cody Mounteer, Esq." . (cmounteer@marquisaurbach.com)

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/s/ Elizabeth Kuchman
An employee of Spencer Fane LLP

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DISTRICT COURT

CLARK COUNTY, NEVADA

APCO CONSTRUCTION, a Nevada corporation,

Plaintiff,

vs.

GEMSTONE DEVELOPMENT WEST, INC., A Nevada corporation,

Defendant.

Case No.: A571228
Dept. No.: XIII

Consolidated with:
A574391; A574792; A577623; A583289; A587168; A580889; A584730; A589195; A595552; A597089; A592826; A589677; A596924; A584960;A608717; A608718 and A590319

ORDER:

(1) GRANTING APCO CONSTRUCTION, INC. MOTION FOR ATTORNEYS FEES AND COSTS

(2) GRANTING APCO CONSTRUCTION, INC.'S MEMORANDUM OF COSTS IN PART

(3) GRANTING HELIX ELECTRIC OF NEVADA LLC'S MOTION TO RETAX IN PART AND DENYING IN PART

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(4) GRANTING PLAINTIFF IN INTERVENTION NATIONAL WOOD PRODUCTS LLC'S MOTION TO RETAX IN PART AND DENYING IN PART

-AND-

(5) GRANTING NATIONAL WOOD PRODUCTS, INC.'S MOTION TO FILE A SURREPLY

AND ALL RELATED MATTERS

On July 19, 2018, the Court heard the following motions: (1) APCO Construction Inc.'s Motion for Attorneys Fees and Costs; (2) APCO Construction, Inc.'s Memorandum of Costs [Against Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc.]; (3) Plaintiff in Intervention National Wood Products, Inc.'s Motion to Retax Costs Re: Defendant APCO Construction, Inc.'s Memorandum of Costs and Disbursements Against Plaintiff in Intervention National Wood Products, Inc. with Joinder by Helix Electric of Nevada, LLC, (4) Helix Electric of Nevada, LLC's Motion to Retax Costs Re: Defendant APCO Construction, Inc.'s Memorandum of Costs and Disbursements with Joinder by Plaintiff in Intervention National Wood Products, Inc., and (5) National Wood Products, Inc.'s Ex Parte Motion for Order Shortening Time to Hear Motion for Order Permitting Leave to File Surreply to APCO Construction's Reply to National Wood Products, Inc.'s Opposition to Motion for Attorneys' Fees and Costs.

John Randall Jefferies, Esq. and Mary Bacon, Esq. of the law firm of Spencer Fane appeared on behalf of APCO Construction, Inc. ("APCO"); Eric Zimbleman, Esq. of the law firm of Peel Brimley appeared on behalf of Helix Electric of Nevada, LLC ("Helix"), and John Taylor, Esq. and S. Judy Hirahara, Esq. of the law firm of Cadden Fuller and Richard Tobler, Esq. of the law firm Richard Tobler, Ltd. appeared on behalf of Plaintiff in Intervention National Wood Products, Inc. ("National Wood"), the Court having heard oral argument and examined the records and documents on file in the above-entitled matter and being fully advised on the premises, hereby ORDERS as follows, having rendered its Decision filed on August 8, 2018:

1. APCO Construction, Inc.'s Motion for Attorneys Fees and Costs Against Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc. and APCO Construction, Inc.'s Memorandum of Costs and Disbursements [Against Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc.].

APCO requested attorney's fees from Helix and National Wood pursuant to the subcontracts at issue and pursuant to APCO's November 13, 2018 offers of judgment. APCO also sought an award of attorney's fees against Helix pursuant to NRS 108.237(3). The Court finds that although there are certainly viable bases supporting APCO's contention that contractual provisions in the repesective subcontracts and equitable estoppel can support an award of attorney's fees going back in time to a point long before making of the November 13, 2018 offers of judgment, the Court determines, in the context of this complex case, involving multiple parties and claims and consolidation of cases and periodic party alignments and realignments and contractual reconfigurations, that the best basis for attorney fee awards is NRCP 68.

NRCP 68 provides in part that at "any time more than 10 days before trial, any party may serve an offer in writing to allow judgment to be taken in accordance with its terms and conditions."[1] "If the offer is not accepted within 10 days after service, it shall be considered rejected by the offeree and deemed withdrawn by the offeror."[2] And "[i]f the offeree rejects an offer and fails to obtain a more favorable judgment, (1) the offeree cannot recover any costs or attorney's fees and shall not recover interest for the period after the service of the offer and before the judgment; and (2) the offeree shall pay the offeror's post-offer costs, applicable interest on the judgment from the time of the offer to the time of entry of the judgment and reasonable attorney's fees, if any be allowed, actually incurred by the offeror from the time of the offer."[3]

The purpose of NRCP 68 is to promote and encourage settlement and save time and money for the court system, the parties, and the taxpayers.[4] It rewards a party who makes a

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[1] NRCP 68(a).
[2] NRCP 68(e).
[3] NRCP 68(f).
[4] *Muije v. A N. Las Vegas Cab Co.*, 106 Nev. 664, 667, 799 P.2d 559, 561 (1990).

reasonable offer to settle a lawsuit and punishes the party who refuses to accept such an offer.[5] "NRCP 68 encourages the settlement of lawsuits by raising the stakes for a litigant who receives an offer of judgment. An offeree must balance the uncertainty of receiving a more favorable judgment against the risk of receiving a less favorable judgment and being forced to pay the offeror's costs and attorney's fees."[6] In reviewing an application for an award of attorney's fee pursuant to NRCP 68, "the trial court must carefully evaluate the following factors: (1) whether the plaintiff's claim was brought in good faith; (2) whether the defendants' offer of judgment was reasonable and in good faith in both its timing and amount; (3) whether the plaintiff's decision to reject the offer and proceed to trial was grossly unreasonable or in bad faith; and (4) whether the fees sought by the offeror are reasonable and justified in amount."[7] "After weighing the foregoing factors, the district judge may, where warranted, award up to the full amount of fees requested."[8] An award will not be disturbed if the record is clear that the district court considered the factors and the court's award is not arbitrary or capricious.[9] No single factor under *Beattie* is determinative. The district court has broad discretion to grant the request as long as all appropriate factors are at least considered.[10]

On November 13, 2018, APCO made an offer of judgment to Helix for $25,000 and an offer of judgment to National Wood for $35,000. Neither party accepted APCO's offer.

Preliminarily, APCO's offers were timely.[11] Helix and National Wood argued that the November 13, 2018 offers of judgment were untimely because (i) in 2012 the Court (per Judge Susan Scann) issued an Order, which was prepared and submitted by and at the behest of APCO, by and through its then-attorneys, that "[t]rial of this consolidated matter commenced on October 30, 2012," and (ii) this action has never been bifurcated or de-consolidated. However, the Court

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[5] *Dillard Dep't Stores, Inc. v. Beckwith*, 115 Nev. 372, 382, 989 P.2d 882, 888 (1999).
[6] *Bergmann v. Boyce*, 109 Nev. 670, 678, 856 P.2d 560, 565 (1993).
[7] *Beattie v. Thomas*, 99 Nev. 579, 588–89, 668 P.2d 268, 274 (1983)
[8] *Beattie v. Thomas*, 99 Nev. 579, 588–89, 668 P.2d 268, 274 (1983)
[9] *Uniroyal Goodrich Tire Co. v. Mercer, 111 Nev. 318, 324, 890 P.2d 785, 789 (1995), superseded by statute on other grounds as stated in RTTC Commc'ns, LLC v. Saratoga Flier, Inc., 121 Nev. 34, 41–42 & n. 20, 110 P.3d 24, 29 & n. 20 (2005).*
[10] *Arnoult, 114 Nev. at 252 n.16, 955 P.2d at 673 n.16.*
[11] *Allianz Ins. Co. v. Gagnon*, 109 Nev. 990, 994–95, 860 P.2d 720, 724 (1993).

is persuaded by APCO's contention that its offers of judgment were timely relative to the applicability of NRCP 68 and *Allianz Ins. Co. v. Gagnon*, 109 Nev. 990, 994–95, 860 P.2d 720, 724 (1993).

The Court assesses the *Beattie* factors as follows:

- Helix's and National Wood's (CabineTec's) claims were brought in good faith.
- APCO's offers were reasonable and in good faith in both timing and amount.
- Helix's and National Wood's decisions to reject the offers and proceed to trial against APCO were not grossly unreasonable or in bad faith.
- The fees sought by APCO are reasonable,[12] *Brunzell v. Golden Gate Nat'l Bank*, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969), but an order that Helix and National Wood pay them in their entirety would not be justified given the balancing of the *Beattie* factors.

Accordingly, APCO's Motion for Attorney's Fees and Costs is GRANTED pursuant to NRCP 68 with an award of attorneys' fees against Helix in the sum of $85,000.00, and an award of attorneys' fees against National Wood in the sum of $60,000.00.

APCO requested $57,228.89 in costs, the Court GRANTS APCO's Motion for Costs and Memorandum for Costs subject to the following deductions: $3,942.38 for travel and lodging, $6,013.42 for photocopies[13] and $10,500 related to an accounting audit.[14] In total, APCO is awarded a total of $36,615.08 in costs; $18,307.54 due from Helix and $18,307.54 due from National Wood.

In total, APCO is awarded a total of $103,307.54 in fees and costs against Helix and a total of $78,307.54 in fees and costs against National Wood.

[12] APCO's post-offer fees attributable to Helix total $130,933.73 and APCO's post-offer fees attributable to National Wood total $106,882.23.

[13] Spencer Fane initially asked for $15,013.42 for photocopies and reproductions for trial. With the $6,013.42 deduction, APCO is awarded $9,000 for photocopies and reproductions for trial.

[14] For the sake of judicial efficiency, the Court incorporates APCO's briefing on its costs from its 05/26/2018 *APCO Construction, Inc.'s Supplement to its* of its Motion for Attorneys' Fees, APCO Construction, Inc. 06/29/2018 Reply in Support of its Motion for Attorney's Fees and related briefing.

2. **Plaintiff in Intervention National Wood Products, Inc.'s Motion to Retax Costs Re: Defendant APCO Construction, Inc.'s Memorandum of Costs and Disbursements Against Plaintiff in Intervention National Wood Products, Inc. with Joinder by Helix Electric of Nevada, LLC**

National Wood asserted various reasons for retaxing certain costs. National Wood's Motion to Retax is granted in part as follows: First, the Court retaxes and reduces $3,942.38 of APCO's expenses related travel and lodging since these amounts were not incurred for depositions. Since only half of the total travel costs were initially allocated to National Wood, the Court retaxes and reduces the $1,971.19 that APCO initially attributed to National Wood to $0.00 (zero dollars). Next, the court retaxes $6,013.42 of the $15,013.42 APCO requested for photocopies and reduces the same to $9,000.00. Again, because APCO only asked for half of the total $15,013.42 in photocopies against National Wood, the Court retaxes and reduces these amounts as to National Wood to $4,500.00

In total, APCO is awarded $18,307.54 in costs against National Wood.

3. **Helix Electric of Nevada, LLC's Motion to Retax Costs Re: Defendant APCO Construction, Inc.'s Memorandum of Costs and Disbursements with Joinder by Plaintiff in Intervention National Wood Products, Inc.**

Helix's Motion to Retax Costs is also granted in part. First, Helix is entitled to the same deductions awarded to National Wood such that (i) the Court retaxes and reduces the $1,971.19 that APCO initially attributed to Helix to $0.00 (zero dollars) and (ii) the court retaxes $6,013.42 of the $15,013.42 APCO requested for photocopies and reduces Helix's portion of the same to $4,500.00. In addition, the Court will retax $10,500 of accounting costs.

APCO is awarded $18,307.54 in costs against Helix.

4. National Wood Products, Inc.'s Ex Parte Motion for Order Shortening Time to Hear Motion for Order Permitting Leave to File Surreply to APCO Construction's Reply to National Wood Products, Inc.'s Opposition to Motion for Attorneys' Fees and Costs.

APCO did not oppose National Wood's Motion for Order Shortening Time to Hear Motion for Order Permitting Leave to File Surreply to APCO Construction's Reply to National Wood Products, Inc.'s Opposition to Motion for Attorneys' Fees and Costs. As such, the Motion is granted.

IT IS SO ORDERED.

DATED this _____ day of _____, 2018.

_____
DISTRICT COURT JUDGE

Respectfully submitted by:

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APCO did not oppose National Wood's Motion for Order Shortening Time to Hear Motion for Order Permitting Leave to File Surreply to APCO Construction's Reply to National Wood Products, Inc.'s Opposition to Motion for Attorneys' Fees and Costs. As such, the Motion is granted.

IT IS SO ORDERED.

DATED this 25th day of September, 2018.

DISTRICT COURT JUDGE

Respectfully submitted by:

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DISTRICT COURT

CLARK COUNTY, NEVADA

APCO CONSTRUCTION, Plaintiff(s), vs. GEMSTONE DEVELOPMENT WEST, INC., Defendant(s).	CASE NO: 08A571228 DEPT. XIII

BEFORE THE HONORABLE MARK R. DENTON, DISTRICT COURT JUDGE
THURSDAY, JULY 19, 2018

RECORDER'S TRANSCRIPT OF PROCEEDINGS
RE: PENDING MOTIONS

APPEARANCES:

For the Plaintiff: JOHN R. JEFFERIES, ESQ.
MARY BACON, ESQ.

For the Defendant(s): RYAN DENNETT, ESQ.
ERIC ZIMBLEMAN, ESQ.
JORDAN FAUX, ESQ.
RICHARD L. TOBLER, ESQ.

For the Intervenor(s): S. JUDY HIRAHARA, ESQ.
JOHN B. TAYLOR, ESQ.

RECORDED BY: JENNIFER GEROLD, COURT RECORDER

LAS VEGAS, NEVADA; THURSDAY, JULY 19, 2018

[Proceeding commenced at 9:38 a.m.]

MR. DENNETT: Your Honor, Ryan Dennett, pitching in for Tracy Truman in this motion.

MR. ZIMBLEMAN: Good morning, Your Honor. Eric Zimbleman, on behalf of Helix, with respect to the APCO Motion For Fees and Costs and the Helix Motion to Retax, and present for multiple claimants with respect to the bond issue.

MR. FAUX: Jordan Faux for 12205 for Fidelity & Deposit Company of Maryland.

MR. JEFFERIES: Randy Jefferies and Mary Bacon on behalf of APCO.

MR. ZIMBLEMAN: I believe Mr. Taylor is here somewhere too.

MR. JEFFERIES: Yeah. I just went in the hallway. National Wood's counsel was here earlier, and they stepped outside, and I didn't see them in the hallway just now.

MR. ZIMBLEMAN: He was here.

MS. BACON: That's true.

MR. ZIMBLEMAN: Shall I peek out real quick and see? You just did.

THE COURT: Yes. Go ahead.

MR. JEFFERIES: I just did.

THE COURT: Well --

MR. ZIMBLEMAN: Well, we can try out for --

THE COURT: Maybe he heard me say something about the 10 o'clock thing and stepped out.

MR. JEFFERIES: We're happy to trail, Your Honor.

THE COURT: Okay. Call you back in a few minutes.

MR. JEFFERIES: You know, we could -- we could do the --

MR. DENNETT: You know, this really is an unopposed --

MR. ZIMBLEMAN: The bond issue, which is essentially unopposed. And then the motion by E & E that we join to disburse the funds once the bond is expunged that way. Those parties can be --

THE COURT: So he doesn't need to be here for that? He wouldn't need to be here for that?

MR. ZIMBLEMAN: No, he does not need to be here for that. He did not --

THE COURT: Okay. So what we're talking about there is Fidelity Deposit Company's Motion to Deposit Bond Penal Sum --

MR. FAUX: Right.

THE COURT: -- with Court, Exoneration of Bond, and Dismissal of Fidelity; correct?

MR. ZIMBLEMAN: Correct. So essentially it's Mr. Faux on behalf of the surety and myself on behalf of [indiscernible] plaintiffs --

MR. DENNETT: Mr. Truman [phonetic].

MR. ZIMBLEMAN: -- on behalf of E & E.

THE COURT: Okay. So we have everybody here for that; right?

MR. ZIMBLEMAN: Yes.

THE COURT: Let's take that one up then.

MR. DENNETT: Your Honor, this was E & E's Motion to Distribute the Bond Funds from Fidelity & Deposit Co Of Maryland. Essentially it was a stipulation that allocated the bond funds between the six companies -- E & E Fire companies and the other five claimants. And the breakdown essentially by *pro rata* representation distributes the $50,000.

There's really been no opposition for Maryland -- Fidelity -- Fidelity & Deposit Co Of Maryland. So we would ask that that motion be granted.

MR. FAUX: Yeah. I guess before we get there, we need to decided whether we can deposit the bond or not, which was our motion.

MR. DENNETT: Which was unopposed.

MR. FAUX: Yeah. It's unopposed.

THE COURT: Yeah. Okay.

MR. FAUX: We don't -- Fidelity --

THE COURT: There's a question as to whether it should all go to E & E or be distributed *pro rata*; right? That was --

MR. DENNETT: Right. We --

MR. FAUX: Yeah. I think they worked that out.

THE COURT: Worked out. Okay.

MR. ZIMBLEMAN: We stipulated the numbers, yeah.

The only issue that we had was -- I saw Mr. Faux's proposed order yesterday. My only concern was that, you know, I'm not aware of any way to unexpunge a bond. So I just want to be sure that the dismissal and expungement is contingent upon the dispersal or -- or at least the submission of the funds in the court.

THE COURT: Oh, yeah. Well, this is sort of analogous to an interpleader; right?

MR. ZIMBLEMAN: Right.

THE COURT: Basically the money's is going to be deposited. And then Fidelity will be dismissed and --

MR. ZIMBLEMAN: Correct.

THE COURT: -- the claimant's will --

MR. FAUX: Right.

THE COURT: -- claim the proceeds; right?

MR. ZIMBLEMAN: Correct. But the way the Order's written, it's -- they are essentially independent obligations, and I think they need to be tied together. That's -- it's a subtle distinction, but it's important.

MR. FAUX: I mean, I don't think that's the way -- I mean, I draft -- I don't think that's the way it reads. But if they want me to redraft it --

THE COURT: All right.

MR. FAUX: -- and submit it later, I guess I could do that.

THE COURT: All right. So the Motion is granted, but

subject to the proper distribution of the proceeds among those.

MR. DENNETT: And Your Honor, I have Order setting forth the distribution -- ordering and setting forth the distribution by percentages as agreed between the six claimants. You know, obviously it would be contingent on the deposit of the bond funds.

MR. FAUX: Yeah. I guess the only issue is with the order to deposit the funds need to be signed first and then that -- so --

MR. ZIMBLEMAN: So I mean, if we could -- maybe you could take your order and just interlienate something. It should be a really simple change. That's what I was just asking --

THE COURT: Why don't you guys go work on it and let me call something else.

MR. ZIMBLEMAN: Yeah.

MR. FAUX: Yeah.

MR. DENNETT: Thank you.

THE COURT: I think we're still waiting for National Woods's counsel; right?

Okay. So for the record, the Fidelity & Deposit Company's motion is granted, with the understanding that we've reached here, among the claimants --

MR. FAUX: Right.

THE COURT: -- the deposit and then the distribution to the claimants; right?

MR. FAUX: I'm hoping we can come back in two minutes, and if we can write something in here --

THE COURT: Okay.

MR. FAUX: -- then we'll -- then that's done.

THE COURT: Thank you.

MR. ZIMBLEMAN: And then E & E's motion is also granted.

THE COURT: So ordered.

MR. ZIMBLEMAN: Correct?

THE COURT: With that -- right -- uh-huh.

MR. ZIMBLEMAN: Right. Thank you, Your Honor.

THE COURT: Together with all -- any and all joinders to those motions. Right?

MR. ZIMBLEMAN: I don't there were any, but yes.

[Another matter was heard from 9:44 a.m. to 9:54 a.m.]

[Bench conference was had and transcribed as follows:]

THE COURT: Okay. This is the order on what?

MR. DENNETT: Depositing the bond.

THE COURT: Okay. So I'm going to go ahead and do this and then they'll submit the other one [indiscernible].

All right. I've signed that order, the order granting motion to deposit bond. Let me make a record here.

[Bench conference was concluded.]

THE COURT: All right. I've had tendered to me the Proposed Order Granting Motion to Deposit Bond Penal Sum with Court, Exoneration of Bond, and Dismissal. I've signed and dated the order. You can process it in the Clerk's office.

