

IN THE SUPREME COURT OF THE STATE OF NEVADA

HELIX ELECTRIC OF NEVADA,
LLC,

Appellant/Cross-Respondent,

vs.

APCO CONSTRUCTION, INC.,

Respondent/Cross-Appellant.

Case No.: 77320/80508

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Elizabeth A. Brown

District Court Case No. A-571928
Clerk of Supreme Court

**RESPONDENT/CROSS APPELLANT’S NOTICE OF SUPPLEMENTAL
AUTHORITIES**

Respondent/cross-appellant APCO Construction, Inc. (“APCO”), provides notice to this Court, pursuant to NRAP 31(e), of the following supplemental authorities in support of its arguments on appeal:

Maines Paper & Food Service, Inc. v. Losco Group, Inc., 827 N.Y.S.2d 345 (N.Y. App. Div. 2007). In *Maines*, the court found that completion of a construction project was a valid condition precedent to payment of retainage to a subcontractor, even where the subcontract contained a “pay if paid” provision that the court found to be invalid. APCO raised this argument on pages 27-38 of its combined answering brief on appeal and opening brief on cross-appeal.

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Accordingly, APCO respectfully submits this supplemental authority for this Court's consideration.

Dated this 17th day of November, 2021.

FENNEMORE CRAIG, P.C.

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CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 17th day of November, 2020 and was served on the following by the Supreme Court Electronic Filing System (eFlex):

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