Now, I'm having submitted to me the Proposed Order Approving Distribution of Fidelity & Deposit Co Of Maryland's Bond; right?

MR. DENNETT: Right.

THE COURT: All right. And it needs to be signed by counsel. That's been approved by everybody involved; right?

MR. ZIMBLEMAN: Yes.

MR. DENNETT: Yeah.

THE COURT: And I've signed it. And you can process it in the Clerk's office.

MR. ZIMBLEMAN: Okay. Thank you, Your Honor.

THE COURT: Thank you.

[Another matter was heard from 9:44 a.m. to 9:55 a.m.]

THE COURT: All right. The APCO matter on page 6 -- beginning on page 6, continuing on to whatever.

Appearances, please.

MR. JEFFERIES: Randy Jefferies and Mary Bacon on behalf of APCO.

MR. ZIMBLEMAN: Eric Zimbleman, on behalf of Helix Electric of Nevada.

MR. TOBLER: Rich Tobler on behalf of National Wood Products.

MR. TAYLOR: John Taylor on behalf -- also on behalf of Nation Wood Products.

MS. HIRAHARA: Judy Hirahara on behalf -- also on behalf

of National Wood Products.

THE COURT: All right. I'll now hear the remaining motions that are before the Court today.

I'm going to be taking these under advisement so I can review them further. So they've been well briefed, okay? I've got some -- I'd like to have you emphasize the things you want me to take particular -- give particular attention to.

I may have some questions during the argument. But should we start with APCO's Motion For Attorney's Fees? Is that --

MR. ZIMBLEMAN: Yeah, if I could make a suggestion.

THE COURT: Okay.

MR. ZIMBLEMAN: I mean, we have a Motion to Retax Cost -- both North -- National Wood Products and Helix did -- to which they responded. But they also have a motion for fees and costs, and ultimately their burden. So I would suggest they go, we go, they go.

THE COURT: Okay.

MR. JEFFERIES: You mean, the Motion For Cost -- the application of costs, as well?

MR. ZIMBLEMAN: Correct.

MR. JEFFERIES: Okay.

MR. ZIMBLEMAN: I mean, it seems to me, it's your burden. And therefore, you know, you're in that position. We might as well keep it simple.

MR. JEFFERIES: Understood. In that regard Ms. Bacon

will argue the cost. She's more --

THE COURT: Okay.

MR. JEFFERIES: -- familiar with the detail.

Listening to your calendar this morning, I know Your Honor has reviewed things, so I don't want to repeat things that you already know. We're seeking $238,000 in fees against Helix, and $206,000 in fees against National.

As far as the process, I would emphasize for your notes, Exhibits 7A and 7B are counsel's attempts to allocate fees per party. Marquis Aurbach fees are admittedly more cumbersome, given the number of parties and the length of time. They've done their best. And you can see their allocation in Exhibit 7A.

Spencer Fane, we came on when there were eight subcontractors. We settled with five. And if you look at Exhibit 7B which is our attempt to allocate our fees, you will see when we first started in the case we cut our fees by one-eighth and allocated them to Helix and National Wood.

As we get closer to trial and more focused prep and discovery, where we were able, we allocated per that party and for things -- general trial prep, we allocated 50 percent.

There was really no other meaningful way to do it. And I would submit to you that there really hasn't been any meaningful objection to the Spencer Fane allocations.

THE COURT: Okay.

MR. JEFFERIES: We've done our best to remove Zitting.

Those are gone. There were very significant -- the deductions, from what APCO has spent to what we're asking for, is, like, $267,000. So it's been a meaningful, and we think reasonable, effort on our part to allocate.

THE COURT: Okay. There's the contention that there was an assignment and, therefore, the contractual basis for seeking an award of attorney's fees does not apply.

MR. JEFFERIES: Yes, sir. We have a few responses to that -- some are factual and some are legal. Factually we did not sue these subcontractors. We didn't even have a counterclaim.

We were a defendant. They both sued us to enforce the subcontract, and in both of their complaints they asked for attorney's fees pursuant to 18.5. We successfully defended.

I would submit to you that if you read the actual clause it uses the terms either party. If either party files litigation the prevailing party gets their attorney's fees. So if you subscribe to and adopt this fiction that because we have assigned, we're no longer a party, they are the one party that unilaterally filed against us and we prevailed.

So I would submit to you that under the terms of 18.5 -- and I thought it was interesting -- and by the way for the record, I don't have an objection to the Sur-reply. You need to consider -- they have a motion to --

THE COURT: That's --

MR. JEFFERIES: National Wood.

THE COURT: Right. Okay.

MR. JEFFERIES: And I -- we don't object to that.

THE COURT: Okay. That's on calendar -- That's the last thing that's on the calendar today. So I'll grant the Motion For Leave to File Sur-reply. Okay? So that's granted.

MS. BACON: Thank you.

MR. JEFFERIES: Interestingly, if there's a page in there where National Wood actually parses out the text of 18.5 and properly asserts National Wood as the either party suing APCO. And I would submit to you, it supports the argument that both parties don't have to initiate. One party can and then we have the benefit of that contractual provision.

I will admit that when I first read the argument, it had some superficial -- appeal may not be the right word, but I thought it was an interesting argument. But there was just something fundamentally that didn't seem right that they could sue us on the subcontract and then I not have the benefit of that.

And I would submit to you, we found a lot of cases that said a nonparty can enforce certain provisions if they're sued. Their Sur-reply points out some of those cases have statues. I respect that.

The principle to us is kind of the same. It's one of fairness. They can't sue us and not have the burden -- the related burden of the document they're suing to enforce.

And I would submit to you on page 7 of our reply -- and I

just want to read this into the record because the closest we could find from the Nevada Supreme Court was the concept of the arbitration where one party to a contract was suing a purported nonparty. And the nonparty was saying, listen, I get the benefit of that clause -- and admittedly it was arbitration, but it -- the Supreme Court clearly dealt with this equitable estoppel doctrine.

And in the Ahlers case on page 7, the Supreme Court said, The equitable estoppel doctrine prevents a plaintiff signatory to a contract that contains an arbitration provision from avoiding the agreement to arbitrate if the plaintiff's claims rely on the contract as the basis for relief.

Otherwise, to allow a plaintiff to claim the benefit of the contract and simultaneously avoid its burdens would both disregard equity and contravene the purposes underlying enactment of --

THE COURT: What's that case?

MR. JEFFERIES: Ahlers, A-H-L-E-R-S, 367 P.3d 743.

And we also cite the Hard Rock Hotel for the same concept.

Admittedly both are talking about an arbitration provision, but it should just strike the conscience of the Court that they can come in and sue us. We didn't countersue.

THE COURT: Okay.

MR. JEFFERIES: We win.

THE COURT: All right. The other question I had is relevant to the offer of judgment.

MR. JEFFERIES: Yes, sir.

THE COURT: The contention is made the -- it was made after trial started. So it wasn't in accordance with Rule 68.

MR. JEFFERIES: Five years ago, the record reflects that a subcontractor, I believe to Camco, started a proceeding. And I can be corrected by counsel who was here. But what we've been able to discern is that that's what facilitated or resulted in the priority appeal.

I think it is a misuse of the rule. We've cited articulations from the Nevada Supreme Court confirming that Rule 68 -- it should be given as much opportunity -- on page 15 of our reply. And the Supreme Court said, The offer of judgment is a useful settlement device which should be made available at every possible juncture where the rules allow.

It appears that case there was a formal bifurcation. I respect the distinction that was made in the pleadings. But I would submit to you, here -- whether it was formally ordered or not, we had a practical bifurcation. And we all knew we were having our first trial before you on these claims -- and I'm losing track of time -- in January of this year. So --

THE COURT: Okay.

MR. JEFFERIES: So unless you have further questions, it really is well briefed on both sides.

THE COURT: Yeah.

MR. JEFFERIES: And I think we've got a good record and

--

THE COURT: All right.

MR. JEFFERIES: -- we would request you award fees.

THE COURT: Okay. And now I'll hear the costs.

MR. JEFFERIES: Ms. Bacon will address the costs.

MS. BACON: Your Honor, do you mind if I stand here?

THE COURT: That's fine.

MS. BACON: Excellent. So APCO was seeking a total $57,228.89 in costs. All the reasonable costs incurred are allowed pursuant to 18.5 of the subcontract. Those costs were incurred -- $23,000 approximately at Spencer Fane, an additional $23,000 at Marquis Aurbach; and $10,500 through Howard & Howard.

I think the briefing pretty well supports that all of those costs would be allowable as reasonable costs that were necessarily occurred in pursuing that action. They're broken down. And to the extent that it's helpful, I have a web page demonstrative, which I'll be happy to give opposing counsel as well.

May I approach?

THE COURT: Yes. Uh-huh.

MS. BACON: That kind of summarizes these costs that are also in APCO's motion.

THE COURT: Okay. Thank you.

MS. BACON: So unless you have any specific questions, all of the costs, at least in my mind, were fairly reasonable and most of them were also requested from Helix and National Wood in their

Memorandum of Costs. And obviously we're seeking out of the fees as they relate to this motion.

The one point I wanted to point out was there was an audit cost that was requested -- Helix brought APCO to the Nevada State Contractors Board of a result of this action. And that documentation is provided in the Motion For Attorney's Fees. And as a result of that action, APCO is ordered to provide an audit and incurred $10,500 in doing so.

THE COURT: Okay.

MS. BACON: Do you have any specific questions about any of the other costs?

THE COURT: No, not at this point. Thanks.

MS. BACON: Thank you, Your Honor.

THE COURT: So now I've got the Plaintiff's Motions to Retax; right? And responses to what's --

MR. ZIMBLEMAN: Yeah. I mean, I think they're kind of inextricably intertwined; right?

THE COURT: Right.

MR. ZIMBLEMAN: I mean, the Code requires us to file that motion within three days of when they submit their cost bill. And I think that kind of triggers this process that we're here about now.

THE COURT: Right.

MR. ZIMBLEMAN: And so I think it's one and the same in essence.

I'd like to address the fees issues first. The -- and briefly,

because, of course, we've -- Helix and National Wood, we've done our best to try to address the -- you know, the minutia -- and I'll get to a few points on that -- and obviously brief to these legal issues.

But I just want to say couple things: One, the assignment isn't just -- it just didn't inadvertently happen. All right? This was, first of all, their request to you to make this finding. This was their ask. And you made that finding.

And it occurred in 2008 when they stopped working on the project that terminated their contract with Gemstone and assigned the contract to Gemstone and it facilitated that assignment further to Camco; okay? That was your finding. That was what they asked you to find.

And they, by doing so, have given up all of their rights and remedies afforded by that subcontract. That is the nature of an assignment. And I briefed that extensively. There's plenty of case law that says just that. It's gone.

So by what right do they come back today and say, hey, you know, we want to be paid our attorney's fees based on the provision of the contract that we assigned ten years ago?

Furthermore -- and it's part and parcel of the same argument -- and an important, I think, distinction -- they are not the real party in interest with perspective to that claim. A real party in interest and standing are -- are again, inextricably intertwined in Nevada law. And the point being, most importantly, that Helix and National Wood are exposed to that same claim, that's same right or

remedy, from Camco; right?

So we are now exposed to two parties seeking that same remedy. And that's the best -- that's the basis for my position that they are not the real party in interest, that they have no standing to bring that claim, and the assignment is what facilitated that condition.

With respect to Rule 68, there has been no bifurcation, simple. Mr. Jefferies is right within -- what did he say? Within the -- where the rules allow. Well, the rules do not allow. The rule required them to issue -- and it may be unfair -- but it's what the rule is, and it's what the Nevada legislature has decided.

The rule is you have to give an offer of judgment within 10 days prior to commencement of trial. They asked this court -- APCO asked this court to make a finding that trial had commenced in 2012. The court made that decision. It was Judge Scan at the time.

Now, that did not, by the way, facilitate the repetition. It had nothing to do with repetition. But it was a finding that they asked for primarily to -- because parties were worried about the 5-year rule, and that's reflected in that order.

But nonetheless, that's when trial commenced. And this was a consolidated proceeding and it is never been deconsolidated. So even if you feel like, you know, it's not fair that the offer of judgment statute doesn't apply, it still doesn't apply.

The final basis that they asserted for entitlement to fees is NRS 108.2373, and I've argued and I stand by this until my dying day

that --

THE COURT: Okay.

MR. ZIMBLEMAN: -- first, the Court did not make a finding that there was no reasonable basis in law or fact for us to pursue our Notice of Lien; and, secondly, that there clearly was a reasonable basis. A finding that we were wrong and they were right is not a finding that there was no reasonable reason to pursue a claim.

We lost. We accept that. We disagree with it. But we accept it. But that doesn't mean that we pursued our Notice of Lien without a reasonable basis in law or fact.

Furthermore, they pursued their Lien to Judgment. Their lien subsumed our lien. If our lien was pursued without a reasonable basis of law or fact, so was theirs. And I'm sure they don't agree that theirs was.

You know -- and I guess the last point on that is this is we were here in I think it was November on APCO's motion asking you to throw out our cause of action for a lien foreclosure. You denied that motion, without prejudice, but you denied that Motion For Summary Judgment.

I mean, honestly, if your belief was that our pursuit of the lien claim was without a reasonable basis in law or fact, that would've been the time to make that decision. And you didn't. And I don't want to try to get into your head, but it just doesn't seem to be consistent.

THE COURT: Okay.

MR. ZIMBLEMAN: With respect to the minutia that -- the excessiveness, the improper allocations -- and as I've pointed out, this is their burden to prove to you, not our burden to sort of pick through what they threw against the wall and say, Well, this isn't right and this isn't right and that's too much and this is too much.

They have to come to you and demonstrate to you that these are appropriate amounts, should you choose to order any attorney fees, which we're asking you to give zero. But if you're inclined give -- to award fees, they have to show you that everything they're asking for is fair, is reasonable, was necessary, was incurred because of us. And not because of others.

And, you know, their overarching position seems to be that Helix and National Wood are the last parties standing and, therefore, they have to pay for all of our costs and fees. Well, that's not how it works; right? And they've even acknowledged -- and I believe it was in their reply to the -- with respect to the fees and cost motion -- that a lot of the case was inextricably intertwined with other claimants. And they're right about that. And that's a reason to allocate.

And I heard Mr. Jefferies say that when they got on board there were 8 claimants against APCO and they had settled with 5 of those before trial. No, they didn't. The only settlements and dismissals I'm aware of were filed in May, after our trial was commenced -- or completed, long after.

So those parties are still there and you can't just pretend

that they weren't. And clearly, we're reaching back to the time when Marquis Aurbach involved, if you look at their spreadsheets, their lists of costs, sometimes they say, yeah, we're going to have to sign at 1/14th and sometimes they say it's 50/50, and sometimes they says it's a 100 percent to Helix or a 100 percent to National Wood.

You know, there may be instances which that's appropriate. But they didn't do a very good job of clearly identifying those instances. And we've done our best to try to show you at least examples and multiple examples where they have not done a very good job -- in fact, they've done a very poor job of allocating and giving fair allocation.

THE COURT: Okay. If you'll briefly address the costs.

MR. ZIMBLEMAN: I'm sorry.

THE COURT: The cost aspect now.

MR. ZIMBLEMAN: Yeah, the cost aspect. It's the same flaws.

THE COURT: It's all briefed.

MR. ZIMBLEMAN: Right. It's all briefed. But the same flaws exist -- Lack of allocation. Now, I do want to talk about a couple of very specific issues.

One, you know, some of these things are incredibly excessive like the $33,000 they're seeking for the photocopies. I mean, these numbers are astounding to me. I mean, I get a reasonable photocopy expense, but come on.

But the one that's most irritating, I guess, is this

accounting cost that they're asking to have Helix to pay because APCO was asked by the Contractor's Board to submit reviewed financials -- something that APCO should have at it's beck and call. And they claimed that that happened because of something Helix did, but they don't provide any proof.

Ms. Bacon told you that it's in her papers. But I've looked through her papers, and the only thing I've seen is this invoice from an accountant and somebody putting a sticky note on it saying Helix. That's not evidence, Your Honor. And they haven't provided anything to show that that's our responsibility. And more fundamentally, it's not a cost. It's just not recognized.

THE COURT: Okay.

MR. ZIMBLEMAN: I don't know how they can seek that.

And they've also tried to seek bankruptcy counsel fees as a way of -- by way of costs. They brought bankruptcy counsel to a mediation. And they haven't allocated that, by the way. But more importantly, more fundamentally, those are attorney fees. And they're not attorneys fees that are relative or relevant to this case.

Those parties -- those attorneys weren't of counsel here. They never appeared. They weren't brought in to the arguments to the court about a bankruptcy matter. They were brought in to give a dog and pony show to try to convince my client and others to, you know, go away for a pittance. We didn't ask them to be there. In fact, they specifically asked to talk to us. That was it. That's not a cost, that's not a fee, and it can't be awarded. So other than that, I

stand on the briefing. Thank you.

THE COURT: All right. Thank you.

Anybody else want to be heard on the cost issue?

MR. TAYLOR: Yes, Your Honor. APCO has made its bed and needs to lie in it. APCO could have tried to defend itself on the bases under the contract, and in fact they did. And then they could have asked the Court to make a finding of fact that there was a contract; however, it wasn't breached. Or there was a contract, but there were no damages.

They could've argued that Cabinetec hadn't done all of the work that it claimed to have done. And they made those types of claims, but they also specifically requested in their Findings of Fact that Your Honor determine that they had assigned the contract and everything relating to the contract both to Gemstone and then to Camco. They put that in their proposed conclusions of law, and the Court adopted those.

The Findings of Fact and Conclusions of Law, starting at page 68 and 69, there are a handful of paragraphs there where the Court concluded that APCO is no longer part of the contract.

Well, if APCO is no longer part of the contract, then it can't claim rights under that contract it is not a party to. APCO makes the argument that some other states which have mutuality provisions in their statutes would let a party is still claim attorney's fees even if they're not specifically named in the contract. That is not the law here.

Here the law is that according to the Roland versus Lepire case: It is settled that attorneys fees are not recoverable absent a statute, rule, or contractual provision to the contrary. That's the rule here.

In fact, in the Roland case the argument was made, Hey, look, Judge, even though we're not named in the contract as being entitled to fees, since there is an attorney's fee provision in here, you should extended to us. You should give us mutuality of remedy because we are a party to the contract.

The Supreme Court said -- well, the argument -- the trial court found the plaintiffs' are entitled to attorney's fees pursuant to the theory of mutuality of remedy. That's the same argument that's being argued here.

Hey, look, judge, if they had proved the contract and proved that we were parties, they would get this benefit against us. Therefore, even though we're not parties to the contract, even though there's no provision that names nonparties as being entitled to attorney's fees, you should stretch it, Judge.

Well, the Supreme Court said, We conclude that the trial court erred in basing the fee award on an implied agreement. So they said when you -- when you try to say that look, it should be implied, you should for fairness -- I believe that language of counsel was that it's fundamentally not right, he said.

That's a problem that needs to be addressed to the Supreme Court because the Supreme Court has told you -- told the

District Courts -- that you can't do it. You can't extend beyond the strict language of the contract. They are not parties to the contract, as found by this Court, therefore they're not entitled to the benefit.

In fact, there is even the issue of why National Wood would be responsible for it. National Wood was a creditor of Cabinetec. National Would is collecting its claim against Cabinetec through this litigation -- obviously at this point only against Camco not against APCO. But I don't know how you stretch it back through to say that National Wood is burdened by the contract in any event.

The arbitration cases that they talk about, we have those arbitration cases. When -- since Nevada -- since the Supreme Court here has said that it specifically addressed the issues with regard to attorney's fees, there's no reason to try to extrapolate to arbitration cases, or even California, Florida, or other state cases.

The idea that -- about the -- on the offer -- settlement offer, in argument APCO argued that, hey, look somebody did this back in 2013. They got this order. That order was submitted by attorneys for APCO Construction. They're the ones that made that bed. They're the ones that said we need to determine, for purposes of this case, that the trial has already commenced. They could have sought a way around the 5-year statute some other way, but they didn't. They specifically put the language in the proposed order that trial of this consolidated matter commenced on October 30, 2012, upon the trial of the lien amount, lien validity, and related claims of Ready Mix.

So they specifically said it was a consolidated matter; trial has commenced. They cannot now say, Well, we meant that then, but we meant something different now. They made that bed; they need to lie in it.

Also the idea that somehow this turned out to only be a case Helix and National Wood against APCO and, therefore, everything should be divided nearly 50/50 -- not consider the fact that there were multiple other parties who were still in this case -- I believe as recently -- it was May that they finally wound up the case as to some of those other parties.

If you'll remember, Your Honor, if APCO was merely a defendant, then APCO would not have gone first in trial. But APCO went first in trial. APCO put on its presentation first because there were many more issues involved.

Defendants don't go first, if that's the only reason why they're here. They went first.

Ms. Hirahara is going to talk about the specific allocation issues regarding the attorney's fees and the costs.

THE COURT: Okay. Thank you.

MS. HIRAHARA: Good morning, Your Honor.

Your Honor, with regard to the attorney's fees, we prepared a chart identical to APCO's chart. And I prepared a legend as to what cost we believe -- you know, how that cost should be -- or the fee should be reallocated.

First of all, there are costs of over $13,000 which APCO is

IN THE SUPREME COURT OF THE STATE OF NEVADA

Supreme Court Case No. 77320
***Consolidated with* 80508**

HELIX ELECTRIC OF NEVADA, LLC,

Appellant,

v.

APCO CONSTRUCTION, INC., A NEVADA CORPORATION,

Respondent.

JOINT APPENDIX
VOLUME 101

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Docket 77320 Document 2020-38063

CHRONOLOGICAL APPENDIX OF EXHIBITS

Date	Description	Bates Number	Volume(s)
06-24-09	**Helix Electric's Statement of Facts Constituting Lien and Third-Party Complaint**	**JA000001-JA000015**	**1**
08-05-09	**APCO's Answer to Helix's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint**	**JA000016 – JA000030**	**1**
04-26-10	**CAMCO and Fidelity's Answer and CAMCO's Counterclaim**	**JA000031-JA000041**	**1**
07-02-10	**Order Striking Defendant Gemstone Development West, Inc.'s Answer and Counterclaim and Entering Default**	**JA000042-JA000043**	**1**
06-06-13	**APCO's Limited Motion to Lift Stay for Purposes of this Motion Only; (2) APCO's Motion for Summary Judgment Against Gemstone Only; and (3) Request for Order Shortening Time**	**JA000044-JA000054**	**1**
	Exhibit 1 – Affidavit of Randy Nickerl in Support of (I) APCO's Limited Motion to Lift Sta for Purposes of this Motion Only; (2) APCO's Motion for Judgment Against Gemstone Only	JA000055-JA000316	1/2/4/5/6
	Exhibit 2 – Findings of Fact and Conclusions of Law and Judgment in Favor of APCO Construction Against Gemstone Development West, Inc. Only	JA000317-JA000326	6

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08-02-17	**Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements and *Ex Parte* Application for Order Shortening Time**	**JA000328-JA000342**	**6**
	Exhibit 1 – APCO Construction's Answers to Helix Electric of Nevada, LLC's First Request for Interrogatories	JA000343-JA00379	6
	Exhibit 2 – Camco Pacific Construction Company, Inc.'s Responses to Helix Electric of Nevada, LLC's Interrogatories	JA000380-JA000392	6
08-21-17	**APCO Construction's Opposition to Peel Brimley Lien Claimants' Partial Motion for Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements**	**JA000393-JA000409**	**6/7**
	Exhibit A – Excerpt from 30(b)(6) Witness for Helix Electric of Nevada, LLC taken July 20, 2017	JA000410-JA000412	7
09-28-17	**Peel Brimley Lien Claimants' Reply to Oppositions to Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements**	**JA000413-JA00418**	**7**
11-06-17	**Peel Brimley Lien Claimants' Motion in Limine Nos. 1-6**	**JA000419-JA000428**	**7**

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	Exhibit 2 – Amended Notices of 30(b)(6) Deposition of Camco Pacific Construction Company, Inc. from Cactus Rose Construction, Inc., Fast Glass, Inc.'s, Heinaman Contract Glazing, Inc. and Helix Electric of Nevada, LLC's	JA000436-JA000472	7/8
	Exhibit 3 – Excerpt from David E. Parry's Deposition Transcript taken June 20, 2017	JA000473 JA00489	8
	Exhibit 4 – Cactus Rose Construction, Inc.'s First Set of Request for Admissions to Camco Pacific Construction	JA00490 JA000500	8
	Exhibit 5 – Fast Glass, Inc.'s First Set of Request for Admissions to Camco Pacific Construction	JA000501-JA000511	8
	Exhibit 6 – Heinaman Contract Glazing, Inc.'s First Set of Request for Admissions to Camco Pacific Construction	JA000512-JA000522	8
	Exhibit 7 – Helix Electric of Nevada, LLC's First Set of Request for Admissions to Camco Pacific Construction	JA000523-JA000533	8
11-06-17	**Helix Electric of Nevada's Motion *in Limine* Nos. 1-4**	**JA000534-JA000542**	**8**
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	Exhibit 1 – Second Amended Notice of taking NRCP Rule 30(b)(6) Deposition of Person Most Knowledgeable for Zitting Brothers Construction, Inc.	JA000615-JA000624	9
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	Exhibit 3 – Excerpts from Samuel Zitting's Deposition Transcript taken October 27, 2017	JA000647-JA000678	9/10
	Exhibit 4 – Statement of Facts Constituting Lien on Behalf of Buchele, Inc.	JA000679-JA000730	10
	Exhibit 5 – Subcontract Agreement dated April 17, 2007	JA000731-JA000808	10/11
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	Exhibit 9 – Email from Eric Zimbelman dated October 17, 2017	JA000838-JA000844	12
	Exhibit 10 – Special Master Report, Recommendation and District Court Order	JA00845-JA000848	12

Date	**Description**	**Bates Number**	**Volume(s)**
	Exhibit 11 – Plaintiff in Intervention, National Wood Products, Inc.'s Initial Disclosures Pursuant to NRCP 16.1	JA000849-JA000856	12
	Exhibit 12 – Plaintiff in Intervention, National Wood Products, Inc.'s First Supplemental Disclosures Pursuant to NRCP 16.1	JA000857-JA000864	12
	Exhibit 13 – Amended Notice of Taking NRCP Rule 30(b)(6) Deposition of Person Most Knowledgeable for Helix Electric of Nevada, LLC	JA000865-JA000873	12
	Exhibit 14 – Excerpts from Helix Electric of Nevada, LLC's 30(b)(6) Witness Deposition Transcript taken July 20, 2017	JA000874-JA000897	12
11-14-17	**Camco Pacific Construction Company, Inc.'s Opposition to Lien Claimants' Motions in Limine Nos. 1-6**	**JA000898-JA000905**	**12**
	Exhibit A – Nevada Construction Services Cost Plus GMP Contract Disbursement Agreement	JA000906-JA000907	12
	Exhibit B – Scott Financial Corporation's April 28, 2009 letter to the Nevada State Contractor's Board	JA000908-JA000915	2/13
	Exhibit C – E-mail from Alex Edelstein dated December 15, 2008 Re: Letter to Subs	JA000916-JA000917	13
	Exhibit D – Camco Pacific's letter dated December 22, 2008	JA000918-JA000920	13
	Exhibit E – Order Approving Sale of Property	JA000921-JA000928	13

Date	**Description**	**Bates Number**	**Volume(s)**
11-14-17	**APCO Construction, Inc.'s Opposition to Helix Electric of Nevada, LLC's Motions *in Limine* Nos. 1-4**	**JA000929-JA000940**	**13/14**
	Exhibit 1 – Excerpts from the Deposition Transcript of Mary Jo Allen taken July 18, 2017	JA000941-JA000966	14/15/16
	Exhibit 2 – Helix Electric's Manhattan West Billing/Payment Status through August 2008	JA000967-JA000969	16/17
	Exhibit 3 – Excerpts from the Deposition Transcript of Andrew Rivera taken July 20, 2017	JA000970-JA000993	17/18/19
11-14-17	**Helix Electric of Nevada's Opposition to APCO Construction's Omnibus Motion *in Limine***	**JA000994-JA001008**	**20**
	Exhibit 1 – Excerpts from the Deposition Transcript of Brian Benson taken June 5, 2017	JA001009-JA001042	20
	Exhibit 2 - Excerpts from the Deposition Transcript of Brian Benson taken June 5, 2017	JA001043-JA001055	20
	Exhibit 3 – Special Master Order Requiring Completion of Questionnaire	JA001056-JA001059	20
	Exhibit 4 – Excerpts from the Deposition Transcript of the 30(b)(6) Witness for Helix Electric of Nevada taken July 20, 2017	JA001060-JA001064	20
	Exhibit 5 - Excerpts from the Deposition Transcript of David E. Parry taken June 20, 2017	JA001065 JA001132	20/21
11-15-17	**APCO Construction, Inc.'s Reply in Support of its Omnibus *Motion in Limine***	**JA001133 JA001148**	**21**

Date	**Description**	**Bates Number**	**Volume(s)**
	Exhibit 1 – Special Master Report Regarding Discovery Status	JA001149-JA001151	21
	Exhibit 2 – Notice of Taking NRCP Rule 30(b)(6) Deposition of the Person Most Knowledgeable for Zitting Brothers Construction, Inc.	JA001152-JA001160	21
12-29-17	**Notice of Entry of Order Granting Peel Brimley Lien Claimants' Motion *in Limine* 1-6**	**JA001161-JA001169**	**22**
12-29-17	**Notice of Entry of Order Granting in Part and Denying in Part Helix Electric of Nevada, LLC's Motion *in Limine* 1-4**	**JA001170-JA001177**	**22**
12-29-17	**Notice of Entry of Order Granting in Part and Denying in Part APCO Construction's Omnibus Motion *in Limine***	**JA001178-JA001186**	**22**
01-03-18	**Notice of Entry of Order Granting Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements**	**JA001187-JA001198**	**22**
01-04-18	**Motion for Reconsideration of Court's Order Granting Peel Brimley Lien Claimants' Partial Motion for Summary Judgment to Preclude Defenses based on Pay-if-Paid provision on an Order Shortening Time**	**JA001199-JA001217**	**22**
	Exhibit 1 – Subcontract Agreement (Helix Electric of Nevada, LLC)	JA001218-JA001245	22/23/24
	Exhibit 2 – Subcontract Agreement (Zitting Brothers)	JA001246-JA001263	24

Date	**Description**	**Bates Number**	**Volume(s)**
	Exhibit 3 – Subcontract Agreement (CabineTec)	JA001264-JA001281	24/25
	Exhibit 4 – Amended Notice of Lien	JA001282-JA001297	25
	Exhibit 5 - Amended NOL	JA001298-JA001309	25
	Exhibit 6 – Notice of Lien	JA001310-JA001313	25
	Exhibit 7 – Order Approving Sale of Property	JA001314-JA001376	25/26
	Exhibit 8 – Order Releasing Sale Proceeds from Court Controlled Escrow Account	JA001377-JA001380	26
	Exhibit 9 – Order Denying *En Banc* Reconsideration	JA001381-JA001385	26
	Exhibit 10 – Order Granting Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA001386-JA001392	26
	Exhibit 11 – Notice of Entry of Findings of Fact and Conclusions of Law and Judgment	JA001393-JA001430	26
	Exhibit 12 – Order Big D Construction Corp.'s Motion for Attorney's Fees, Costs and Interest Pursuant to Judgment	JA001431-JA001435	26
	Exhibit 13 – Appellant's Opening Brief (Padilla v. Big D)	JA001436-JA001469	26
	Exhibit 14 – Respondent's Answering Brief	JA001470-JA001516	26/27
	Exhibit 15 – Appellant's Reply Brief (Padilla v. Big D)	JA001517-JA001551	27
01-09-18	**Peel Brimley Lien Claimants' Opposition to APCO Construction's Motion for Reconsideration of Order**	**JA001552-JA001560**	**27**

Date	Description	Bates Number	Volume(s)
	Granting Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements		
01-10-18	**Reply in Support of Motion for Reconsideration of Court's Order Granting Peel Brimley Lien Claimants' Partial Motion for Summary Judgment to Preclude Defenses Based on Pay-if-Paid Provisions on an Order Shortening Time**	**JA001561-JA001573**	**27**
01-12-18	**Joint Pre-Trial Memorandum [for APCO Construction, Inc., the Peel Brimley Lien Claimants and National Wood Products, LLC ONLY]**	**JA001574-JA001594**	**27/28**
	Exhibit 1 – Exhibit List APCO	JA001595-JA001614	28
	Exhibit 2 – Helix Trial Exhibits	JA001615-JA001616	28
	Exhibit 3 – Exhibit List Plaintiff in Intervention National Wood Products, Inc.	JA001617-JA001635	28
	Exhibit 4 – Cactus Rose Trial Exhibits	JA001636-JA001637	28
	Exhibit 5 – Heinaman Trial Exhibits	JA001638-JA001639	28
	Exhibit 6 – Fast Glass Trial Exhibits	JA001640-JA001641	28
	Exhibit 7 – SWPPP Trial Exhibits	JA001642-JA001643	28
	Exhibit 8 - Order Granting in Part and Denying in Part APCO Construction's Omnibus Motion *in Limine*	JA001644-JA001647	28

Date	**Description**	**Bates Number**	**Volume(s)**
	Exhibit 9 - Amended *nunc pro tunc* order regarding APCO Construction, Inc.'s Omnibus Motion *in Limine* No. 7	JA001648-JA001650	28
	Exhibit 10 - Order Granting in Part and Denying in part Helix Electric of Nevada, LLC's Motions *in Limine* 1-4 (Against APCO Construction)	JA001651-JA001653	28
	Exhibit 11 - order granting Peel Brimley Lien Claimants' Motion in Limine Nos.1-6 (against Camco Pacific Construction, Inc.)	JA001654-JA001657	28
	Exhibit 12 - Order Granting Plaintiff in Intervention, National Wood Products, Inc.'s Motion *in Limine*	JA001658-JA001660	28
	Exhibit 13 - Order Granting Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements	JA001661-JA00167	28/9/29
01-17-18	**Transcript Bench Trial (Day 1)**[1]	**JA001668-JA001802**	**29/30**
	Trial Exhibit 1 - Grading Agreement ***(Admitted)***	JA001803-JA001825	30
	Trial Exhibit 2 – APCO/Gemstone General Construction Agreement ***(Admitted)***	JA001826-JA001868	30
	Trial Exhibit 3 - Nevada Construction Services /Gemstone Cost Plus/GMP Contract Disbursement Agreement ***(Admitted)***	JA001869-JA001884	30

[1] Filed January 31, 2018

Date	**Description**	**Bates Number**	**Volume(s)**
	Trial Exhibit 4 - APCO Pay Application No. 9 Submitted to Gemstone ***(Admitted)***	JA001885-JA001974	30/31/32
	Trial Exhibit 5 - Letter from J. Barker to A. Edelstein re: APCO's Notice of Intent to Stop Work ***(Admitted)***	JA001975-JA001978	32
	Trial Exhibit 6 - Letter from J. Barker to A. Edelstein re: APCO's Notice of Intent to Stop Work ***(Admitted)***	JA001979-JA001980	32
	Trial Exhibit 10 - Letter from J. Barker to A. Edelstein Re: Notice of Intent to Stop Work (Second Notice) ***(Admitted)***	JA001981-JA001987	32
	Trial Exhibit 13 - Letter from A. Edelstein to Re. Nickerl Re: Termination for Cause (Gemstone) ***(Admitted)***	JA001988-JA002001	32
	Trial Exhibit 14 - Letter from W. Gochnour to Sean Thueson Re: [APCO's] Response to [Gemstone's] Termination for Cause ***(Admitted)***	JA002002-JA002010	33
	Trial Exhibit 15 - Letter from R. Nickerl to A. Edelstein Re: 48-Hour Notices ***(Admitted)***	JA002011-JA002013	33
	Trial Exhibit 16 - Email from J. Horning to A. Berman and J. Olivares re: Joint Checks ***(Admitted)***	JA002014	33
	Trial Exhibit 23 - APCO Subcontractor Notice of Stopping Work and Letter from J. Barker to A. Edelstein Re: Notice of Stopping Work and Notice of Intent to Terminate Contract ***(Admitted)***	JA002015-JA002016	33

Date	**Description**	**Bates Number**	**Volume(s)**
	Trial Exhibit 24 - Letter from R. Nickerl to Clark County re: Notification of APCO's withdrawal as General Contractor of Record ***(Admitted)***	JA002017-JA002023	33
	Trial Exhibit 26 - Email from J. Gisondo to Subcontractors re: June checks ***(Admitted)***	JA002024	34
	Trial Exhibit 27 - Letter from A. Edelstein to R. Nickerl re: June Progress Payment ***(Admitted)***	JA002025-JA002080	34
	Trial Exhibit 28 - Letter from J. Barker to A. Edelstein Re: Termination of Agreement for GMP ***(Admitted)***	JA002081	34
	Trial Exhibit 31 - Transmission of APCO's Pay Application No. 11 as Submitted to Owner ***(Admitted)***	JA002082-JA002120	34/35
	Trial Exhibit 45 - Subcontractor Agreement ***(Admitted)***	JA002121-JA002146	35
	Trial Exhibit 162 - Amended and Restated General Construction Agreement between Gemstone and CAMCO ***(Admitted)***	JA002147-JA002176	35/36
	Trial Exhibit 212 - Letter from Edelstein to R. Nickerl re: NRS 624 Notice ***(Admitted)***	JA002177-JA002181	36
	Trial Exhibit 215 - Email from C. Colligan to Subcontractors re: 48-hour Termination Notice ***(Admitted)***	JA002182-JA002185	36
	Trial Exhibit 216 - Email from C. Colligan re: Meeting with Subcontractors ***(Admitted)***	JA002186-JA002188	36
	Trial Exhibit 506 – Email and Contract Revisions ***(Admitted)***	JA002189 – JA002198	36

Date	Description	Bates Number	Volume(s)
01-18-18	**Stipulation and Order Regarding Trial Exhibit Admitted into Evidence**	**JA002199-JA002201**	**36**
	Exhibit 1 – Exhibit List APCO	JA002208-JA002221	36
	Exhibit 2 – Helix Trial Exhibits	JA002222-JA002223	36
	Exhibit 3 – Exhibit List Plaintiff in Intervention National Wood Products, Inc.	JA002224-JA002242	36/37
	APCO TRIAL EXHIBITS:		
	APCO Related Exhibits:		
	Trial Exhibit 7 - Letter from Scott Financial to APCO re: Loan Status	JA002243	37
	Trial Exhibit 8 - APCO Pay Application No. 10 as submitted to Owner	JA002244-JA002282	37/38
	Trial Exhibit 12 and 107 - Email from C. Colligan to Subcontractors re: Subcontractor Concerns	JA002283-JA002284	38
	Trial Exhibit 17 – Video (Construction Project)	JA002285	N/A
	Trial Exhibit 18 – Video (Construction Project)	JA002286	N/A
	Trial Exhibit 19 – Video (Construction Project)	JA002287	N/A
	Trial Exhibit 20 – Video (Construction Project)	JA002288	N/A
	Trial Exhibit 21 – Video (Construction Project)	JA002289	N/A
	Trial Exhibit 22 – Video (Construction Project)	JA002290	N/A

Date	Description	Bates Number	Volume(s)
	Trial Exhibit 29 - Email from J. Robbins to Subcontractors re: Billing Cut-Off for August Billing	JA002285	39
	Trial Exhibit 30 - Camco Pay Application No. 11 NCS-Owner Approved with NCS Draw Request	JA002286-JA002306	39
	Trial Exhibit 32 and 125 - Photo re: Building 8 & 9, Interior (Showing drywall still not completed and no electrical trim or fixture installed)	JA002307-JA002308	39
	Trial Exhibits 33 and 126 - Photo re: Building 8 & 9, Interior (Showing drywall still not completed)	JA002309-JA002310	39
	Exhibit 34 and 128 - Photo re: Building 8 & 9, Interior (Showing drywall still not completed)	JA002311-JA002312-	40
	Trial Exhibit 35 - Photo re: Building 8 & 9, Interior (Showing drywall still not completed and no electrical trim or fixtures installed)	JA002313-JA002314	40
	Exhibit 36 and 130 -Photo re: Building 8 & 9, Interior (Showing drywall still not completed and no electrical trim or fixtures installed)	JA002315-JA002316	40
	Trial Exhibits 37 and 131 -Photo re: Building 8 & 9, Interior (Showing drywall still not completed and no electrical trim or fixtures installed)	JA002317-JA002318	40
	Trial Exhibits 38 and 132 - Photo re: Building 8 & 9, Interior (Showing drywall still not completed and no electrical trim or fixtures installed)	JA002319-JA002320	41

Date	Description	Bates Number	Volume(s)
	Trial Exhibit 39 -Email from K. Costen to Subcontractors informing that Manhattan West Project no longer open	JA002321-JA002322	41
	Trial Exhibit 40- Letter from D. Parry to Subcontractors Re: Funding Withdrawn	JA002323 JA002326	41
	HELIX Related Exhibits:		41
	Trial Exhibit 46 - Helix Pay Application No. 16713-008R1 with Proof of Payment	JA002327-JA002345	41
	Trial Exhibit 47 - Helix Pay Application No. 16713-009R1 with Proof of Payment	JA002346-JA002356	41
	Trial Exhibit 48 - Email from R. Nickerl to B. Johnson Re: Work Suspension Directive	JA002357-JA002358	41
	Trial Exhibit 49 -Helix Pay Application No. 16713-010R2 with Proof of Payment	JA002359-JA002364	41/42
	Trial Exhibit 50 - Unconditional Waiver and Release re: Pay Application No. 8 with Copy of Payment	JA002365-JA002366	42
	Trial Exhibit 51 - Photo re: Building 8 & 9, South (No Exterior fixtures installed. Helix billed out at 90%)	JA002367-JA002368	42
	Trial Exhibit 52 -Photo re: Building 8 & 9, North (No Exterior fixtures installed. Helix billed out at 90%)	JA002369-JA002370	42
	Trial Exhibit 53 -Photo re: Building - 2 & 3, West (No Exterior fixtures installed. Helix billed out at 90%)	JA002371-JA002372	42

Date	Description	Bates Number	Volume(s)
	Trial Exhibit 54 - Photo re: Building - 2 & 3, East (No Exterior fixtures installed. Helix billed out at 90%)	JA002373-JA002374	42
	Trial Exhibit 55 - Photo re: Building 2 & 3, East (No Exterior fixtures installed. Helix billed out at 90%)	JA002375-JA002376	42
	Trial Exhibit 56 - Photo re: Building 8 & 9, North (No Exterior fixtures installed. Helix billed out at 90%)	JA002377-JA002378	42
	Trial Exhibit 57 - Photo re: Building 2 & 3, and 8 & 9, North (No Exterior fixtures installed. Helix billed out at 90%)	JA002379-JA002381	42
	Trial Exhibit 58 - Helix Pay Application No. 16713-011R1 submitted to Owner	JA002382-JA002391	42
	Trial Exhibit 59 - Helix Pay Application No. 16713-011R1 given to Camco with Proof of Payment	JA002392-JA002405	43
	Trial Exhibit 60 - Helix Retention Rolled to Camco	JA002406-JA002415	43
	Trial Exhibit 61 - Unconditional Waiver and Release re: all Invoices through June 30, 2008 with Proof of Payment	JA002413-JA002415	43
	Trial Exhibit 62 - Photo re: Building 8 & 9, South	JA002416-JA002417	43
	Trial Exhibit 63 - Photo re: Building 2 & 3, West	JA002418-JA002419	43
	Trial Exhibit 64 - Photo re: Building 2 & 3, West	JA002420-JA002421	43
	Trial Exhibit 65 - Photo re: Building 2 & 3, South	JA002422-JA002423	43

Date	Description	Bates Number	Volume(s)
	Trial Exhibit 66 - Letter of transmittal from Helix to APCO re: Helix Pay Application No. 16713-011R1	JA002424-JA002433	43
	Trial Exhibit 67 - Photo re: Building 8 & 9, West (No exterior fixtures installed. Helix billed out 90%)	JA002435-JA002436	43
	Trial Exhibit 68 -Photo re: Building 8 & 9, West (No exterior fixtures installed. Helix billed out 90%)	JA002437-JA002438	43
	Trial Exhibit 69 - Photo re: Building 2 & 3, East (No exterior fixtures installed. Helix billed out 90%)	JA002439-JA002440	43
	Trial Exhibit 70 - Photo re: Building 8 & 9, South (No exterior fixtures installed. Helix billed out 90%)	JA002441-JA002442	43
	Trial Exhibit 71 - Photo re: Building 8 & 9, West (No exterior fixtures installed. Helix billed out 90%)	JA002443-JA002444	43
	Trial Exhibit 72 - Photo re: Building 2 & 3, East (No exterior fixtures installed. Helix billed out 90%)	JA002445-JA002446	43
	Trial Exhibit 73 - Photo re: Building 8 & 9, West (No exterior fixtures installed. Helix billed out 90%)	JA002447-JA002448	43
	Trial Exhibit 74 - Photo re: Building 2 & 3, East (No exterior fixtures installed. Helix billed out 90%)	JA002448-JA002449	43

Date	**Description**	**Bates Number**	**Volume(s)**
	Trial Exhibit 75 - Unconditional Release re: Pay Application No. 16713-011R1 with Proof of Payment	JA002450-JA002456	43
	Exhibit 77 - Helix Statement of Facts Constituting Notice of Lien and Third-Party Complaint	JA002457-JA002494	43
	Zitting Brothers Related Exhibits:		
	Trial Exhibit 100 - Check No. 14392 payable to Zitting ($27,973.80); Progress Payment No. 7	JA002495-JA002497	44
	Trial Exhibit 101 - Email from R. Nickerl to R. Zitting re: Change Orders	JA002498-JA002500	44
	Trial Exhibit 102 -Email from L. Lynn to J. Griffith, et al. re: Change Order No. 00011 "pending"	JA002501-JA002503	44
	Trial Exhibit 103- Email from R. Zitting to R. Nickerl re: change orders adjusted to $30 per hour	JA002504-JA002505	44
	Trial Exhibit 104 - Email from R. Zitting to R. Nickerl re: change orders adjusted to $30 per hour with copies of change orders	JA002506-JA002526	44
	Trial Exhibit 105 - Ex. C to the Ratification – Zitting Quotes	JA002527-JA002528	44
	Trial Exhibit 106 - Unconditional Lien Release – Zitting ($27,973.80)	JA002529	44
	Trial Exhibit 108 - Photo of Video (Construction Project)	JA002530-JA002531	44
	Trial Exhibit 109 - Photo of Video (Construction Project)	JA002532-JA002533	44

Date	Description	Bates Number	Volume(s)
	Trial Exhibit 110 - Photo of Video (Construction Project)	JA002534-JA002535	44
	Trial Exhibit 111 - Photo of Video (Construction Project)	JA002536-JA002537	44
	Trial Exhibit 112 - Photo of Video (Construction Project)	JA002538-JA002539	44
	Trial Exhibit 113 -Photo of Video (Construction Project)	JA002550-JA002541	44
	Trial Exhibit 114 -Photo of Video (Construction Project)	JA002542-JA002543	44
	Trial Exhibit 115 - Progress Payment No. 9 Remitted to Zitting	JA002544-JA002545	44
	Trial Exhibit 116 - Ratification and Amendment of Subcontract Agreement between Buchele and Camco	JA002546-JA002550	44
	Trial Exhibit 117 - C to the Ratification	JA002551-JA002563	44
	Trial Exhibit 118 - Q&A from Gemstone to subcontracts	JA002564-JA002567	44
	Trial Exhibit 119 - Check No. 528388 payable to APCO ($33,847.55) – Progress Payment No. 8.1 and 8.2	JA002568-JA002571	44
	Trial Exhibit 120 - Tri-City Drywall Pay Application No. 7 to APCO as submitted to Owner. Show percentage complete for Zitting	JA002572-JA002575	44/45
	Trial Exhibit 127 - Photo of Video (Construction Project)	JA002576-JA002577	45/46
	Trial Exhibit 128 - Photo of Video (Construction Project)	JA002578-JA002579	46
	Trial Exhibit 129 - Photo of Video (Construction Project)	JA002580-JA002581	46

Date	Description	Bates Number	Volume(s)
	Trial Exhibit 138 - Memo from Scott Financial to Nevada State Contractors Board Re: Explanation of Project Payment Process	JA002582-JA002591	46
	Trial Exhibit 152 -Terms & Conditions modified by APCO, Invoices and Check Payment	JA002592-JA002598	46
	National Wood Products Related Exhibits:		
	Trial Exhibit 160 - Documents provided for settlement	JA002599-JA002612	46
	CAMCO Related Exhibits:		
	Trial Exhibit 163 - Camco Pay Application No. 12 to Gemstone	JA002613-JA002651	46/47
	Trial Exhibit 165 - Letter from D. Parry to A. Edelstein re: Gemstone losing funding for project	JA002652-JA002653	47
	Trial Exhibit 166 - Letter from D. Parry to G. Hall re: withdrawal of funding	JA002654 JA002656	47
	Helix Related Exhibits:		47
	Trial Exhibit 169 - Helix Exhibit to Standard Subcontract Agreement with Camco	JA 002665 JA002676	47/48
	Trial Exhibit 170 - Subcontract Agreement between Helix and Camco (unsigned)	JA002677-JA002713	48
	Trial Exhibit 171 - Work Order No. 100	JA002714-JA002718	48
	Trial Exhibit 172 - Letter from J. Griffith to Victor Fuchs Re: Gemstone's intention to continue retention of Helix w/copy of Ratification and Amendment of Subcontract Agreement	JA002719-JA002730	48

Date	**Description**	**Bates Number**	**Volume(s)**
	Trial Exhibit 173 - Helix Pay Application No. 16713-012 to Camco with proof of payment	JA002731-JA002745	48
	Trial Exhibit 174 - Helix Change Order Request No. 28	JA002746-JA002747	48
	Trial Exhibit 175 - Change Notice No. 41	JA002748-JA002751	48
	Trial Exhibit 176 - Helix Pay Application No. 16713-013 to Camco	JA002752-JA002771	48/49
	Trial Exhibit 177 - Helix Pay Application No. 16713-014 to Camco	JA002772-JA002782	49
	Trial Exhibit 178 - Camco's letter to Helix rejecting Pay Application No. 16713-015 with attached copy of Pay Application	JA002783 JA002797	49
	National Wood/Cabinetec Related Exhibits:		
	Trial Exhibit 184 - Ratification and Amendment of Subcontract Agreement between CabineTec and Camco (fully executed copy)	JA002798-JA002825	49
	General Related Exhibits:		
	Trial Exhibit 218 - Camco/Owner Pay Application No. 11 w/Backup	JA002826-JA003028	50/51/52
	Trial Exhibit 220 - Camco/Owner Pay Application No. 12 w/Backup	JA003029-JA003333	52/53/54/55
	Trial Exhibit 313 - Letter from A. Edelstein to R. Nickerl re: NRS 624 Notice	JA003334-JA003338	55
	Helix Trial Exhibits:		
	Trial Exhibit 501 - Payment Summary	JA003339 – JA003732	55/56/57 /58/59/60
	Trial Exhibit 508 – Helix Pay Application	JA003733-JA003813	60/61

Date	**Description**	**Bates Number**	**Volume(s)**
	Trial Exhibit 510 - Unsigned Subcontract	JA003814-JA003927	61/62
	Trial Exhibit 512 - Helix's Lien Notice	JA003928-JA004034	62/63
	Trial Exhibit 522 - Camco Billing	JA004035-JA005281	63/64/65/66/67/68/69/70/71/72/73/74/75/76/77
01-19-18	**Order Denying APCO Construction's Motion for Reconsideration of Order Granting Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements**	**JA005282-JA005283**	**78**
01-18-18	**Transcript – Bench Trial (Day 2)**[2]	JA005284-JA005370	78
	Trial Exhibit 535 – Deposition Transcript of Andrew Rivera (Exhibit 99) ***(Admitted)***	JA005371-JA005623	78/79/80
01-19-18	**Transcript – Bench Trial (Day 3)**[3]	JA005624-JA005785	80
	Trial Exhibit 231 – Helix Electric's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint ***(Admitted)***	JA005786-JA005801	80
	Trial Exhibit 314 - Declaration of Victor Fuchs in support of Helix's Motion for Partial Summary Judgment against Gemstone ***(Admitted)***	JA005802-JA005804	80

[2] Filed January 31, 201879
[3] Filed January 31, 2018

Date	Description	Bates Number	Volume(s)
	Trial Exhibit 320 – June-August Billings—not paid to APCO ***(Admitted)***	JA005805	80
	Trial Exhibit 321 – Overpayments to Cabinetec ***(Admitted)***	JA005806-	80
	Trial Exhibit 536 – Lien math calculations (handwritten) ***(Admitted)***	JA005807-JA005808	80
	Trial Exhibit 804 – Camco Correspondence ***(Admitted)***	JA005809-JA005816	80
	Trial Exhibit 3176 – APCO Notice of Lien ***(Admitted)***	JA005817-JA005819	81
01-24-18	**Transcript – Bench Trial (Day 5)[4]**	**JA005820-JA005952**	81
03-08-18	**Letter to Judge Denton submitting Helix Electric of Nevada, LLC's (Proposed) Findings of Fact and Conclusions of Law**	**JA005953-JA005985**	**81**
03-08-18	**Letter to Judge Denton submitting APCO Construction, Inc.'s Proposed Findings of Fact and Conclusions of Law**	**JA005986-JA006058**	**8/821**
03-08-18	**APCO Construction Inc.'s Post-Trial Brief**	**JA006059-JA006124**	**82/83**
03-23-18	**APCO Opposition to Helix Electric of Nevada, LLC's Findings of Fact and Conclusions of Law**	**JA006125-JA006172**	**83/84**
03-23-18	**Helix Electric of Nevada, LLC's Responses to APCO Construction's Post-Trial Brief**	**JA006173-JA006193**	**84**
04-25-18	**Findings of Fact and Conclusions of Law and Order as the Claims of Helix Electric and Cabinetec Against APCO**	**JA006194-JA006264**	**84/85**

[4] Filed January 31, 201883

Date	Description	Bates Number	Volume(s)
05-08-18	**APCO Construction, Inc.'s Motion for Attorneys' Fees and Costs Against Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc**.	**JA006265-JA006284**	**85**
	Exhibit 1 – Findings of Fact and Conclusions of Law as to the Claims of Helix Electric and Cabenetec Against APCO	JA006285-JA006356	85/86
	Exhibit 2 – National Wood Products, Inc.'s Notice of Motion and Motion to Intervene and Memorandum of Points and Authorities in Support Thereof	JA006357-JA006369	86
	Exhibit 3 – Plaintiff in Intervention, National Wood Products, Inc.'s Findings of Fact and Conclusions of Law (Proposed)	JA006370-JA006385	86/87
	Exhibit 4 – Plaintiff in Intervention, National Wood Productions, Inc.'s Findings of Fact and Conclusions of Law Re Camco	JA006386-JA006398	87
	Exhibit 5 – Offer of Judgment to Helix Electric of Nevada, LLC	JA006399-JA006402	87
	Exhibit 6 – Offer of Judgment to Plaintiff in Intervention National Wood Products, Inc.	JA006403-JA006406	87
	Exhibit 7 – Declaration of John Randall Jefferies, Esq. in Support of APCO Construction, Inc.'s Motion for Attorney's Fees and Costs	JA006407-JA006411	87
	Exhibit 7A – Billing Entries	JA006412-JA006442	87/88

Date	**Description**	**Bates Number**	**Volume(s)**
	Exhibit 7B – Time Recap	JA006443-JA006474	88
	Exhibit 8 – Declaration of Cody S. Mounteer, Esq. in Support of Motion for Attorney's Fees and Costs	JA006475-JA006478	88
	Exhibit 9 – APCO Construction, Inc.'s Memorandum of Costs and Disbursements [Against Helix Electric of Nevada, LLC, and Plaintiff in Intervention National Wood Products, LLC]	JA006479-JA006487	88
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06-01-18	**Notice of Entry of Judgment [As to the Claims of Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc.'s Against APCO Construction, Inc.]**	**JA006541 JA006550**	**90**
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06-15-18	**Helix Electric of Nevada, LLC's Opposition to APCO Construction's Motion for Attorneys' Fees and Costs**	**JA006917 – JA006942**	**96**
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	Exhibit 7C – Special Master Report Regarding Remaining Parties to the Litigation, Special Master Recommendation and District Court Order Amended Case Agenda	JA007042-JA007046	97
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	Exhibit 11 – Notice of Entry of Order Granting in Part and Denying in Part APCO Construction's Omnibus Motion *in Limine*	JA007060-JA007088	97
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09-28-18	Notice of Entry of (1) Granting APCO Construction, Inc.'s Motion for Attorneys' Fees and Costs (2) Granting APCO Construction, Inc.'s Memorandum of Costs in Part (3) Granting Helix Electric of Nevada, LLC's Motion to Retax in Part and Denying in Part (4) Granting Plaintiff in Intervention National Wood Products, LLC's Motion to Retax in Part and Denying in Part and (5) Granting National Wood Products, Inc.'s Motion to File a Surreply	JA007281-JA007299	100
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	Exhibit 2 – ORDER: (1) Granting APCO Construction, Inc. Motion for Attorneys Fees and Costs (2) Granting APCO Construction, Inc.'s Memorandum of Costs in Part (3) Granting Helix Electric of Nevada LLC's Motion to Retax in Part and Denying in Part and all related matters (4) Granting Plaintiff in Intervention National Wood Products LLC's Motion to Retax in Part and Denying in Part -and-(5) Granting National Wood Products, Inc.'s Motion to File a Surreply	JA007336-JA007344	101
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	Exhibit 10D – Notice of Entry of Joint Order Granting, in Part, Various Lien Claimants' Motions for Partial Summary Judgment Against Gemstone Development West	JA008139-JA008141	109
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	Exhibit 10J – APCO Construction's Answer to Accuracy Glass & Mirror Company's First Amended Complaint re Foreclosure	JA008231-JA008265	109/110
	Exhibit 10K –Answer to Accuracy Glass & Mirror Company, Inc.'s Complaint and Camco Pacific Construction, Inc.'s Counterclaim	JA008266-JA008285	110
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	Exhibit 10Q – Notice of Entry of Judgment [As to the claims of Helix Electric of Nevada, LLC Against Camco Construction Co., Inc.]	JA008348-JA008367	110
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	Exhibit 10HH – APCO Construction's Answer to HD Supply Waterworks' Amended Statement of Facts Constituting Lien and Third-Party Complaint	JA008643-JA008657	112
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	Exhibit 10OO – Amended Notice of Appeal	JA008724-JA008729	113
	Exhibit 10PP – Notice of Cross Appeal	JA008730-JA008736	113
	Exhibit 10QQ – Motion to Suspend Briefing Pending Outcome of Order to Show Cause in Supreme Court Case No. 76276	JA008737-JA008746	113
	Exhibit 11 – Order to Consolidate this Action with Case Nos. A574391, A574792, A57623. A58389, A584730, A58716, A580889 and A589195	JA008747-JA008755	113
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	Exhibit 11 – Findings of Fact and Conclusions of Law as to the Claims of Heinaman Contract Glazing	JA009011-JA009024	118
	Exhibit 12 – Notice of Entry of Decision, Order and Judgment on Defendant Scott Financial Corporation's Motion for Summary Judgment as to Priority of Liens	JA009025-JA009038	118
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	Exhibit A – Notice of Entry of Judgment [As to the Claims of Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc.'s Against APCO Construction, Inc.]	JA009137-JA009166	120
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02-11-20	**Case Appeal Statement**	**JA009157-JA009163**	120
02-11-20	**APCO's Notice of Cross Appeal**	**JA009164-JA010310**	120
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05-08-18	**APCO Construction, Inc.'s Motion for Attorneys' Fees and Costs Against Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc.**	**JA006265-JA006284**	**85**
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	Exhibit 2 – National Wood Products, Inc.'s Notice of Motion and Motion to Intervene and Memorandum of Points and Authorities in Support Thereof	JA006357-JA006369	86
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	Exhibit 5 – Offer of Judgment to Helix Electric of Nevada, LLC	JA006399-JA006402	87
	Exhibit 6 – Offer of Judgment to Plaintiff in Intervention National Wood Products, Inc.	JA006403-JA006406	87
	Exhibit 7 – Declaration of John Randall Jefferies, Esq. in Support of APCO Construction, Inc.'s Motion for Attorney's Fees and Costs	JA006407-JA006411	87
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	Exhibit 9 – APCO Construction, Inc.'s Memorandum of Costs and Disbursements [Against Helix Electric of Nevada, LLC, and Plaintiff in Intervention National Wood Products, LLC]	JA006479-JA006487	88
	Exhibit 10 – Depository Index	JA006488-JA006508	88/89
06-06-13	**APCO's Limited Motion to Lift Stay for Purposes of this Motion Only; (2) APCO's Motion for Summary Judgment Against Gemstone Only; and (3) Request for Order Shortening Time**	**JA000044-JA000054**	**1**
	Exhibit 1 – Affidavit of Randy Nickerl in Support of (I) APCO's Limited Motion to Lift Sta for Purposes of this Motion Only; (2) APCO's Motion for Judgment Against Gemstone Only	JA000055-JA000316	1/2/4/5/6
	Exhibit 2 – Findings of Fact and Conclusions of Law and Judgment in Favor of APCO Construction Against Gemstone Development West, Inc. Only	JA000317-JA000326	6
02-11-20	**APCO's Notice of Cross Appeal**	**JA009164-JA010310**	120
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	Exhibit 2 – Zitting Brothers Construction, Inc.'s Motion for Partial Summary Judgment Against APCO Construction	JA000625-JA000646	9
	Exhibit 3 – Excerpts from Samuel Zitting's Deposition Transcript taken October 27, 2017	JA000647-JA000678	9/10
	Exhibit 4 – Statement of Facts Constituting Lien on Behalf of Buchele, Inc.	JA000679-JA000730	10
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	Exhibit 7 – Email from Mary Bacon dated October 16, 2017	JA000827-JA000831	12
	Exhibit 8 – Email from Mary Bacon dated October 17, 2017	JA000832-JA000837	12
	Exhibit 9 – Email from Eric Zimbelman dated October 17, 2017	JA000838-JA000844	12
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	Exhibit 13 – Amended Notice of Taking NRCP Rule 30(b)(6) Deposition of Person Most Knowledgeable for Helix Electric of Nevada, LLC	JA000865-JA000873	12
	Exhibit 14 – Excerpts from Helix Electric of Nevada, LLC's 30(b)(6) Witness Deposition Transcript taken July 20, 2017	JA000874-JA000897	12
03-23-18	**APCO Opposition to Helix Electric of Nevada, LLC's Findings of Fact and Conclusions of Law**	**JA006125-JA006172**	**83/84**
08-16-19	**APCO's Opposition to Helix Electric of Nevada LLC's Motion to (I) Re-Open Statistically Closed Case, (II) Dismiss All Unresolved Claims and/or (III) In the Alternative for a Rule 54(B) Certification as to Helix and APCO**	**JA008811-JA008821**	**114**
	Exhibit 1 – Order to File Amended Docketing Statement	JA008822-JA008824	114
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	Exhibit 6 – Answer to Helix Electric's Statement of Facts Constituting Lien and Third-Party Complaint and Camco	JA008925-JA008947	116/117

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	Exhibit 8 – Answer to Heinaman Contract Glazing's Statement of Facts Constituting Lien and Third-Party Complaint and Camco Pacific Construction's Counterclaim	JA008966-JA008986	117/118
	Exhibit 9 – Findings of Fact and Conclusions of Law as to the Claims of Helix Electric of Nevada, LLC Against Camco Pacific Construction, Inc.	JA008987-JA008998	118
	Exhibit 10 – Findings of Fact and Conclusions of Law as to the Claims of Cactus Rose Construction Co., Inc.	JA008998-JA009010	118
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	Exhibit 1-B – Declaration of Cody Mounteer in Support of APCO's Supplement to its Motion for Attorney's Fees	JA006639-JA006916	91/92/93 94/95/96
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	Exhibit 4 – Excerpts from the Deposition Transcript of the 30(b)(6) Witness for Helix Electric of Nevada taken July 20, 2017	JA001060-JA001064	20
	Exhibit 5 - Excerpts from the Deposition Transcript of David E. Parry taken June 20, 2017	JA001065 JA001132	20/21
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03-23-18	**Helix Electric of Nevada, LLC's Responses to APCO Construction's Post-Trial Brief**	**JA006173-JA006193**	**84**
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	Exhibit 12 - Order Granting Plaintiff in Intervention, National Wood Products, Inc.'s Motion *in Limine*	JA001658-JA001660	28
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03-08-18	**Letter to Judge Denton submitting APCO Construction, Inc.'s Proposed Findings of Fact and Conclusions of Law**	**JA005986-JA006058**	**8/821**
03-08-18	**Letter to Judge Denton submitting Helix Electric of Nevada, LLC's (Proposed) Findings of Fact and Conclusions of Law**	**JA005953-JA005985**	**81**
01-04-18	**Motion for Reconsideration of Court's Order Granting Peel Brimley Lien Claimants' Partial Motion for Summary Judgment to Preclude Defenses based on Pay-if-Paid provision on an Order Shortening Time**	**JA001199-JA001217**	**22**
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	Exhibit 12 – Order Big D Construction Corp.'s Motion for Attorney's Fees, Costs and Interest Pursuant to Judgment	JA001431-JA001435	26
	Exhibit 13 – Appellant's Opening Brief (Padilla v. Big D)	JA001436-JA001469	26
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01-29-20	**Notice of Appeal**	**JA009132-JA009136**	**119/120**
	Exhibit A – Notice of Entry of Judgment [As to the Claims of Helix Electric of Nevada, LLC and Plaintiff in Intervention	JA009137-JA009166	120

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06-01-18	**Notice of Entry of Judgment [As to the Claims of Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc.'s Against APCO Construction, Inc.]**	**JA006541 JA006550**	**90**
09-28-18	**Notice of Entry of Order (1) Granting APCO Construction, Inc.'s Motion for Attorneys' Fees and Costs (2) Granting APCO Construction, Inc.'s Memorandum of Costs in Part (3) Granting Helix Electric of Nevada, LLC's Motion to Retax in Part and Denying in Part (4) Granting Plaintiff in Intervention National Wood Products, LLC's Motion to Retax in Part and Denying in Part and (5) Granting National Wood Products, Inc.'s Motion to File a Surreply**	**JA007281-JA007299**	**100**
12-29-17	**Notice of Entry of Order Granting in Part and Denying in Part APCO Construction's Omnibus Motion *in Limine***	**JA001178-JA001186**	**22**
07-02-18	**Notice of Entry of Order Granting Helix Electric of Nevada, LLC's Motion for Attorneys' Fees, Interest and Costs**	**JA007238-JA007245**	**100**
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12-29-17	**Notice of Entry of Order Granting Peel Brimley Lien Claimants' Motion *in Limine* 1-6**	**JA001161-JA001169**	**22**
01-19-18	**Order Denying APCO Construction's Motion for Reconsideration of Order Granting Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements**	**JA005282-JA005283**	**78**
07-12-19	**Order Dismissing Appeal (Case No. 76276)**	**JA007332-JA007334**	**101**
07-02-10	**Order Striking Defendant Gemstone Development West, Inc.'s Answer and Counterclaim and Entering Default**	**JA000042-JA000043**	**1**
08-02-17	**Peel Brimley Lien Claimants' Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements and *Ex Parte* Application for Order Shortening Time**	**JA000328-JA000342**	**6**
	Exhibit 1 – APCO Construction's Answers to Helix Electric of Nevada, LLC's First Request for Interrogatories	JA000343-JA00379	6
	Exhibit 2 – Camco Pacific Construction Company, Inc.'s Responses to Helix Electric of Nevada, LLC's Interrogatories	JA000380-JA000392	6
11-06-17	**Peel Brimley Lien Claimants' Motion in Limine Nos. 1-6**	**JA000419-JA000428**	**7**
	Exhibit 1 – Notice of Entry of Order	JA000429	7

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	Exhibit 2 – Amended Notices of 30(b)(6) Deposition of Camco Pacific Construction Company, Inc. from Cactus Rose Construction, Inc., Fast Glass, Inc.'s, Heinaman Contract Glazing, Inc. and Helix Electric of Nevada, LLC's	JA000436-JA000472	7/8
	Exhibit 3 – Excerpt from David E. Parry's Deposition Transcript taken June 20, 2017	JA000473 JA00489	8
	Exhibit 4 – Cactus Rose Construction, Inc.'s First Set of Request for Admissions to Camco Pacific Construction	JA00490 JA000500	8
	Exhibit 5 – Fast Glass, Inc.'s First Set of Request for Admissions to Camco Pacific Construction	JA000501-JA000511	8
	Exhibit 6 – Heinaman Contract Glazing, Inc.'s First Set of Request for Admissions to Camco Pacific Construction	JA000512-JA000522	8
	Exhibit 7 – Helix Electric of Nevada, LLC's First Set of Request for Admissions to Camco Pacific Construction	JA000523-JA000533	8
09-28-17	**Peel Brimley Lien Claimants' Reply to Oppositions to Motion for Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements**	**JA000413-JA00418**	**7**
01-09-18	**Peel Brimley Lien Claimants' Opposition to APCO Construction's Motion for Reconsideration of Order Granting Partial Summary Judgment Precluding Defenses Based on Pay-if-Paid Agreements**	**JA001552-JA001560**	**27**
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07-19-18	**Plaintiff-in-Intervention National Wood Products, Inc.'s Surreply to APCO Construction's Reply to Plaintiff-in-Intervention National Wood Products, Inc.'s Opposition to Motion for Attorney's Fees and Costs**	**JA007246-JA007261**	**100**
01-10-18	**Reply in Support of Motion for Reconsideration of Court's Order Granting Peel Brimley Lien Claimants' Partial Motion for Summary Judgment to Preclude Defenses Based on Pay-if-Paid Provisions on an Order Shortening Time**	**JA001561-JA001573**	**27**
01-18-18	**Stipulation and Order Regarding Trial Exhibit Admitted into Evidence**	**JA002199-JA002201**	**36**
	Exhibit 1 – Exhibit List APCO	JA002208-JA002221	36
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	APCO TRIAL EXHIBITS:		
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	Trial Exhibit 7 - Letter from Scott Financial to APCO re: Loan Status	JA002243	37
	Trial Exhibit 8 - APCO Pay Application No. 10 as submitted to Owner	JA002244-JA002282	37/38
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	Trial Exhibit 19 – Video (Construction Project)	JA002287	N/A
	Trial Exhibit 20 – Video (Construction Project)	JA002288	N/A
	Trial Exhibit 21 – Video (Construction Project)	JA002289	N/A
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	Trial Exhibit 29 - Email from J. Robbins to Subcontractors re: Billing Cut-Off for August Billing	JA002285	39
	Trial Exhibit 30 - Camco Pay Application No. 11 NCS-Owner Approved with NCS Draw Request	JA002286-JA002306	39
	Trial Exhibit 32 and 125 - Photo re: Building 8 & 9, Interior (Showing drywall still not completed and no electrical trim or fixture installed)	JA002307-JA002308	39
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	Exhibit 34 and 128 - Photo re: Building 8 & 9, Interior (Showing drywall still not completed)	JA002311-JA002312-	40
	Trial Exhibit 35 - Photo re: Building 8 & 9, Interior (Showing drywall still not completed and no electrical trim or fixtures installed)	JA002313-JA002314	40
	Exhibit 36 and 130 -Photo re: Building 8 & 9, Interior (Showing drywall still not completed and no electrical trim or fixtures installed)	JA002315-JA002316	40

Date	Description	Bates Number	Volume(s)
	Trial Exhibits 37 and 131 -Photo re: Building 8 & 9, Interior (Showing drywall still not completed and no electrical trim or fixtures installed)	JA002317-JA002318	40
	Trial Exhibits 38 and 132 - Photo re: Building 8 & 9, Interior (Showing drywall still not completed and no electrical trim or fixtures installed)	JA002319-JA002320	41
	Trial Exhibit 39 -Email from K. Costen to Subcontractors informing that Manhattan West Project no longer open	JA002321-JA002322	41
	Trial Exhibit 40- Letter from D. Parry to Subcontractors Re: Funding Withdrawn	JA002323 JA002326	41
	HELIX Related Exhibits:		41
	Trial Exhibit 46 - Helix Pay Application No. 16713-008R1 with Proof of Payment	JA002327-JA002345	41
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	Trial Exhibit 48 - Email from R. Nickerl to B. Johnson Re: Work Suspension Directive	JA002357-JA002358	41
	Trial Exhibit 49 -Helix Pay Application No. 16713-010R2 with Proof of Payment	JA002359-JA002364	41/42
	Trial Exhibit 50 - Unconditional Waiver and Release re: Pay Application No. 8 with Copy of Payment	JA002365-JA002366	42
	Trial Exhibit 51 - Photo re: Building 8 & 9, South (No Exterior fixtures installed. Helix billed out at 90%)	JA002367-JA002368	42
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Date	Description	Bates Number	Volume(s)
	Trial Exhibit 54 - Photo re: Building - 2 & 3, East (No Exterior fixtures installed. Helix billed out at 90%)	JA002373-JA002374	42
	Trial Exhibit 55 - Photo re: Building 2 & 3, East (No Exterior fixtures installed. Helix billed out at 90%)	JA002375-JA002376	42
	Trial Exhibit 56 - Photo re: Building 8 & 9, North (No Exterior fixtures installed. Helix billed out at 90%)	JA002377-JA002378	42
	Trial Exhibit 57 - Photo re: Building 2 & 3, and 8 & 9, North (No Exterior fixtures installed. Helix billed out at 90%)	JA002379-JA002381	42
	Trial Exhibit 58 - Helix Pay Application No. 16713-011R1 submitted to Owner	JA002382-JA002391	42
	Trial Exhibit 59 - Helix Pay Application No. 16713-011R1 given to Camco with Proof of Payment	JA002392-JA002405	43
	Trial Exhibit 60 - Helix Retention Rolled to Camco	JA002406-JA002415	43
	Trial Exhibit 61 - Unconditional Waiver and Release re: all Invoices through June 30, 2008 with Proof of Payment	JA002413-JA002415	43
	Trial Exhibit 62 - Photo re: Building 8 & 9, South	JA002416-JA002417	43
	Trial Exhibit 63 - Photo re: Building 2 & 3, West	JA002418-JA002419	43
	Trial Exhibit 64 - Photo re: Building 2 & 3, West	JA002420-JA002421	43
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	Trial Exhibit 66 - Letter of transmittal from Helix to APCO re: Helix Pay Application No. 16713-011R1	JA002424-JA002433	43
	Trial Exhibit 67 - Photo re: Building 8 & 9, West (No exterior fixtures installed. Helix billed out 90%)	JA002435-JA002436	43

Date	Description	Bates Number	Volume(s)
	Trial Exhibit 68 -Photo re: Building 8 & 9, West (No exterior fixtures installed. Helix billed out 90%)	JA002437-JA002438	43
	Trial Exhibit 69 - Photo re: Building 2 & 3, East (No exterior fixtures installed. Helix billed out 90%)	JA002439-JA002440	43
	Trial Exhibit 70 - Photo re: Building 8 & 9, South (No exterior fixtures installed. Helix billed out 90%)	JA002441-JA002442	43
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	Trial Exhibit 74 - Photo re: Building 2 & 3, East (No exterior fixtures installed. Helix billed out 90%)	JA002448-JA002449	43
	Trial Exhibit 75 - Unconditional Release re: Pay Application No. 16713-011R1 with Proof of Payment	JA002450-JA002456	43
	Exhibit 77 - Helix Statement of Facts Constituting Notice of Lien and Third-Party Complaint	JA002457-JA002494	43
	Zitting Brothers Related Exhibits:		
	Trial Exhibit 100 - Check No. 14392 payable to Zitting ($27,973.80); Progress Payment No. 7	JA002495-JA002497	44
	Trial Exhibit 101 - Email from R. Nickerl to R. Zitting re: Change Orders	JA002498-JA002500	44
	Trial Exhibit 102 -Email from L. Lynn to J. Griffith, et al. re: Change Order No. 00011 “pending”	JA002501-JA002503	44

Date	Description	Bates Number	Volume(s)
	Trial Exhibit 103- Email from R. Zitting to R. Nickerl re: change orders adjusted to $30 per hour	JA002504-JA002505	44
	Trial Exhibit 104 - Email from R. Zitting to R. Nickerl re: change orders adjusted to $30 per hour with copies of change orders	JA002506-JA002526	44
	Trial Exhibit 105 - Ex. C to the Ratification – Zitting Quotes	JA002527-JA002528	44
	Trial Exhibit 106 - Unconditional Lien Release – Zitting ($27,973.80)	JA002529	44
	Trial Exhibit 108 - Photo of Video (Construction Project)	JA002530-JA002531	44
	Trial Exhibit 109 - Photo of Video (Construction Project)	JA002532-JA002533	44
	Trial Exhibit 110 - Photo of Video (Construction Project)	JA002534-JA002535	44
	Trial Exhibit 111 - Photo of Video (Construction Project)	JA002536-JA002537	44
	Trial Exhibit 112 - Photo of Video (Construction Project)	JA002538-JA002539	44
	Trial Exhibit 113 -Photo of Video (Construction Project)	JA002550-JA002541	44
	Trial Exhibit 114 -Photo of Video (Construction Project)	JA002542-JA002543	44
	Trial Exhibit 115 - Progress Payment No. 9 Remitted to Zitting	JA002544-JA002545	44
	Trial Exhibit 116 - Ratification and Amendment of Subcontract Agreement between Buchele and Camco	JA002546-JA002550	44
	Trial Exhibit 117 - C to the Ratification	JA002551-JA002563	44
	Trial Exhibit 118 - Q&A from Gemstone to subcontracts	JA002564-JA002567	44
	Trial Exhibit 119 - Check No. 528388 payable to APCO ($33,847.55) – Progress Payment No. 8.1 and 8.2	JA002568-JA002571	44

Date	Description	Bates Number	Volume(s)
	Trial Exhibit 120 - Tri-City Drywall Pay Application No. 7 to APCO as submitted to Owner. Show percentage complete for Zitting	JA002572-JA002575	44/45
	Trial Exhibit 127 - Photo of Video (Construction Project)	JA002576-JA002577	45/46
	Trial Exhibit 128 - Photo of Video (Construction Project)	JA002578-JA002579	46
	Trial Exhibit 129 - Photo of Video (Construction Project)	JA002580-JA002581	46
	Trial Exhibit 138 - Memo from Scott Financial to Nevada State Contractors Board Re: Explanation of Project Payment Process	JA002582-JA002591	46
	Trial Exhibit 152 -Terms & Conditions modified by APCO, Invoices and Check Payment	JA002592-JA002598	46
	National Wood Products Related Exhibits:		
	Trial Exhibit 160 - Documents provided for settlement	JA002599-JA002612	46
	CAMCO Related Exhibits:		
	Trial Exhibit 163 - Camco Pay Application No. 12 to Gemstone	JA002613-JA002651	46/47
	Trial Exhibit 165 - Letter from D. Parry to A. Edelstein re: Gemstone losing funding for project	JA002652-JA002653	47
	Trial Exhibit 166 - Letter from D. Parry to G. Hall re: withdrawal of funding	JA002654 JA002656	47
	Helix Related Exhibits:		47
	Trial Exhibit 169 - Helix Exhibit to Standard Subcontract Agreement with Camco	JA 002665 JA002676	47/48
	Trial Exhibit 170 - Subcontract Agreement between Helix and Camco (unsigned)	JA002677-JA002713	48

Date	Description	Bates Number	Volume(s)
	Trial Exhibit 171 - Work Order No. 100	JA002714-JA002718	48
	Trial Exhibit 172 - Letter from J. Griffith to Victor Fuchs Re: Gemstone's intention to continue retention of Helix w/copy of Ratification and Amendment of Subcontract Agreement	JA002719-JA002730	48
	Trial Exhibit 173 - Helix Pay Application No. 16713-012 to Camco with proof of payment	JA002731-JA002745	48
	Trial Exhibit 174 - Helix Change Order Request No. 28	JA002746-JA002747	48
	Trial Exhibit 175 - Change Notice No. 41	JA002748-JA002751	48
	Trial Exhibit 176 - Helix Pay Application No. 16713-013 to Camco	JA002752-JA002771	48/49
	Trial Exhibit 177 - Helix Pay Application No. 16713-014 to Camco	JA002772-JA002782	49
	Trial Exhibit 178 - Camco's letter to Helix rejecting Pay Application No. 16713-015 with attached copy of Pay Application	JA002783 JA002797	49
	National Wood/Cabinetec Related Exhibits:		
	Trial Exhibit 184 - Ratification and Amendment of Subcontract Agreement between CabineTec and Camco (fully executed copy)	JA002798-JA002825	49
	General Related Exhibits:		
	Trial Exhibit 218 - Camco/Owner Pay Application No. 11 w/Backup	JA002826-JA003028	50/51/52
	Trial Exhibit 220 - Camco/Owner Pay Application No. 12 w/Backup	JA003029-JA003333	52/53/54/55
	Trial Exhibit 313 - Letter from A. Edelstein to R. Nickerl re: NRS 624 Notice	JA003334-JA003338	55
	Helix Trial Exhibits:		

Date	**Description**	**Bates Number**	**Volume(s)**
	Trial Exhibit 501 - Payment Summary	JA003339 – JA003732	55/56/57/ 58/59/60
	Trial Exhibit 508 – Helix Pay Application	JA003733- JA003813	60/61
	Trial Exhibit 510 - Unsigned Subcontract	JA003814- JA003927	61/62
	Trial Exhibit 512 - Helix's Lien Notice	JA003928- JA004034	62/63
	Trial Exhibit 522 - Camco Billing	JA004035- JA005281	63/64/65/66/67/ 68/69/70/71/72/73/74/75/ 76/77
01-17-18	**Transcript Bench Trial (Day 1)**[5]	**JA001668- JA001802**	**29/30**
	Trial Exhibit 1 - Grading Agreement ***(Admitted)***	JA001803- JA001825	30
	Trial Exhibit 2 – APCO/Gemstone General Construction Agreement ***(Admitted)***	JA001826- JA001868	30
	Trial Exhibit 3 - Nevada Construction Services /Gemstone Cost Plus/GMP Contract Disbursement Agreement ***(Admitted)***	JA001869- JA001884	30
	Trial Exhibit 4 - APCO Pay Application No. 9 Submitted to Gemstone ***(Admitted)***	JA001885- JA001974	30/31/32
	Trial Exhibit 5 - Letter from J. Barker to A. Edelstein re: APCO's Notice of Intent to Stop Work ***(Admitted)***	JA001975- JA001978	32
	Trial Exhibit 6 - Letter from J. Barker to A. Edelstein re: APCO's Notice of Intent to Stop Work ***(Admitted)***	JA001979- JA001980	32
	Trial Exhibit 10 - Letter from J. Barker to A. Edelstein Re: Notice of Intent to Stop Work (Second Notice) ***(Admitted)***	JA001981- JA001987	32

[5] Filed January 31, 2018

Date	**Description**	**Bates Number**	**Volume(s)**
	Trial Exhibit 13 - Letter from A. Edelstein to Re. Nickerl Re: Termination for Cause (Gemstone) ***(Admitted)***	JA001988-JA002001	32
	Trial Exhibit 14 - Letter from W. Gochnour to Sean Thueson Re: [APCO's] Response to [Gemstone's] Termination for Cause ***(Admitted)***	JA002002-JA002010	33
	Trial Exhibit 15 - Letter from R. Nickerl to A. Edelstein Re: 48-Hour Notices ***(Admitted)***	JA002011-JA002013	33
	Trial Exhibit 16 - Email from J. Horning to A. Berman and J. Olivares re: Joint Checks ***(Admitted)***	JA002014	33
	Trial Exhibit 23 - APCO Subcontractor Notice of Stopping Work and Letter from J. Barker to A. Edelstein Re: Notice of Stopping Work and Notice of Intent to Terminate Contract ***(Admitted)***	JA002015-JA002016	33
	Trial Exhibit 24 - Letter from R. Nickerl to Clark County re: Notification of APCO's withdrawal as General Contractor of Record ***(Admitted)***	JA002017-JA002023	33
	Trial Exhibit 26 - Email from J. Gisondo to Subcontractors re: June checks ***(Admitted)***	JA002024	34
	Trial Exhibit 27 - Letter from A. Edelstein to R. Nickerl re: June Progress Payment ***(Admitted)***	JA002025-JA002080	34
	Trial Exhibit 28 - Letter from J. Barker to A. Edelstein Re: Termination of Agreement for GMP ***(Admitted)***	JA002081	34
	Trial Exhibit 31 - Transmission of APCO's Pay Application No. 11 as Submitted to Owner ***(Admitted)***	JA002082-JA002120	34/35
	Trial Exhibit 45 - Subcontractor Agreement ***(Admitted)***	JA002121-JA002146	35

Date	**Description**	**Bates Number**	**Volume(s)**
	Trial Exhibit 162 - Amended and Restated General Construction Agreement between Gemstone and CAMCO ***(Admitted)***	JA002147-JA002176	35/36
	Trial Exhibit 212 - Letter from Edelstein to R. Nickerl re: NRS 624 Notice ***(Admitted)***	JA002177-JA002181	36
	Trial Exhibit 215 - Email from C. Colligan to Subcontractors re: 48-hour Termination Notice ***(Admitted)***	JA002182-JA002185	36
	Trial Exhibit 216 - Email from C. Colligan re: Meeting with Subcontractors ***(Admitted)***	JA002186-JA002188	36
	Trial Exhibit 506 – Email and Contract Revisions ***(Admitted)***	JA002189 – JA002198	36
01-18-18	**Transcript – Bench Trial (Day 2)**[6]	JA005284-JA005370	78
	Trial Exhibit 535 – Deposition Transcript of Andrew Rivera (Exhibit 99) ***(Admitted)***	JA005371-JA005623	78/79/80
01-19-18	**Transcript – Bench Trial (Day 3)**[7]	JA005624-JA005785	80
	Trial Exhibit 231 – Helix Electric's Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint ***(Admitted)***	JA005786-JA005801	80
	Trial Exhibit 314 - Declaration of Victor Fuchs in support of Helix's Motion for Partial Summary Judgment against Gemstone ***(Admitted)***	JA005802-JA005804	80
	Trial Exhibit 320 – June-August Billings—not paid to APCO ***(Admitted)***	JA005805	80
	Trial Exhibit 321 – Overpayments to Cabinetec ***(Admitted)***	JA005806-	80

[6] Filed January 31, 201879

[7] Filed January 31, 2018

Date	**Description**	**Bates Number**	**Volume(s)**
	Trial Exhibit 536 – Lien math calculations (handwritten) ***(Admitted)***	JA005807-JA005808	80
	Trial Exhibit 804 – Camco Correspondence ***(Admitted)***	JA005809-JA005816	80
	Trial Exhibit 3176 – APCO Notice of Lien ***(Admitted)***	JA005817-JA005819	81
01-24-18	**Transcript – Bench Trial (Day 5)[8]**	**JA005820-JA005952**	81
01-24-19	**Transcript for All Pending Fee Motions on July 19, 2018**	**JA007300-JA007312**	**100/101**

[8] Filed January 31, 2018

seeking prior to the case being remanded from the Supreme Court. And it is our position that that should not be charged to National Wood or Helix.

I've highlighted some of these costs in lavender, Your Honor, because the description of these entries appeared to be related to all subcontractors. And at a minimum, Your Honor, there are 14 subcontractors, so we divided that among the 14 subcontractors and reduced the amount.

There are entries in here related to Insulpro that were charged to both Helix and National Wood. And I've highlighted that in this light pink.

There were charges related to National Wood. And we did not dispute that -- that's in the light blue, Your Honor.

There were charges related to depositions. And APCO divided that amongst Helix and National Wood. That should have been divided amongst the 10 deponents present, and so we reallocated those amounts.

There are additional allocations, Your Honor -- that's reflected on this legend.

And then at the bottom of each chart we reflected those totals were -- what APCO allocated to Helix, National Wood, and then National Wood's reallocation.

And also, Your Honor, in the event the Court awards any fees with respect to -- under NRCP 68, we itemized the amounts after November 23rd, 2017.

With regard to the cost, Your Honor, I want to point out a few things.

As, Your Honor knows under Cadle Company versus Woods Erickson's, the Court made it clear that the cost must be reasonable and necessary and actually incurred. Just providing receipts and invoices are insufficient. The declarations that were provided failed to state any facts to support these costs. There's no description that supports why these costs were incurred as a result of National Wood.

For example, Your Honor, online research -- the charges for Spencer Fein on their internal bill it says online research -- $75 for research. There's no description. It doesn't say why it's -- what that should be allocated to National Wood or Helix.

Your Honor, they've attached 103 pages of cost copies -- internal cost copies at 25 cents per page, which is totally unreasonable. But in those you'll see descriptions, cost charged to Interstate Plumbing, Nevada Prefab, and other subcontractors, yet they want to divide almost $7,000 between National and Helix.

And so those are the basis for our Motion to Retax because they are not reasonable; they failed to meet the burden to establish that these costs were reasonable and necessary, and actually incurred as a result of the claims made by National Wood.

Your Honor, the other -- [] Westlaw research -- the same is true. For Marquis Aurbach, there's no description. There's nothing that ties those -- the research or these costs to National Wood or

Helix. Therefore, we request that the Court deny those costs.

But if the Court is inclined to award any costs, then these costs should be allocated to the 14 subcontractors. If you take a look at the time period within which they're asking for these costs, there are all these other subcontractors involved. So we request that the Court allocate, in the event that the Court awards any of these costs.

Thank you.

THE COURT: Thank you.

Anything else from that table?

MR. ZIMBLEMAN: Thank you, Your Honor.

THE COURT: Okay. Briefly.

MR. JEFFERIES: Very briefly. I apologize.

You won't find one case cited by National or Helix where an assignor was sued on the contract and not allowed to take advantage of the benefits.

Helix claims it was exposed to APCO and Camco. That's only because Helix sued both parties.

As far as the lien goes, I would submit to you there was no reasonable basis for the continued prosecution of the lien.

And I also don't appreciate the statement or the comment that my statement was inaccurate to the Court, that there were 8 subcontractors and we have resolved 5 of them.

Yes, you will note we only went to trial with 2 -- Zitting got a judgment. The other 5 were resolved, and those stips have come in in due course. But we only went to trial with two subs, and Zitting

is in a separate category, so we did result 5. But in fairness to our allocations, I did do one-eighth when all those parties were involved.

So unless you have any questions --

THE COURT: No. Thank you.

Anything else on costs?

MS. BACON: And I will keep my comments very brief on costs.

Ms. Hirahara has stated that they -- our costs are not reasonable and necessary and actually incurred. We provided invoices that these costs were actually incurred. We provided the affidavits of myself and [indiscernible], and I think one from Mr. Jefferies stating why they were incurred.

And if Your Honor flips to APCO's Opposition to the Motion to Retax Costs, you'll see, at least as relating to [] Spencer Fein's fees, exhibit -- that's Exhibit A [indiscernible] that's Exhibit A too.

Exhibit A to the affidavits is a description of how each cost was incurred, what it was incurred for, what that Westlaw charge was incurred for.

So, yes, on Spencer Fein bills, it just -- does just say $75 online research. We provided additional documentation regarding what each expense was for and that's in the exhibits.

So unless you have any other questions.

THE COURT: The only other question I've got, before we conclude on this case, has to do with the offer of judgment. I mean,

putting aside the issue regarding trial and whether it was made timely, I recall there was no discussion of the Beattie factors that pertain to Rule 68.

There was discussion with the Brunzell factors, but no discussion of the Beattie factors.

MR. JEFFERIES: Well, in the -- and candidly, that's why I didn't object to the Sur-reply, so they had -- I did address the Beattie factors in the reply. So their point was --

THE COURT: Okay. Okay.

MR. JEFFERIES: Their point was well taken that they didn't -- they needed an opportunity to respond to those. You will see that in the reply and in the Sur-reply.

MR. ZIMBLEMAN: And, Your Honor, you will see in my brief that I briefed the Beattie factors.

THE COURT: Right.

MR. ZIMBLEMAN: And I objected to any attempt to -- for APCO to brief them on reply.

THE COURT: Okay. Very well. Matter stands submitted. I'll review it further.

MR. TOBLER: We have one matter, Your Honor.

THE COURT: I don't have a law clerk in this case. You know, my law clerk was disqualified, so --

MR. TOBLER: We have the Sur-reply which was attached to Exhibit A to the Motion for Leave. May we will file that in open court or just in the ordinary course?

THE COURT: What's that now?

MR. TOBLER: We have the Sur-reply, which you have as attached as Exhibit A to the Motion for Leave to File.

THE COURT: So I -- no. I think file it in the Clerk's office then.

MR. TOBLER: Okay.

THE COURT: I granted the motion for you to do so.

MR. ZIMBLEMAN: Great. Thank you.

THE COURT: Okay. Do you think they're going to give me a hard time on doing that?

MR. TOBLER: Think they'll probably just do it and let me file it.

THE COURT: Okay. All right. Thank you.

MR. TOBLER: We do have a couple of orders to sign on those motions, though.

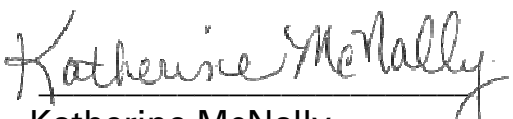
THE COURT: All right. You have some orders there now? Okay. Approach.

Have you shown them to counsel and they know what you're submitting to the Court?

[Proceedings adjourned at 11:26 a.m.]

* * * * * * * * *

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.



Katherine McNally
Court Recorder/Transcriber

IN THE SUPREME COURT OF THE STATE OF NEVADA

HELIX ELECTRIC OF NEVADA, LLC,
Appellant,
vs.
APCO CONSTRUCTION, INC., A NEVADA CORPORATION,
Respondent.

No. 76276

FILED

JUL 12 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order entering judgment against appellant. Eighth Judicial District Court, Clark County; Mark R. Denton, Judge.

When review of appellant's amended docketing statement revealed that it was incomplete, this court ordered appellant to file and serve an amended docketing statement that contained a complete response to item 23. Appellant filed a second amended docketing statement but that document still did not contain all required information. It was thus unclear whether the district court had entered a final judgment appealable under NRAP 3A(b)(1). *See Lee v. GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (defining a final judgment). Accordingly, this court entered an order directing appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. The order noted that the underlying case is extraordinarily complex, involving dozens of parties and multiple consolidated cases. Appellant was directed to provide specific information regarding each claim, counterclaim, third-party claim, and complaint in intervention asserted.

Having reviewed appellant's response, as well as the attached exhibits, appellant fails to demonstrate that the district court has entered

a final judgment in the constituent case. *See Moran v. Bonneville Square Assocs.*, 117 Nev. 525, 527, 25 P.3d 898, 899 (2001) (stating that the burden of establishing appellate jurisdiction lies with appellant). Appellant states that several claims and counterclaims were abandoned and not expressly resolved in a district court order but asserts that these claims are fully resolved due to the application of claim preclusion. Whether or not the claims may be brought again in future litigation is a separate inquiry from whether all asserted claims have been fully resolved so as to invoke this court's jurisdiction under NRAP 3A(b)(1). As noted in this court's order to show cause, the fact that a party was not inclined to pursue a claim does not operate as a formal dismissal of that claim. *KDI Sylvan Pools, Inc. v. Workman*, 107 Nev. 340, 342, 810 P.2d 1217, 1219 (1991). Accordingly, it appears that the order challenged in this appeal is not appealable as a final judgment. As no other statute or court rule appears to authorize an appeal from the challenged order, *see Brown v. MHC Stagecoach, LLC*, 129 Nev. 343, 345, 301 P.3d 850, 851 (2013) (this court "may only consider appeals authorized by statute or court rule"), it appears this court lacks jurisdiction and

ORDERS this appeal DISMISSED.[1]

Pickering, J.
Pickering

Parraguirre, J.
Parraguirre

Cadish, J.
Cadish

[1]Given this dismissal, the motion to consolidate this appeal with Docket No. 77320 is denied as moot. This court will determine its jurisdiction in Docket No. 77320 at a later date.

cc: Hon. Mark R. Denton, District Judge
Stephen E. Haberfeld, Settlement Judge
Peel Brimley LLP/Henderson
Fennemore Craig, P.C./Las Vegas
Marquis Aurbach Coffing
Spencer Fane LLP/Las Vegas
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Eighth District Court Clerk

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DISTRICT COURT

CLARK COUNTY, NEVADA

APCO CONSTRUCTION, a Nevada corporation, Plaintiff, Vs. GEMSTONE DEVELOPMENT WEST, INC., Nevada corporation; NEVADA CONSTRUCTION SERVICES, a Nevada corporation; SCOTT FINANCIAL CORPORATION, a North Dakota corporation; COMMONWEALTH LAND TITLE INSURANCE COMPANY; FIRST AMERICAN TITLE INSURANCE COMPANY and DOES I through X, Defendants. AND ALL RELATED MATTERS.	CASE NO. : A571228 DEPT. NO. : XIII **HEARING REQUESTED** *Consolidated with:* A571792, A574391, A577623, A580889, A583289, A584730, and A587168 **HELIX ELECTRIC OF NEVADA, LLC'S MOTION TO (I) RE-OPEN STATISTICALLY CLOSED CASE, (II) DISMISS ALL UNRESOLVED CLAIMS AND/OR, (III) IN THE ALTERNATIVE, FOR A RULE 54(B) CERTIFICATION AS TO HELIX AND APCO**

Helix Electric of Nevada, LLC ("Helix") by and through its counsel of record, the law firm of PEEL BRIMLEY LLP, hereby respectfully submits the following Motion to (I) Re-Open Statistically Closed Case, (II) Deem All Constituent Case Claims Resolved and/or, (III) in the Alternative, for a Rule 54(b) Certification as to Helix and APCO Construction, Inc. ("APCO").

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Case Number: 08A571228

This Motion is made and based on the points and authorities provided below, the papers and pleadings on file herein, and any oral argument to be heard by this Court at the hearing on this matter.

Respectfully submitted this 6th day of August, 2019.

PEEL BRIMLEY LLP

/s/ Eric B. Zimbelman

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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

As the Court will recall, this long-running, consolidated and complex case came to trial in January 2018. Of the various constituent cases and parties tried to this Court, the Court entered a judgment for APCO Construction Co. ("APCO") and against Helix in which the Court dismissed all of Helix's claims against APCO.[1] The Court subsequently awarded APCO attorney's fees and costs by way of a separate Order.[2] Helix then appealed both of those Orders to the Nevada Supreme Court,[3] which for unknown reasons created two separate appeal case numbers: 76276 and 77320.[4] The Court also entered judgment for Helix and other parties represented by the law firm of Peel Brimley LLP (the "Peel Brimley Lien Claimants") against Camco Pacific Construction Company, Inc. ("CAMCO").[5] The Court also dismissed all of the claims of National Wood Products ("NWP") against APCO and awarded APCO fees and costs as

[1] *See* **Exhibit 1**.
[2] *See* **Exhibit 2**. Collectively, the Orders regarding the claims by and between Helix and APCO are referred to hereinafter as "the Helix/APCO Orders."
[3] *See* **Exhibits 3 and 4**.
[4] Case No. 76276 pertains specifically to the underlying judgment while Case No. 77320 pertains specifically to the award of fees and costs.
[5] *See* **Exhibits 5A, 5B, 5C, 5D and 5E**.

against NWP. Although NWP also appealed, that appeal was dismissed following a settlement between those parties.[6]

Recently, following an Order to Show Cause,[7] the Nevada Supreme Court dismissed Helix's appeal of the underlying judgment as premature, concluding that the District Court did not enter a final judgment in the Constituent Case.[8] Specifically, although several claims and counterclaims involving other parties were abandoned and therefore not expressly resolved at trial, the Nevada Supreme Court concluded that "the fact that a party was not inclined to pursue a claim does not operate as a formal dismissal of that claim"[9] Accordingly, the Order and judgment for APCO is "not appealable as a final judgment."[10] By way of the present Motion, Helix seeks to remove this jurisdictional hurdle and render the Helix/APCO Orders are final and appealable. Specifically, but without limitation, Helix moves this Court to:

- Re-open this statistically closed case;
- Dismiss any and all unresolved claims arising out of the consolidated action or, alternatively, the constituent case from which the Helix/APCO Orders arise; and/or
- Issue a certification pursuant to Nev. R. Civ. P. 54(b) that there is no just reason for delay to direct entry of a final judgment as to one or more, but fewer than all, claims or parties - specifically as to the claims of, by and between Helix and APCO.

II. STATEMENT OF RELEVANT FACTS AND PROCEDURAL HISTORY

As the Court is aware, this complex and consolidated 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

[6] *See* **Exhibit 6**.
[7] *See* **Exhibit 7**.
[8] *See* **Exhibit 8**.
[9] *See Id.*, citing *KDI Sylvan Pools, Inc. v. Workman*, 107 Nev. 340, 342, 810 P.2d 1217, 1219 (1991).
[10] *See Id.*

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respect to the District Court's Order dated June 29, 2009 consolidating the various related actions.[11]

1. The Constituent Case.

Because 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,[12] it is also important to identify the constituent case from which the Helix/APCO Orders arose (Case No. A09587168 – the "Constituent Case"). The claims filed in the 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)[13];
- Gemstone Development, Inc. (Defendant, Project Owner);
- Scott Financial Corporation (Defendant, Lender)[14];
- CAMCO Pacific Construction Co., Inc. (Defendant, General Contractor, Counterclaimant) and its contractor's bond surety, Fidelity and Deposit Company of Maryland[15]; and
- Various Does (unknown persons), Roes (unknown entities), Boes (unknown bonding companies, and Loes (unknown lenders).[16]

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[11] See **Exhibit 9**.

[12] *Matter of Estate of Sarge*, 134 Nev. Adv. Op. 105, 432 P.3d 718, 720 (2018).

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

[14] 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.

[15] 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.

[16] 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.

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As set forth in **Exhibit 10** (with Sub-Exhibits A-QQ), the Constituent Case was commenced on April 7, 2009[17] 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 its Statements of Fact containing substantially identical claims. [18]

Accuracy amended its Complaint on June 24, 2009[19], which it filed with a caption for the Consolidated Action, even though the Notice of Entry of the Consolidation Order was not filed until July 2, 2009.[20] Similar amended pleadings were filed by the other relevant lien claimants.[21]

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 in the Consolidated Action that did not file pre-trial disclosures as required by Nev. R. Civ. P. 7(b).

2. The Writ Petition.

Before the Consolidated Action came to this Department, it was the subject of a Writ Petition to the Nevada Supreme Court filed by APCO, Helix and other subcontractors seeking review of the District Court's summary judgment that the Project lender, Scott Financial Company, had priority over the mechanics lien claimants.[22] The Nevada Supreme Court affirmed the District Court (the "Priority Decision") and the proceeds of the sale of the Project property were eventually disbursed to the lender.

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[17] See **Exhibit 10H**.

[18] 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."

[19] See **Exhibit 10I**.

[20] See **Exhibit 10D**.

[21] See **Exhibits 10I, 10M, 10S, 10X, 10CC, 10FF**.

[22] See **Exhibit 10E**.

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3. The Consolidated Claims and Parties Were Reduced Pursuant to Nev. R. Civ. P. 7(b).

In the months and years following the Priority Decision, 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. As trial neared, counsel for APCO, CAMCO, Helix and others moved the District Court, pursuant to Nev. R. Civ. P. 7(b), to dismiss, with prejudice, all parties who had not filed their Pre-Trial Disclosures.[23] After notice and a further hearing on September 11, 2017, this Court expressly dismissed certain parties and affirmed the identities of the remaining parties.[24] 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).[25]

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)[26];
- Helix, against CAMCO (resulting in judgment for Helix against CAMCO);[27] and

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[23] See **Exhibit 10G**.
[24] 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.
[25] As noted above, several other Peel Brimley Lien Claimants obtained judgments against CAMCO. *See* **Exhibits 5A, 5B, 5C, 5D and 5E.** However, except for Helix and Heinaman, those judgments arose from other constituent cases as follows: (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 the Consolidated Action prior to consolidation).
[26] See **Exhibit 10G**.
[27] See **Exhibit 10P**.

- Heinaman Contract Glazing, against CAMCO (resulting in judgment for Heinaman Contract Glazing against CAMCO);[28]

Although not presented at the time of trial, Heinaman's and Helix's pleadings also asserted the following claims:

- Against the Project Owner, Gemstone Development West, Inc. ("Gemstone") for lien foreclosure;
- Against Gemstone's lender, Scott Financial Corporation ("Scott Financial"), asserting lien priority and a claim in *quantum meruit*; and
- Against CAMCO's surety, Fidelity and Deposit Company of Maryland ("FDCM") and the contractor's surety bond it issued to CAMCO ("the CAMCO Bond").[29]

As to FDCM and the CAMCO Bond, Heinaman and Helix (and others) secured an Order from this Court disbursing to Heinaman a *pro rata* share of the proceeds of the CAMCO Bond, which was then exonerated, thus resolving all claims against them by Heinaman and Helix (and other lien claimants in other constituent cases).[30] The Priority Decision resolved all of Helix's and Heinaman's (and other lien claimants') claims against Scott Financial. As to Gemstone, which was defunct by the time of trial, the only claims against it sounded in lien foreclosure and *quantum meruit*, both of which this Court affirmed in Helix's and Heinaman's judgments as against CAMCO.[31]

Finally, CAMCO asserted, but did not pursue at trial, counterclaims against both Helix and Heinaman (and other lien claimants). Specifically, as against Helix, CAMCO asserted:

- Abuse of Process
- Breach of Contract
- Breach of Covenant of Good Faith and Fair Dealing
- Declaratory Relief
- Attorney's Fees (pursuant to NRS Chapter 30).[32]

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[28] See **Exhibit 10AA**.
[29] See **Exhibits 10M and 10Q (Helix) and 10X and 10AA (Heinaman)**.
[30] See **Exhibit 11.**
[31] See **Exhibits 10 and 10X**.
[32] See **Exhibit 100.**

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CAMCO also asserted in its pleadings, but did not pursue at trial, the following claims against Heinaman:

- Breach of Contract
- Breach of Covenant of Good Faith and Fair Dealing.[33]

Collectively, the claims that were not pursued at trial are referred to hereinafter collectively as the "Unresolved Claims." It appears to be these Unresolved Claims – or at least those Unresolved Claims arising out of the Constituent Case - that resulted in the Nevada Supreme Court dismissing Helix's appeal. Because of such Unresolved Claims, this Court's dismissal of its claims against APCO, and APCO's award of attorney's fees and costs against Helix, do not constitute a "final order" that is ripe for appeal. For the reasons discussed below, this Court should finally resolve these Unresolved Claims, either in whole (i.e., for the Consolidated Action) or in part (i.e., for the Constituent Case). Alternatively, or additionally, the Court should issue a Rule 54(b) certification as to the claims of and between Helix and APCO that were resolved at trial such that this Court's orders and judgments may be appealed.

III. ARGUMENT/AUTHORITY

A. The Court Should Re-Open this Case.

As indicated by the court docket, the Clerk of the Court has administratively closed the Constituent Case.[34] In the interests of justice, Helix requests that the Court exercise its inherent authority to re-open the Constituent Case so as to permit a hearing on the substantive matters presented in this Motion.

B. The Court Should Dismiss All Unresolved Claims in the Consolidated Action.

As discussed above, the claims and parties in both the Consolidated Action and the Constituent Case were whittled down through settlements, voluntary dismissals and this Court's Orders.[35] Specifically, but without limitation, on September 20, 2017, on the Motion of APCO, pursuant to Nev. R. Civ. P. 7(b), and after notice to all parties in the Consolidated Action, the Court dismissed three parties (including Accuracy Glass and Mirror Company, that had failed to

[33] See **Exhibit 10Y.**
[34] See **Exhibit 10A**
[35] See e.g., **Exhibit 10G**.

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file Pre-Trial Disclosures. Because "all other parties and claims were previously resolved pursuant to a separate stipulation and order and/or separate settlement," the Court also identified the only remaining parties as of that date, as follows:

- Helix Electric of Nevada, Inc.;
- APCO Construction, Inc.;
- National Wood Products, Inc. (trial completed, appeal dismissed upon settlement)[36];
- Zitting Brothers Construction, Inc. (summary judgment entered against APCO on January 2, 2018; appeal pending, Case No. 75197);
- CAMCO Pacific Construction, Co. (trial completed, judgments entered against CAMCO in favor of multiple parties, including Helix and National Wood Products. CAMCO's appeal deadline has elapsed)[37];
- E&E Fire Protection, LLC (proceeded to trial. Judgment entered against CAMCO. CAMCO's appeal deadline has elapsed)[38];
- SWPPP Compliance Solutions, LLC (proceeded to trial. Judgment entered against CAMCO. CAMCO's appeal deadline has elapsed)[39];
- Fast Glass, Inc. (proceeded to trial. Judgment entered against CAMCO. CAMCO's appeal deadline has elapsed)[40];
- Heinaman Contract Glazing, Inc. (proceeded to trial. Judgment entered against CAMCO. CAMCO's appeal deadline has elapsed)[41];
- Cactus Rose Construction, Inc. proceeded to trial. Judgment entered against CAMCO. CAMCO's appeal deadline has elapsed)[42];
- Interstate Plumbing and Air Conditioning, LLC (subsequently dismissed by stipulation)[43];

[36] *See* **Exhibit 6.**
[37] *See* Notices of Entry of Judgment against CAMCO, **Exhibits 5A-5F.**
[38] *See* **Exhibit 5F.**
[39] *See* **Exhibit 5E.**
[40] *See* **Exhibit 5B.**
[41] *See* **Exhibit 5C.**
[42] *See* **Exhibit 5A.**
[43] See **Exhibit 12**.

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- Nevada Prefab Engineers, Inc. (subsequently dismissed by stipulation)[44];
- Steel Structures, Inc. (subsequently dismissed by stipulation)[45];
- Unitah Investments, LLC. (subsequently dismissed by stipulation)[46]; and
- United Subcontractors dba Sky Line Insulation (motion to enforce settlement pending).[47]

At trial, only the following parties appeared and presented claims or defenses: Helix, APCO, CAMCO, National Wood Products, Heinaman Contract Glazing, Inc., SWPPP Compliance Solutions, LLC, Fast Glass, Inc., Cactus Rose Construction, Inc. and E&E Fire Protection, LLC. At the conclusion of trial, as noted above, the Court entered various Judgments encompassing some or all of those parties' respective claims and defenses.[48]

To the extent a party or parties did not appear for trial or did not present certain claims or defenses at trial, they have waived or abandoned the same. *See Nevada Yellow Cab Corp. v. Eighth Judicial Dist. Court ex rel. Cty. of Clark*, 123 Nev. 44, 49, 152 P.3d 737, 740 (2007) (Waiver requires the intentional relinquishment of a known right). The waiver of a right may be inferred when a party engages in conduct so inconsistent with an intent to enforce the right as to induce a reasonable belief that the right has been relinquished. *Id.* Here, each of the relevant parties knowingly and intentionally appeared (or did not appear) for trial, presented (or, despite the full opportunity to do so, did not present) their various claims and defenses. It is fair and reasonable to conclude that any claim not asserted at trial was waived or abandoned and should be deemed dismissed or otherwise resolved.

In addition, and having failed to pursue certain claims at trial, the parties are barred by the doctrine of claim preclusion from asserting such claims in the future. 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

[44] *See* **Exhibit 13**.
[45] *Id.*
[46] *Id.* Unitah is the successor in interest to the claims of Gerdau Reinforcing Steel.
[47] *See* **Exhibit 14**. United Subcontractors dba Sky Line Insulation only had claims against CAMCO, not APCO.
[48] See **Exhibits 5A-5F, Exhibit 10R, Exhibit 2.**

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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 the Nevada Supreme Court on any judgments appealed from. As such, this Court should not hesitate to conclude that the Unresolved Claims have been abandoned and waived and should therefore be dismissed with prejudice as to all claims and parties in the Consolidated Action.

C. The Court Should Dismiss All Unresolved Claims in the Constituent Case.

Alternatively, and to the extent that grounds exists to dismiss all Unresolved Claims in the Consolidated Action, the Court should dismiss any Unresolved Claims arising out of the Constituent Case. Of the parties and claims that appeared for and participated at trial, only Helix, APCO, CAMCO, and Heinaman had claims arising from their respective pleadings in the Constituent Case. For the same reasons set forth above (e.g., waiver, abandonment, claim preclusion), the Court should dismiss any and all Unresolved Claims in the Constituent Case.

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D. Alternatively, the Court should Issue a Certification Pursuant to Nev. R. Civ. P. 54(b).

Nev. R. Civ. P. 54(b) provides:

> When an action presents more than one claim for relief — whether as a claim, counterclaim, crossclaim, or third-party claim — or when multiple parties are involved, the court may direct entry of a final judgment as to one or more, but fewer than all, claims or parties only if the court expressly determines that there is no just reason for delay. Otherwise, any order or other decision, however designated, that adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties does not end the action as to any of the claims or parties and may be revised at any time before the entry of a judgment adjudicating all the claims and all the parties' rights and liabilities.

As of this date, and while the Court has issued a Rule 54(b) Certification with respect to claims and parties in other Constituent Cases,[49] the Court has not issued such a certification with respect to the APCO and Helix or the claims between them. Accordingly, and as the Supreme Court ruled, the decisions and judgments of this Court relating to these parties and claims "does not end the action as to any of the claims or parties and may be revised at any time before the entry of a judgment adjudicating all the claims and all the parties' rights and liabilities."

The 2019 Amendments to the Nevada Rules of Civil Procedure revised Rule 54(b) to conform to Federal rules practice and restored the rule to its pre-2004 condition. Specifically, the rule was revised to "add the reference to claims back into the rule, restoring the district court's authority to direct entry of final judgment when one or more, but fewer than all, ***claims*** are resolved." *See* Advisory Committee Notes, 2019 Amendment (emphasis added). Any order for final certification must state that "there is no just reason for delay and upon express direction for the entry of judgment." Nev. R. Civ. P. 54(b). Here, even if the Court does not dismiss all of the Unresolved Claims there is indeed no just reason for delay for entry of a final judgment as to the claims by and between Helix and APCO. Except for the judgment this Court certified as final between APCO and Zitting Bros. that is currently on appeal,[50] there are no other active claims or parties in the consolidated action, much less the Constituent Case. A certificate of finality could not prejudice any party. See e.g., *Mallin v. Farmers Ins. Exch.*, 106 Nev. 606, 611, 797 P.2d 978,

[49] *See* **Exhibit 15** (Rule 54(b) Certification relating to APCO/Zitting Bros. claims).
[50] See **Exhibit 16**. Zitting Bros. also recently appealed from this Court's order relating to the potential disqualification of counsel.

981 (1990) reversed on other grounds, *Matter of Estate of Sarge*, 134 Nev. Adv. Op. 105, 432 P.3d 718, 722 (2018).

Based on the foregoing, and in the alternative, Helix respectfully requests that the Court issue a certification of finality with respect to the Helix/APCO Orders.

IV. CONCLUSION

Based on the foregoing, this Court should (I) re-open the administratively closed Constituent Case, (II) deem the Unresolved Claims abandoned and dismiss the same; and/or (III) in the alternative, issue a certification pursuant to Nev. R. Civ. P. 54(b) that there is no just reason for delay to direct entry of a final judgment as to one or more, but fewer than all, claims or parties - specifically as to the claims of, by and between Helix and APCO as resolved by the Helix/APCO Orders.

Respectfully submitted this 6th day of August, 2019.

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CERTIFICATE OF SERVICE

Pursuant to Nev. R. Civ. P. 5(b), I certify that I am an employee of PEEL BRIMLEY LLP and that on this 6th day of August, 2019, I caused the above and foregoing document entitled **HELIX ELECTRIC OF NEVADA, LLC'S MOTION TO (I) RE-OPEN STATISTICALLY CLOSED CASE, (II) DEEM ALL CONSTITUENT CASE CLAIMS RESOLVED OR DISMISSED AND/OR, (III) IN THE ALTERNATIVE, FOR A RULE 54(B) CERTIFICATION AS TO HELIX AND APCO** 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 to the party(ies) and/or attorney(s) listed below; and/or

☒ to registered parties via Wiznet, the Court's electronic filing system;

☐ pursuant to EDCR 7.26, to be sent **via facsimile;**

☐ to be hand-delivered; and/or

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EXHIBIT 1

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5/31/2018 1:41 PM
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CLERK OF THE COURT

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DISTRICT COURT

CLARK COUNTY, NEVADA

APCO CONSTRUCTION, a Nevada corporation, Plaintiff, v. GEMSTONE DEVELOPMENT WEST, INC., A Nevada corporation, Defendant. AND ALL RELATED MATTERS	Case No.: A571228 Dept. No.: XIII *Consolidated with:* *A574391; A574792; A577623; A583289; A587168; A580889; A584730; A589195; A595552; A597089; A592826; A589677; A596924; A584960; A608717; A608718; and A590319* **JUDGMENT** **[AS TO THE CLAIMS OF HELIX ELECTRIC OF NEVADA, LLC AND PLAINTIFF IN INTERVENTION NATIONAL WOOD PRODUCTS, INC.'S AGAINST APCO CONSTRUCTION, INC.]**

This matter having come on for a non-jury trial on the merits on January 17-19, 23, 24 and February 6, 2018, APCO Construction, Inc. ("APCO"), appearing through Spencer Fane, LLP and Marquis & Aurbach; Camco Construction, Inc., ("Camco") through Grant Morris Dodds; National Wood Products, Inc. ("National Wood" or "CabineTec") through Cadden & Fuller LLP and Richard L. Tobler, Ltd.; United Subcontractors, Inc. through Fabian Vancott; and Helix Electric of Nevada, LLC ("Helix"), SWPP Compliance Solution, Cactus Rose Construction, Inc., Fast Glass, Inc., Heinaman Contract Glazing all

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DISTRICT COURT DEPT# 13

Case Number: 08A571228

through Peel Brimley; and, the Court having heard the testimony of witnesses through examination and cross-examination by the parties' counsel, having reviewed the evidence provided by the parties, having heard the arguments of counsel, and having read and considered the briefs of counsel, the parties' pleadings, and various other filings, and good cause appearing; the Court hereby makes the following:

The Court having taken the matter under consideration and advisement;

The Court having entered its April 25, 2018 Findings of Fact and Conclusions of Law as to the Claims of Helix Electric and CabineTec against APCO, incorporated herein by this reference ("the APCO FFCL");

The Court enters the following Judgment as to the claims of Helix and National Wood against APCO;

IT IS ORDERED, ADJUDGED, AND DECREED that, as set forth on the APCO FFCL, judgment is to be entered in favor of APCO and against Helix and National Wood on all of Helix's and National Wood's claims against APCO and that (i) Helix's April 14, 2009 Statement of Facts Constituting Notice of Lien and Third-Party Complaint, (ii) Helix's June 24, 2009 Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint and (iii) CabineTec's February 6, 2009 Statement of Facts Constituting Lien Claim and Complaint in Intervention shall be dismissed with prejudice, but only to the extent they state claims against APCO.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Court may issue an amended judgment after the Court has heard and decided APCO's Motion for Attorney's Fees and Costs Against Helix and National Wood and any related motion to

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determine APCO's costs, currently pending before the Court.[1]

Dated this 29th day of May, 2018.

DISTRICT COURT JUDGE

Respectfully submitted by:

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[1] The amended judgment will be in accordance with the court's decisions on the pending motion for attorney's fees and any motion/pleadings for costs.

EXHIBIT 2

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Attorneys for APCO Construction

DISTRICT COURT

CLARK COUNTY, NEVADA

APCO CONSTRUCTION, a Nevada corporation,

Plaintiff,

vs.

GEMSTONE DEVELOPMENT WEST, INC., A Nevada corporation,

Defendant.

Case No.: A571228
Dept. No.: XIII

Consolidated with:
A574391; A574792; A577623; A583289; A587168; A580889; A584730; A589195; A595552; A597089; A592826; A589677; A596924; A584960;A608717; A608718 and A590319

ORDER:

(1) GRANTING APCO CONSTRUCTION, INC. MOTION FOR ATTORNEYS FEES AND COSTS

(2) GRANTING APCO CONSTRUCTION, INC.'S MEMORANDUM OF COSTS IN PART

(3) GRANTING HELIX ELECTRIC OF NEVADA LLC'S MOTION TO RETAX IN PART AND DENYING IN PART

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(4) GRANTING PLAINTIFF IN INTERVENTION NATIONAL WOOD PRODUCTS LLC'S MOTION TO RETAX IN PART AND DENYING IN PART

-AND-

(5) GRANTING NATIONAL WOOD PRODUCTS, INC.'S MOTION TO FILE A SURREPLY

AND ALL RELATED MATTERS

On July 19, 2018, the Court heard the following motions: (1) APCO Construction Inc.'s Motion for Attorneys Fees and Costs; (2) APCO Construction, Inc.'s Memorandum of Costs [Against Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc.]; (3) Plaintiff in Intervention National Wood Products, Inc.'s Motion to Retax Costs Re: Defendant APCO Construction, Inc.'s Memorandum of Costs and Disbursements Against Plaintiff in Intervention National Wood Products, Inc. with Joinder by Helix Electric of Nevada, LLC, (4) Helix Electric of Nevada, LLC's Motion to Retax Costs Re: Defendant APCO Construction, Inc.'s Memorandum of Costs and Disbursements with Joinder by Plaintiff in Intervention National Wood Products, Inc., and (5) National Wood Products, Inc.'s Ex Parte Motion for Order Shortening Time to Hear Motion for Order Permitting Leave to File Surreply to APCO Construction's Reply to National Wood Products, Inc.'s Opposition to Motion for Attorneys' Fees and Costs.

John Randall Jefferies, Esq. and Mary Bacon, Esq. of the law firm of Spencer Fane appeared on behalf of APCO Construction, Inc. ("APCO"); Eric Zimbleman, Esq. of the law firm of Peel Brimley appeared on behalf of Helix Electric of Nevada, LLC ("Helix"), and John Taylor, Esq. and S. Judy Hirahara, Esq. of the law firm of Cadden Fuller and Richard Tobler, Esq. of the law firm Richard Tobler, Ltd. appeared on behalf of Plaintiff in Intervention National Wood Products, Inc. ("National Wood"), the Court having heard oral argument and examined the records and documents on file in the above-entitled matter and being fully advised on the premises, hereby ORDERS as follows, having rendered its Decision filed on August 8, 2018:

1. APCO Construction, Inc.'s Motion for Attorneys Fees and Costs Against Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc. and APCO Construction, Inc.'s Memorandum of Costs and Disbursements [Against Helix Electric of Nevada, LLC and Plaintiff in Intervention National Wood Products, Inc.].

APCO requested attorney's fees from Helix and National Wood pursuant to the subcontracts at issue and pursuant to APCO's November 13, 2018 offers of judgment. APCO also sought an award of attorney's fees against Helix pursuant to NRS 108.237(3). The Court finds that although there are certainly viable bases supporting APCO's contention that contractual provisions in the repesective subcontracts and equitable estoppel can support an award of attorney's fees going back in time to a point long before making of the November 13, 2018 offers of judgment, the Court determines, in the context of this complex case, involving multiple parties and claims and consolidation of cases and periodic party alignments and realignments and contractual reconfigurations, that the best basis for attorney fee awards is NRCP 68.

NRCP 68 provides in part that at "any time more than 10 days before trial, any party may serve an offer in writing to allow judgment to be taken in accordance with its terms and conditions."[1] "If the offer is not accepted within 10 days after service, it shall be considered rejected by the offeree and deemed withdrawn by the offeror."[2] And "[i]f the offeree rejects an offer and fails to obtain a more favorable judgment, (1) the offeree cannot recover any costs or attorney's fees and shall not recover interest for the period after the service of the offer and before the judgment; and (2) the offeree shall pay the offeror's post-offer costs, applicable interest on the judgment from the time of the offer to the time of entry of the judgment and reasonable attorney's fees, if any be allowed, actually incurred by the offeror from the time of the offer."[3]

The purpose of NRCP 68 is to promote and encourage settlement and save time and money for the court system, the parties, and the taxpayers.[4] It rewards a party who makes a

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[1] NRCP 68(a).
[2] NRCP 68(e).
[3] NRCP 68(f).
[4] *Muije v. A N. Las Vegas Cab Co.*, 106 Nev. 664, 667, 799 P.2d 559, 561 (1990).

reasonable offer to settle a lawsuit and punishes the party who refuses to accept such an offer.[5] "NRCP 68 encourages the settlement of lawsuits by raising the stakes for a litigant who receives an offer of judgment. An offeree must balance the uncertainty of receiving a more favorable judgment against the risk of receiving a less favorable judgment and being forced to pay the offeror's costs and attorney's fees."[6] In reviewing an application for an award of attorney's fee pursuant to NRCP 68, "the trial court must carefully evaluate the following factors: (1) whether the plaintiff's claim was brought in good faith; (2) whether the defendants' offer of judgment was reasonable and in good faith in both its timing and amount; (3) whether the plaintiff's decision to reject the offer and proceed to trial was grossly unreasonable or in bad faith; and (4) whether the fees sought by the offeror are reasonable and justified in amount."[7] "After weighing the foregoing factors, the district judge may, where warranted, award up to the full amount of fees requested."[8] An award will not be disturbed if the record is clear that the district court considered the factors and the court's award is not arbitrary or capricious.[9] No single factor under *Beattie* is determinative. The district court has broad discretion to grant the request as long as all appropriate factors are at least considered.[10]

On November 13, 2018, APCO made an offer of judgment to Helix for $25,000 and an offer of judgment to National Wood for $35,000. Neither party accepted APCO's offer.

Preliminarily, APCO's offers were timely.[11] Helix and National Wood argued that the November 13, 2018 offers of judgment were untimely because (i) in 2012 the Court (per Judge Susan Scann) issued an Order, which was prepared and submitted by and at the behest of APCO, by and through its then-attorneys, that "[t]rial of this consolidated matter commenced on October 30, 2012," and (ii) this action has never been bifurcated or de-consolidated. However, the Court

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[5] *Dillard Dep't Stores, Inc. v. Beckwith*, 115 Nev. 372, 382, 989 P.2d 882, 888 (1999).
[6] *Bergmann v. Boyce*, 109 Nev. 670, 678, 856 P.2d 560, 565 (1993).
[7] *Beattie v. Thomas*, 99 Nev. 579, 588–89, 668 P.2d 268, 274 (1983)
[8] *Beattie v. Thomas*, 99 Nev. 579, 588–89, 668 P.2d 268, 274 (1983)
[9] *Uniroyal Goodrich Tire Co. v. Mercer, 111 Nev. 318, 324, 890 P.2d 785, 789 (1995), superseded by statute on other grounds as stated in RTTC Commc'ns, LLC v. Saratoga Flier, Inc., 121 Nev. 34, 41–42 & n. 20, 110 P.3d 24, 29 & n. 20 (2005).*
[10] *Arnoult, 114 Nev. at 252 n.16, 955 P.2d at 673 n.16.*
[11] *Allianz Ins. Co. v. Gagnon*, 109 Nev. 990, 994–95, 860 P.2d 720, 724 (1993).

is persuaded by APCO's contention that its offers of judgment were timely relative to the applicability of NRCP 68 and *Allianz Ins. Co. v. Gagnon*, 109 Nev. 990, 994–95, 860 P.2d 720, 724 (1993).

The Court assesses the *Beattie* factors as follows:

- Helix's and National Wood's (CabineTec's) claims were brought in good faith.
- APCO's offers were reasonable and in good faith in both timing and amount.
- Helix's and National Wood's decisions to reject the offers and proceed to trial against APCO were not grossly unreasonable or in bad faith.
- The fees sought by APCO are reasonable,[12] *Brunzell v. Golden Gate Nat'l Bank*, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969), but an order that Helix and National Wood pay them in their entirety would not be justified given the balancing of the *Beattie* factors.

Accordingly, APCO's Motion for Attorney's Fees and Costs is GRANTED pursuant to NRCP 68 with an award of attorneys' fees against Helix in the sum of $85,000.00, and an award of attorneys' fees against National Wood in the sum of $60,000.00.

APCO requested $57,228.89 in costs, the Court GRANTS APCO's Motion for Costs and Memorandum for Costs subject to the following deductions: $3,942.38 for travel and lodging, $6,013.42 for photocopies[13] and $10,500 related to an accounting audit.[14] In total, APCO is awarded a total of $36,615.08 in costs; $18,307.54 due from Helix and $18,307.54 due from National Wood.

In total, APCO is awarded a total of $103,307.54 in fees and costs against Helix and a total of $78,307.54 in fees and costs against National Wood.

[12] APCO's post-offer fees attributable to Helix total $130,933.73 and APCO's post-offer fees attributable to National Wood total $106,882.23.

[13] Spencer Fane initially asked for $15,013.42 for photocopies and reproductions for trial. With the $6,013.42 deduction, APCO is awarded $9,000 for photocopies and reproductions for trial.

[14] For the sake of judicial efficiency, the Court incorporates APCO's briefing on its costs from its 05/26/2018 *APCO Construction, Inc.'s Supplement to its* of its Motion for Attorneys' Fees, APCO Construction, Inc. 06/29/2018 Reply in Support of its Motion for Attorney's Fees and related briefing.

2. Plaintiff in Intervention National Wood Products, Inc.'s Motion to Retax Costs Re: Defendant APCO Construction, Inc.'s Memorandum of Costs and Disbursements Against Plaintiff in Intervention National Wood Products, Inc. with Joinder by Helix Electric of Nevada, LLC

National Wood asserted various reasons for retaxing certain costs. National Wood's Motion to Retax is granted in part as follows: First, the Court retaxes and reduces $3,942.38 of APCO's expenses related travel and lodging since these amounts were not incurred for depositions. Since only half of the total travel costs were initially allocated to National Wood, the Court retaxes and reduces the $1,971.19 that APCO initially attributed to National Wood to $0.00 (zero dollars). Next, the court retaxes $6,013.42 of the $15,013.42 APCO requested for photocopies and reduces the same to $9,000.00. Again, because APCO only asked for half of the total $15,013.42 in photocopies against National Wood, the Court retaxes and reduces these amounts as to National Wood to $4,500.00

In total, APCO is awarded $18,307.54 in costs against National Wood.

3. Helix Electric of Nevada, LLC's Motion to Retax Costs Re: Defendant APCO Construction, Inc.'s Memorandum of Costs and Disbursements with Joinder by Plaintiff in Intervention National Wood Products, Inc.

Helix's Motion to Retax Costs is also granted in part. First, Helix is entitled to the same deductions awarded to National Wood such that (i) the Court retaxes and reduces the $1,971.19 that APCO initially attributed to Helix to $0.00 (zero dollars) and (ii) the court retaxes $6,013.42 of the $15,013.42 APCO requested for photocopies and reduces Helix's portion of the same to $4,500.00. In addition, the Court will retax $10,500 of accounting costs.

APCO is awarded $18,307.54 in costs against Helix.

4. National Wood Products, Inc.'s Ex Parte Motion for Order Shortening Time to Hear Motion for Order Permitting Leave to File Surreply to APCO Construction's Reply to National Wood Products, Inc.'s Opposition to Motion for Attorneys' Fees and Costs.

APCO did not oppose National Wood's Motion for Order Shortening Time to Hear Motion for Order Permitting Leave to File Surreply to APCO Construction's Reply to National Wood Products, Inc.'s Opposition to Motion for Attorneys' Fees and Costs. As such, the Motion is granted.

IT IS SO ORDERED.

DATED this _____ day of _____, 2018.

_____
DISTRICT COURT JUDGE

Respectfully submitted by:

SPENCER FANE LLP

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4. National Wood Products, Inc.'s Ex Parte Motion for Order Shortening Time to Hear Motion for Order Permitting Leave to File Surreply to APCO Construction's Reply to National Wood Products, Inc.'s Opposition to Motion for Attorneys' Fees and Costs.

APCO did not oppose National Wood's Motion for Order Shortening Time to Hear Motion for Order Permitting Leave to File Surreply to APCO Construction's Reply to National Wood Products, Inc.'s Opposition to Motion for Attorneys' Fees and Costs. As such, the Motion is granted.

IT IS SO ORDERED.

DATED this 25th day of September, 2018.

DISTRICT COURT JUDGE

Respectfully submitted by:

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EXHIBIT 3

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6/28/2018 10:05 AM
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DISTRICT COURT

CLARK COUNTY, NEVADA

APCO CONSTRUCTION, a Nevada corporation, Plaintiff, vs. GEMSTONE DEVELOPMENT WEST, INC., Nevada corporation; NEVADA CONSTRUCTION SERVICES, a Nevada corporation; SCOTT FINANCIAL CORPORATION, a North Dakota corporation; COMMONWEALTH LAND TITLE INSURANCE COMPANY; FIRST AMERICAN TITLE INSURANCE COMPANY and DOES I through X, Defendants. AND ALL RELATED MATTERS	Case No. : 08A571228 Dept. No. : XIII *Consolidated with:* *A571792, A574391, A577623, A580889, A583289, A584730, and A587168* **NOTICE OF APPEAL**

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(702) 990-7272 ♦ FAX (702) 990-7273

Case Number: 08A571228

NOTICE OF APPEAL

Notice is hereby given that HELIX ELECTRIC OF NEVADA, LLC ("Helix"), by and through its attorneys, Eric B. Zimbelman, Esq. and Peel Brimley, LLP, hereby appeals to the Supreme Court of Nevada from the Judgment as to the Claims of Helix Electric of Nevada, LLC and Plaintiff-in-Intervention National Wood Products, Inc. against APCO Construction, Inc. entered in this action June 1, 2018, a true and correct copy of which is attached hereto as Exhibit "A."

DATED this 28th day of June, 2018.

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RICHARD L. PEEL, ESQ.
Nevada Bar No. 4359
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CERTIFICATE OF SERVICE

Pursuant to Nev. R. Civ. P. 5(b), I certify that I am an employee of **PEEL BRIMLEY, LLP**, and that on this 28th day of June, 2018, I caused the above and foregoing document, **NOTICE OF APPEAL**, 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 Court's electronic filing system;

☐ pursuant to EDCR 7.26, to be sent **via facsimile;**

☐ to be hand-delivered; and/or

☐ other _____

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EXHIBIT A

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DISTRICT COURT

CLARK COUNTY, NEVADA

APCO CONSTRUCTION, a Nevada corporation, Plaintiff, v. GEMSTONE DEVELOPMENT WEST, INC., A Nevada corporation, Defendant. AND ALL RELATED MATTERS	Case No.: A571228 Dept. No.: XIII *Consolidated with:* *A574391; A574792; A577623; A583289; A587168; A580889; A584730; A589195; A595552; A597089; A592826; A589677; A596924; A584960; A608717; A608718; and A590319* **NOTICE OF ENTRY OF JUDGMENT** **[AS TO THE CLAIMS OF HELIX ELECTRIC OF NEVADA, LLC AND PLAINTIFF IN INTERVENTION NATIONAL WOOD PRODUCTS, INC.'S AGAINST APCO CONSTRUCTION, INC.]**

PLEASE TAKE NOTICE that a JUDGMENT [AS TO THE CLAIMS OF HELIX ELECTRIC OF NEVADA, LLC AND PLAINTIFF IN INTERVENTION NATIONAL WOOD PRODUCTS, INC.'S AGAINST APCO CONSTRUCTION, INC.] was filed on May 31, 2018, a

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copy of which is attached as **Exhibit A.**

Dated this 1st day of June, 2018.

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Spencer Fane LLP and that a copy of the foregoing **NOTICE OF ENTRY OF JUDGMENT [AS TO THE CLAIMS OF HELIX ELECTRIC OF NEVADA, LLC AND PLAINTIFF IN INTERVENTION NATIONAL WOOD PRODUCTS, INC.'S AGAINST APCO CONSTRUCTION, INC.]** was served by electronic transmission through the E-Filing system pursuant to NEFCR 9, NRCP 5(b) and EDCR 7.26 or by mailing a copy to their last known address, first class mail, postage prepaid for non-registered users, on this 1st day of June, 2018, as follows:

Counter Claimant: Camco Pacific Construction Co Inc
Steven L. Morris (steve@gmdlegal.com)

Intervenor Plaintiff: Cactus Rose Construction Inc
Eric B. Zimbelman (ezimbelman@peelbrimley.com)

Intervenor Plaintiff: Interstate Plumbing & Air Conditioning Inc
Jonathan S. Dabbieri (dabbieri@sullivanhill.com)

Intervenor: National Wood Products, Inc.'s
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Plaintiff: Apco Construction
Rosie Wesp (rwesp@maclaw.com)

Third Party Plaintiff: E & E Fire Protection LLC
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DISTRICT COURT

CLARK COUNTY, NEVADA

APCO CONSTRUCTION, a Nevada corporation,

Plaintiff,

v.

GEMSTONE DEVELOPMENT WEST, INC., A Nevada corporation,

Defendant.

AND ALL RELATED MATTERS

Case No.: A571228

Dept. No.: XIII

Consolidated with:
A574391; A574792; A577623; A583289; A587168; A580889; A584730; A589195; A595552; A597089; A592826; A589677; A596924; A584960; A608717; A608718; and A590319

JUDGMENT

[AS TO THE CLAIMS OF HELIX ELECTRIC OF NEVADA, LLC AND PLAINTIFF IN INTERVENTION NATIONAL WOOD PRODUCTS, INC.'S AGAINST APCO CONSTRUCTION, INC.]

This matter having come on for a non-jury trial on the merits on January 17-19, 23, 24 and February 6, 2018, APCO Construction, Inc. ("APCO"), appearing through Spencer Fane, LLP and Marquis & Aurbach; Camco Construction, Inc., ("Camco") through Grant Morris Dodds; National Wood Products, Inc. ("National Wood" or "CabineTec") through Cadden & Fuller LLP and Richard L. Tobler, Ltd.; United Subcontractors, Inc. through Fabian Vancott; and Helix Electric of Nevada, LLC ("Helix"), SWPP Compliance Solution, Cactus Rose Construction, Inc., Fast Glass, Inc., Heinaman Contract Glazing all

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through Peel Brimley; and, the Court having heard the testimony of witnesses through examination and cross-examination by the parties' counsel, having reviewed the evidence provided by the parties, having heard the arguments of counsel, and having read and considered the briefs of counsel, the parties' pleadings, and various other filings, and good cause appearing; the Court hereby makes the following:

The Court having taken the matter under consideration and advisement;

The Court having entered its April 25, 2018 Findings of Fact and Conclusions of Law as to the Claims of Helix Electric and CabineTec against APCO, incorporated herein by this reference ("the APCO FFCL");

The Court enters the following Judgment as to the claims of Helix and National Wood against APCO;

IT IS ORDERED, ADJUDGED, AND DECREED that, as set forth on the APCO FFCL, judgment is to be entered in favor of APCO and against Helix and National Wood on all of Helix's and National Wood's claims against APCO and that (i) Helix's April 14, 2009 Statement of Facts Constituting Notice of Lien and Third-Party Complaint, (ii) Helix's June 24, 2009 Amended Statement of Facts Constituting Notice of Lien and Third-Party Complaint and (iii) CabineTec's February 6, 2009 Statement of Facts Constituting Lien Claim and Complaint in Intervention shall be dismissed with prejudice, but only to the extent they state claims against APCO.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Court may issue an amended judgment after the Court has heard and decided APCO's Motion for Attorney's Fees and Costs Against Helix and National Wood and any related motion to

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determine APCO's costs, currently pending before the Court.[1]

Dated this 29th day of May, 2018.

DISTRICT COURT JUDGE

Respectfully submitted by:

SPENCER FANE LLP

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Attorneys for Apco Construction, Inc.

[1] The amended judgment will be in accordance with the court's decisions on the pending motion for attorney's fees and any motion/pleadings for costs.

EXHIBIT A

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6/1/2018 12:07 PM
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CLARK COUNTY, NEVADA

APCO CONSTRUCTION, a Nevada corporation, Plaintiff, v. GEMSTONE DEVELOPMENT WEST, INC., A Nevada corporation, Defendant. AND ALL RELATED MATTERS	Case No.: A571228 Dept. No.: XIII *Consolidated with:* *A574391; A574792; A577623; A583289; A587168; A580889; A584730; A589195; A595552; A597089; A592826; A589677; A596924; A584960; A608717; A608718; and A590319* **NOTICE OF ENTRY OF JUDGMENT** **[AS TO THE CLAIMS OF HELIX ELECTRIC OF NEVADA, LLC AND PLAINTIFF IN INTERVENTION NATIONAL WOOD PRODUCTS, INC.'S AGAINST APCO CONSTRUCTION, INC.]**

PLEASE TAKE NOTICE that a JUDGMENT [AS TO THE CLAIMS OF HELIX ELECTRIC OF NEVADA, LLC AND PLAINTIFF IN INTERVENTION NATIONAL WOOD PRODUCTS, INC.'S AGAINST APCO CONSTRUCTION, INC.] was filed on May 31, 2018, a

///

///

copy of which is attached as **Exhibit A.**

Dated this 1st day of June, 2018.

SPENCER FANE LLP

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Spencer Fane LLP and that a copy of the foregoing **NOTICE OF ENTRY OF JUDGMENT [AS TO THE CLAIMS OF HELIX ELECTRIC OF NEVADA, LLC AND PLAINTIFF IN INTERVENTION NATIONAL WOOD PRODUCTS, INC.'S AGAINST APCO CONSTRUCTION, INC.]** was served by electronic transmission through the E-Filing system pursuant to NEFCR 9, NRCP 5(b) and EDCR 7.26 or by mailing a copy to their last known address, first class mail, postage prepaid for non-registered users, on this 1st day of June, 2018, as follows:

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Rosie Wesp (rwesp@maclaw.com)

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